

A COORDINATED COMMUNITY RESPONSE TO DOMESTIC VIOLENCE

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How the Duluth Project Started

We want to describe the "Duluth Model" of criminal justice intervention in domestic violence cases. The Duluth Project (DAIP) is a pioneer in coordinated community responses to woman assault. But it is often misrepresented as a "batterers treatment model", a "mandatory arrest project", or a "no drop prosecution program". Instead, the Duluth project should be seen as a system of networks, agreements, processes and applied principles created by the local shelter movement, criminal justice agencies, and human service programs that were developed in a small northern Minnesota city over a fifteen year period. It is still a project in the making:

"If I were to say what is at the heart of our efforts here it would be our willingness to try to improve the community's intervention strategy. We try out things. If it works to protect women or to keep men from using violence again we keep it. If it doesn't or it backfires and makes things worse, we jettison it." (Police Sergeant, Duluth, 1996)

Here's how the Duluth project started. In 1978 Cindy Landfried, who had been brutally abused by her husband for 3 years, shot and killed him. A locally convened grand jury decided not to indict the nineteen year old woman for murder. Cindy's case led to intense public debate on the responsibility of community services to intervene and stop domestic violence. At the time of the shooting, shelter activists from across the United States were meeting to find a city that would introduce a proactive domestic assault intervention plan. Duluth's shelter workers convinced the group that Duluth would be the best site for an experimental project. The experimental project would introduce multiple inter-agency agreements which linked all the intervening agencies in a community to a common philosophical approach. At the same time, it would also introduce ways for the different agencies to cooperate and so improve the community's ability to hold offenders accountable for their violence. The guiding goal was safety: the safety of women who were beaten by their partners. The first step was to get funds for and organize an autonomous, non-profit agency and small coordinating staff dedicated exclusively to the work of coordinating the project. Staff were to be selected with the approval of the shelter but would not work for the shelter nor any other participating agency.

The activists organizing the Duluth DAIP in 1980 had little to build on. There was no role-model of "reform coordinator". Practitioners in the different agencies in Duluth allowed (sometimes reluctantly) the DAIP to fill that role. Today, of course, the question of who will organize inter-agency reform efforts has become a far more contentious one as actors from within the legal system, for example, take up the banner of reform and inter-agency reform councils.

How Making Victims' Safety the Central Goal Changes a Lot of Things

The DAIP's work was (and is) complex. Below we will try to describe this work by outlining eight activities. The DAIP took these as the essential elements in reorganizing the community's legal and human service intervention so as to make victim safety the central goal.

Victim safety challenges conventional ways of responding to crime. For example, the legal system is designed to respond to a specific crime committed on a specific day. So much of what occurs in handling a case is geared towards gathering evidence about that specific incident. The work is geared towards prosecution with the goal of conviction. One constantly hears people in the judicial system talk about whether or not they have a good case or a weak case. Behind the scenes, a weak case is often referred as a "shit" case. A shit case is one that will likely never result in a conviction because the evidence is weak, typically because the victim is not in a position to testify against her attacker. Nobody really wants a "shit" case. Most domestic assault cases drop out of the legal process without a conviction - they are "weak" cases. From the police's perspective that means "why pursue it?". From the prosecutor's perspective it means "no victim, no case". For the judge it means one less case in an overcrowded court calendar. For the woman's advocate it represents a missed opportunity to use the power of the state to place controls on an abuser and protect the battered woman. Domestic assault cases often become "shit" cases because battered women make bad victims: or rather because they make bad victims in an incident-focused, adversarial criminal-justice system. Battered women make 'bad' victims because the crime of domestic assault needs to be understood in terms of ongoing patterns of behavior rather than as a single criminal act or incident.

Thus the Duluth DAIP faces the continuing challenge of making an incident-focused, adversarial criminal justice system responsive to the kind of crime that must be understood in context. The point we want to make is that institutional practices matter. For example, changing how people in the legal system do their work can reduce homicide and felony assaults against women in their community. The task facing the DAIP was to identify, analyze and alter those processes and procedures used by different practitioners in the legal system (and in related human service agencies) which compromised victim safety. In addition, the Duluth DAIP wanted to organize a community response that would help women who wanted to leave their abusers do so safely, and to increase the protection available to women who stayed with violent partners.

Here are some of the practical changes introduced in Duluth:

** Dispatchers, patrol officers, jailers, prosecutors, probation officers and shelter workers are now all guided by inter-locking policies which coordinate their work.*

** When police officers investigate an incident, their reports must now follow a format. The new format describes the incident but also records information from the victim about the overall pattern of abuse toward her and her children. If a woman reports a high level of ongoing violence, those reports are forwarded to child protection workers and advocates for immediate follow up.*

** Probation officers making sentencing recommendations to the court are provided with information from the police, women's advocates, jailers, civil court files and the DAIP. They are required to document the full pattern of violence used by the offender for the sentencing judge to consider.*

** A sentencing matrix is used to ensure higher levels of sanctions and surveillance of repeat and dangerous offenders.*

** In cases where victims of battering have used violence against their abusers, the prosecutor's office has developed a specialized prosecution policy for charging and prosecuting. This policy confronts victims' own use of violence while attempting to minimize the ability of batterers to use the criminal court as another weapon of control or intimidation.*

Making Women's Safety Central: What Do We Mean by Women's Safety?

An inter-agency approach must decide what safety for a battered woman means. The Duluth project is based on the agreement that those who intervene, whether they be police officers, therapists, judges, or clergy, must intervene in ways that take context of the violence and how it is experienced by the victim into account. For the victim's safety to be fully incorporated into case management routines, each part of the process must account for the following:

(A) The pattern of abuse

A domestic assault-related crime, such as trespass, criminal damage to property, violation of a protection order, or kidnapping, is rarely an isolated incident. In order to design effective safety measures, the context in which violence occurred must be understood. Thus information which documents the patterns of coercion, intimidation or violence associated with a case, who is being harmed and to what extent, must be sought and recorded.

(B) Power differentials

A battered woman and her abuser do not have equal power. The justice system acts as if they do. Gendered power relations in society generally, and the power gained from a sustained pattern of coercion, intimidation, and violence, give the perpetrator power over the victim. They make the victim vulnerable to pressure, intimidation, and retaliation by the offender. The adversarial nature of the criminal court process rests on the false assumption that the individuals before the courts are separate, autonomous and have equal power. But that's not usually the case. The unequal economic and social relationship between an abuser and his victim, as well as the history of violence, shapes the meaning of every statement, affidavit, and action made by either party. For example, a man usually has economic, psychological or physical power over the woman he has beaten but when she is expected to act as the main witness against him, this is usually not recognized. Investigators and case processors must recognize and account for this fact or they may put victims at risk rather than providing safety.

(C) The particulars of the case

The criminal justice system is structured in a way that classifies incidents as misdemeanor/minor or felony/serious assaults. This process often classifies extremely dangerous cases as minor assaults and in doing so can underestimate the actual danger posed to a victim. Interventions and safety measures should be based on the particulars of the case and not on predetermined legal or institutional categories of misdemeanor or felony or generalized categories.

(D) The Need to Coordinate Fragmented Responses to Domestic Abuse

The DAIP gets practitioners to look at their own practices rather than focusing on the idiosyncratic characteristics of the offenders or victims. This means examining how those who work in as many as eleven different specialized agencies and five different levels of government can coordinate their work so as to protect victims' safety and discovering why they fail to do so.

(E) Victim perception of danger

There is no scale or measure that accurately predicts which offender will kill or seriously injure his partner. Yet evidence shows that victims of homicide or attempted homicide often try to tell others about the danger, but are ignored. We must examine how the victim's perception of danger is accounted for in the processing of a case. At what point is her knowledge screened out of the information gathering, and at what point is it given an authorized place in the construction of the case? A victim is often asked for data and information but rarely is she asked to evaluate that data. For example, she is asked if he has a weapon, if he was drinking, or if he has a history of mental illness, but rarely is she asked "it will he harm you?" or "do you think he is dangerous?"

(F) The differences among women's lives

There is no universal battered woman. Race and class shape the impact of interventions. For example, Lawrence Sherman's Milwaukee study of the relationship between arrest, police warnings and recidivism found that employed, married men were less likely to re-offend when

arrested but not prosecuted. Unemployed, unmarried men of all ethnic backgrounds, however, were more likely to re-offend when arrested but not prosecuted (Sherman, 1992). Because so few men in either group were prosecuted, the effect of criminal justice intervention is unclear. We suspect that interventions that bring the legal system into violent relationships, but do not follow through on using the power of the state to control the offender, may make some women more vulnerable to abuse.

(G) Assessing the risk

All women are not at equal risk. The criminal justice system cannot treat all acts of physical force, every shove, every push, every slap, as if these actions will escalate to homicide. Similarly, if a victim of ongoing abuse and violence or coercion herself responds with violence, her response cannot be treated as though it were the same as the violence used by her abuser to dominate her. Practitioners must develop working definitions of the significance of violence and the appropriate interventions that make safety a priority.

The Eight Essential Activities of the Duluth Model

The key activities of the Duluth Model fall under one or more of eight objectives:

- 1) Creating a coherent philosophical approach which centralizes victim safety
- 2) Developing "best practice" policies and protocols for intervention agencies
- 3) Reducing fragmentation in the system's response
- 4) Building monitoring and tracking into the system
- 5) Ensuring a supportive community infrastructure
- 6) Intervening directly with abusers to deter violence
- 7) Undoing the harm violence to women does to children
- 8) Evaluating the system's response from the standpoint of the victim

(1) **Creating a Coherent Philosophical Approach which Centralizes Victim Safety**

Those involved in an intervention project must negotiate a shared practical philosophical framework around which they can organize. In Duluth, this core organizing philosophy was the practice of referring all actions back to the priorities of victim protection, accountability and deterrence.

A commitment to victim safety and to holding offenders accountable means, for example, that the pervasive victim-blaming that exists in most systems must be eliminated. People who work in the judicial system and other agencies must change how they understand domestic violence, how they understand the relationship of offender to the victim, and how they understand the potential for further violence. It also means that they must change whom they see as responsible for undoing the harm caused by the violence and what they see to be the respective roles of the offender, the victim, and the community in ending the violence.

A legal advocate describes what it is like to do this kind of work:

I think we spend a great deal of our time fighting against the notion that these assaults are logical extensions of relationship problems or dysfunctions. We have picked up some allies in the mental health profession, but the mainstream is still a powerful force in the legal system and their way of seeing violence as an individual pathology has been hard to overcome. We also battle endlessly against the blatant and subtle ways that people in the system blame women for getting battered. But our biggest effort still comes down to getting systems people to develop a sense of urgency in these cases. In towns like ours, 80 to 90 percent of homicides are domestics, but the sheer volume of these cases lulls people into a passive intervention role. (Women's Legal Advocate, Duluth, 1995)

The DAIP model means that practitioners, whether they work in the criminal justice system or in a community agency, must focus on concrete ways of defining victim safety. And then they must connect this to their work. The DAIP organizers stress that women's safety depends on having intervention practices which are rooted in how women experience violence and not simply in how the legal system abstractly defines violence.

(2) **"Best Practice" Policies and Protocols**

Victims will not be protected simply by having actors in a coordinated response system "think" differently. They must ACT differently. And their actions must be both oriented

towards victim safety and organized in ways that complement rather than undermine each other. With this goal in mind, practitioners' decisions and actions should be guided by sets of protocols and agency policies. These are sometimes referred to as "best practice" standards.

But questions arise. When should the discretion of the individual practitioners be restricted by such protocols? When should police officers be required to arrest? Should prosecutors seek convictions when victims have asked to have cases dismissed? How can practitioners pay attention to the particulars of a case if they are constrained by generalizing policies? These sorts of questions cannot be addressed from one site in the intervention project, but from several sites of change.

Protocols usually govern three things. First, they govern individual practitioners' responses to specific cases. For example, they specify under which conditions police will arrest, probation officers will recommend jail time, or jailers will release suspects. Second, protocols govern practitioners' interactions with other practitioners in the system, with victim advocates, and with other community-based agencies. Protocols should reduce system fragmentation. They help coordinate the often widely scattered parts of a legal response. Third, protocols address the issue of accountability by linking the agency with a monitoring system and a mechanism through which practitioners' actions can be recorded and, when necessary, questioned.

To make protocols responsive to victim, one must ask: Does this protocol enhance the victim's safety? Are case management considerations superseding victim safety? How does this policy or this procedure affect victims' self-determination and autonomy? And how does this policy deal with the power differential caused both by the violence and the differing social positions of the victim and offender?

DAIP staff coordinate the many levels of discussion needed to design, write and introduce new procedures and policies. They do this by organizing thinking sessions, writing proposed drafts of policy or procedural guidelines, mediating conflict among participating agencies or practitioners, meeting with agency administrators and practitioners to explain the reasons

behind and the direction of new procedures being proposed. They also work to lessen resistance to proposed changes.

(3) **Reducing Fragmentation in the System's Response**

I can't tell you how many times I've seen a total breakdown in communication cause a case to be lost or dismissed. Every time somebody gets seriously hurt or killed, everybody scrambles to the files to make sure they didn't mess up. If they didn't there's a big sigh of relief, but there's always this awareness that on so many cases there's a screw-up. --Court clerk

Practitioners in the criminal justice system often develop a narrow definition of their tasks and of what being fair or protective means because their work is so specialized. Diane Winterstein's case (below) helps us make this point.

In Minnesota, as in most States, the seriousness of a crime depends on the bodily harm done or potential harm based on the use of a weapon. Bodily harm is categorized according to broken bones or permanent physical injury, so that a single slap to the side of the head that results in damage to the eardrum is a felony, whereas multiple blows to the body that result in deep bruising, cuts, and scrapes constitute a misdemeanor. This excerpt from a police report documents the arrest of a woman who, following a violent altercation with her husband, called the police for help.

I asked Diane Winterstein to tell me what occurred, she said her husband Philip had come home after drinking at the Y&R bar and was becoming very belligerent. She said he told her that people were "reporting on her." I asked what he might have meant by that and she said that he acts like everybody is his personal watch guard over her and that he makes up affairs she was supposed to have and then says his reporters saw her with someone. She went on to say that Philip started pushing furniture around. I noted that a chair was pushed over in the dining room. She then went into the kitchen and got out a steak knife and threatened to "poke his eyes out" if he didn't leave the house immediately. I asked her if she was in fear of grave bodily harm at this point and she said no, she thought he was going to leave. Then according to Diane he started to call her names like "whore" and "bitch" and "cunt," at which point she lunged at him and "poked him in the right hand with the knife." She said when he saw the blood he started to cry and she called him a "big baby," at which point she says, "he grabbed me by my hair and began pulling me toward the bathroom and kicking me." She stated that he kicked her three or four times in the legs and right hip area. I asked her if there were any bruises. She showed me the area of her right hip which was red and swollen and beginning to bruise. I asked her if he did anything else to assault her and she stated that he threw her up against the wall and told her that this time she had gone too far. I asked her if she had been violent to him in the past and she said that she often threatens him to get him to leave her alone She said that he slapped her across the face twice and then spit in her face I conferred briefly with

Officer Dickie and a decision was made to arrest both parties. I informed Diane that I was placing her under arrest for 2nd degree assault and took her into custody without incident.... Officer Dickie placed Mr. Winterstein under arrest for 5th degree assault (see Officer Dickie's report for more details).... Officer O'Keefe took pictures of both parties' injuries. Both refused medical treatment. I placed a kitchen knife shown to me by Diane Winterstein as the one she used to stab her husband into evidence.

Diane Winterstein was charged with second-degree assault for "stabbing her husband with a deadly weapon" and faced a prison sentence of 10 years. As it was her first offense, she spent only 11 days in jail and was ordered to classes for offenders. Philip Winterstein plead guilty to a misdemeanor assault and was sentenced to 1 year probation. He served 2 days in jail, and was ordered to attend a men's educational group. The generalizing character of the law and the overly specialized work force prevented practitioners from intervening in a way that would have protected Diane from future assaults. She may well have become more vulnerable to her abuser by this state intervention than had the police never arrived at her door. Yet each practitioner in this case did his/her job:

I'm not so sure what you mean by how do I get involved in the whole case. That's not really my job, to get involved in the whole thing. I'm an investigator. That means I investigate. If I get to having a need to own a case I'll go crazy with all the nutty things that happen in this place. I do my job and I think I do a fairly good job, but I don't want to be held responsible for how the whole thing turns out. I've seen a lot of goofy things happen here and all I can do is say, "Did I do what I was supposed to do?"--Police detective

Those who are aware that women's safety is compromised often feel there is little they can do about it. The work of legal practitioners, for example, is bureaucratically organized. They have been trained in occupationally specific ways of handling the specifics of individual cases so that they are institutionally "actionable." Thus they must fit battered women's experience of the real world into the terms, categories, modes of organizing, accounting, and evaluating provided by their work. Individual women's experiences of violence become translated into and "absorbed" by bureaucratically sanctioned, objectifying accounts, designed for "case management" and the control of those people who are part of "the case." The battered woman and her experience of violence disappear. In her place, officially sanctioned "knowledge" is expressed in terms of management-relevant categories and becomes part of the way power works in the reproduction of gender inequality.

Resisting this kind of Bureaucratic Fragmentation of Women's Experience

A single case involves many actions by many different practitioners. Established work routines, fragmentation of responsibility and poor coordination among practitioners and agencies compromises victims' safety. For example, before incarcerating a suspect, a jailor records all of his possessions. His belt, shoelaces and other objects that he could use to harm himself or others are removed, labeled and stored. During this procedure the suspect may be muttering or shouting threats to "get" his wife for "doing this to him". If you talk to jailers, they will tell you they often hear such threats and they are often quite specific and disturbing. Yet there is no institutionally organized way for the jailer to routinely record and communicate those threats to the victim, the pre-trial release personnel or the judge who will set the conditions of the suspect's release.

There are very many occasions to either increase or compromise victim safety during the months it takes to process a case. The Duluth model holds that a detailed analysis or audit of the system using victim safety as a criterion can generate an inter-agency agenda for change. In Duluth, this inter-agency approach involves a fluid configuration of people whose composition is determined by specific nature and area of change proposed. The Standing Interagency Committee of Agency Representatives is involved on only a general level. Such committees, sometimes called coordinating councils, are often fraught with inter-agency power differences and politics. This makes the kind of critical reflection and negotiation required for practical reforms in the day to day work practices of different agencies difficult. The DAIP reduces the consequences of bureaucratic fragmentation by promoting the coordination of the activities of the different agencies around the practical goal of victim safety. New procedures, such as the documentation of the history of abuse in all cases, promoting interagency consultations on cases, and helping different agencies change job descriptions become means to victim safety. The DAIP continually pushes the system to focus on the issue of justice and safety by linking each step in the legal process to the experience of the woman who has been beaten, asking, "Does this community response protect women?"

(4) Building Monitoring and Tracking into the System

Accountability is a crucial component of a community intervention program. Practitioners must be accountable for (a) maintaining the priorities of victim safety, (b) deterring individual batterers from further use of violence and (c) creating a general deterrence to the use of violence within intimate relationships. They must also be held accountable to each other.

We needed to keep pushing for accountability. We wanted the court to see itself as accountable to a community, to women who were being beaten, and to in turn hold the abuser to some standard of accountability. (Legal Advocate, Duluth 1996)

To increase accountability and reduce fragmentation, the Duluth DAIP has an interagency tracking system to provide its participating agencies with information. The tracking system shares information, can follow a case from inception to closure, and can show trends in how cases are handled. A DAIP staff member collects information and disseminates it on a predetermined "need-to-know" basis.

A tracking system allows one to review large numbers of cases in short periods of time. The DAIP issues a monthly report that alerts readers to patterns and problems not visible when cases are responded to individually. For example, a recent probation report from one Minnesota community revealed that there were 37 men on probation who had been reported by their rehabilitation program for failure to complete the program. All 37 of these defendants were thus in violation of the conditions of their probation. In 11 of these cases the probation officers had known about the violation for more than 14 days but had not issued a warrant or contacted the defendant; 9 of the cases belonged to the same probation officer.

The information in the monthly report has different implications for different people in the system. For example, information about men who drop out of their programs alerts the shelter worker system to contact individual women who may be at increased risk of harm: most men who re-offend in the Duluth project drop out of their groups just prior to using violence or shortly thereafter. It points out a potential personnel problem to the supervisor of the probation

department. It warns the probation officer whose name appears on the list nine times to take action. It gives the legal advocacy project in the community a reason to meet with the probation supervisor.

A tracking system might also, for example, tell the reader that there are 60 outstanding warrants for batterers and that 35 of them are over 60 days old. Such a report can stimulate efforts to unclog the system. The data might show, for example, that 90 percent of all those cases in which a charge of assault was reduced to a disorderly conduct were handled by the same prosecutor. Perhaps it shows that one judge consistently denies petitions for protection orders, or that 20 men who have been assigned to batterers' groups have not yet made contact with the program. A tracking system allows a community to hold itself accountable to the policies and procedures it has adopted to protect victims.

(5) Ensuring a Supportive Community Infrastructure of Support

Legal remedies are not enough. A community needs to provide some basic resources for women, like shelter, long-term housing, a decent income, and a place to talk with other women in the same situation. (Shelter Advocate, Duluth, 1996)

In the U.S. the most effective legal reform programs such as the Duluth project tend to be located in communities with strong infrastructures of services for battered women. Coordinated community responses need to make some basic services available to women trying to negotiate a violence-free life for themselves and their children. These include emergency and long-term housing; legal advocacy; financial assistance, or access to employment, or both; a place to talk with other women, and help in understanding the social and personal forces in their lives; medical care; an opportunity to work in advocacy projects with other women; and community services that support women's roles as parents. In Duluth the Women's Coalition, a shelter and advocacy program for women, provides this kind of infrastructure.

(6) Intervening Directly with Abusers to Deter Violence

For me the biggest shift was thinking about how to directly intervene with the man doing the violence. Do we try to fix him? When do we want to push for jailing batterers? Jails are not exactly places where men

learn to respect women. I don't think we can claim to be standing with women if that means we say we're with you, except we won't ever deal directly with the person beating you up. On the other hand, trying to individually fix every man who beats his wife is futile. This is a tough one because as soon as you start to say, "OK, let's do something with these men," all sorts of screwballs show up to get in on it. (Legal Advocate, Duluth, 1996)

A coordinated community response to domestic violence must decide what the responsibilities of state and community agencies are regarding an abuser. Because we see that the violence reinforces unequal gender arrangements in society and is not simply a manifestation of individual pathology, the responsibility for addressing violence must be assumed by the relevant social and legal institutions and community organizations rather than left to individual women. The Duluth community therefore engages in direct intervention with the abuser, usually through three courses of action: (1) creating a safety plan for the woman, which may include such strategies as obtaining restraining or other court orders on the abuser; (2) imposing sanctions and deterrents, such as arrest, incarceration, and mandated community service, aimed at the individual abuser and at the broader community; and (3) providing abusers with an opportunity for rehabilitation. In our networking with activists from other communities this last component is hotly debated: after all, there is little evidence that batterers' rehabilitation groups are successful. Also, rehabilitation programs are usually run by mental health practitioners. Many women's advocates argue that rehabilitation programs typically de-politicize and decriminalize the problem by psychologizing male violence in ways that make neither individual men nor unequal gender arrangements in society responsible for the violence.

Right now, there is no agreement as to what position the battered women's movement in the U.S. should take regarding rehabilitation programs for batterers. Most include monitoring such programs as part of their advocacy function. Some battered women's advocacy projects were drawn unwillingly into working with batterers; others have been more positive about their involvement. Our failure to offer alternatives to rehabilitation provided by the mental health field has been one of the big mistakes made by US activists. Despite early research which showed that highly structured education groups produce lower recidivism rates than groups using more clinical, psychological approaches with abusers, most batterers' groups are located

in mental health centres rather than community-based education programs (Edleson & Syers, 1991).

Educational groups for batterers are a small but important part of the community's overall intervention strategy in Duluth. However, they neither define nor drive the community intervention plan. The DAIP's educational approach draws on Paulo Friere's literacy and popular education process because it emphasizes the cultural aspects of working with an individual and links the individual to the social relations active in their lives (Pence & Paymar, 1993). Educational groups for batterers focus on participants' beliefs about the use of force in relationships, on the patterns of their controlling behavior and on the ethics of their behavior. They do not work on the abuser's relationship with his partner or wife, but confront him with his choice to use violence. Nor do the groups support the common illusion that the purpose of an abuser's participation is to get his partner to stay with him or to come back. Abusers who do not complete their required program will likely go to jail.

Abuser education programs must be designed so that they account for each of the factors described in the earlier working definition of safety for women. In the U.S. as elsewhere the commitment to fully integrating batterers' groups into an overall community response has been weak or even non-existent. Early on in the Duluth experience a decision was made by the participating counseling agencies to hold off on starting groups for offenders until the courts and police had operationalized their policies for holding abusers accountable.

(7) Undoing the Harm Violence to Women Does to Children

Somehow the children are always labeled as the innocent victims of battering. I suppose that means their mothers aren't so innocent. The system needs to see that when a man beats a woman in front of her kids, there are two innocent victims. It's so artificial to separate out-this is a child protection issue and this is a criminal court issue. No matter what, mothers come with kids and kids come with mothers. (Visitation Centre Worker, Duluth, 1996)

The success of the DAIP in improving community and court interventions in domestic assault cases has not yet been matched by a similarly coherent approach to the visitation and custody

issues which usually accompany the end of a relationship in which there has been violence is (McMahon & Pence, 1995). Children who witness violence in their homes are also its victims. When an abused woman leaves a violent partner, therefore, issues raised about children are not simply those of custody, but of responding to the totality of harm violence has done to the children. Advocates argue that the community, rather than individual women, has the responsibility to respond to this harm.

For women who have been battered, separation from an abuser often shifts the site of the conflict from the privatized setting of the home to the public arena of the judicial system. Custody and access workers report that abusive men are more likely than non-abusive men to fight for physical custody of their children (Taylor, 1993); evidence suggests that they are also more likely to receive favorable rulings from the courts (Saunders, 1992). Children and child custody issues are now a significant part of the politics of gender. Cain and Smart (1989) and Pollock and Sutton (1985) argue that a violent man's relationship with his children entails a power relationship with the children's mother, played out through the issues of custody and visitation.

Community intervention projects can play an important role in protecting children from violence, distress, and harm as their primary relationships are re-ordered. In 1990 the DAIP organized a visitation centre as a vehicle to work on court reforms in family court. The centre is a logical extension of criminal justice reform work and has become an integral part of the community's programming. One cannot think about children or the "best interests of the child" as if children stand alone and are not integral to the power relations of which violence against women is part. To protect children and undo the harm done to them by domestic violence, the DAIP and shelter advocates argue that the mother's and child's interests must not be pitted against each other. The response of the system must be informed by an understanding of the role violence and power play in shaping the social relationships of families.

(8) Evaluating the System from the Victim's Standpoint: the Audit

It's important to agree on the standard that we will use to judge our work. If it's more arrests or more prosecutions or a speedier process, we may find a successful project that's failed to improve women's lives. We need to use what's happened to the women who are being beaten as the basis for judging ourselves. (Prosecutor, Duluth, 1996)

Finally, a successful community response to domestic violence needs to have ways of evaluating State and community interventions from the standpoint of women seeking protection. This standpoint is quite different from a standpoint of effective case management which expresses bureaucratic or administrative priorities. It is also different from a socially conservative "law-and-order" perspective that measures success in terms of arrests, conviction rates, and incarcerations. Sadly, most criminologists in the U.S. continue to be wedded to using quantitative research methods that are inadequate for addressing the problem of domestic abuse. Perhaps this is because their quantitative research allow them to speak with "authority" to the voices of authority in the U.S., rather than to speak from the marginal position of women's experiences. As a consequence much research offers activists little to deepen our understanding of the social relations that support violence against women; nor does it offer remedies that would be useful to women who struggle to stop the violence.

The DAIP approaches evaluation by examining how each part of the community response affects victim safety, autonomy and integrity. Each year, a different aspect of the responses is examined. These investigations then shape continued training, policy development, and case processing alterations. For example, working with the DAIP, the city of Duluth has recently completed an "audit" of every aspect of case processing. This audit analyzed the extent to which the work setting for dispatchers, jailers, pre-trial release agents, prosecutors, warrant servers and so forth were organized to centralize victim safety. The audit examined six aspects of each work setting: 1) the regulations that govern the worker; 2) the forms and procedures that are used; 3) the training provided the worker; 4) the resources and information available to the worker; 5) the technology of the work setting (e.g. proper computer access, use of dictaphones or video equipment); and 6) the communication links to other practitioners involved in the case.

This audit provided a comprehensive list of practical changes needed in order to continue the community toward its goal of offering an institutional response that centralizes the safety of women who turn to the legal system for help.

Conclusion

Sometimes it is easier to explain the Duluth model by pointing out what it is not. It is not a batterers' treatment program; nor is it simply a project which enhances the ability of the courts to convict batterers. The priority is neither social control nor therapy for violent men. The priority is women's safety. The model offers a way of doing legal advocacy to change those institutionalized ways of doing things that put women at risk of domestic violence or fails to offer them protection from violence when it occurs.

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