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Guidelines for Evaluations and Services of Domestic Violence Offenders: Use of the Domestic Violence Risk and Needs Evaluation to Individualize Treatment

Offender Evaluation

- Purpose: Offender evaluation determines level of risk and need, informs service planning, promotes coordinated response, and improves safety and accountability
- Goal: Connects the offender to the appropriate level of intervention and accountability
- Not a traditional “mental health assessment”

First things first: providing informed consent and disclosure of program expectations

- Informed consent- communicate expectations, benefits, risks, and consequences.
- Disclosure statement- fees, duration of treatment, confidentiality, missed appointments, etc.
- Be clear about Partner Contact policies. DHS rules require Partner Contact. Be sure to inform partners concerning the limits of treatment and caution against “fantastic” expectations.

Developing Rapport

- Confrontational approaches have not been supported by clinical outcome studies. Therapist behaviors associated with this approach have been shown to predict treatment failure...
- Accurate empathy, an almost exact opposite of confrontation is associated with successful outcomes
 - Accurate Empathy involves skillful reflective listening that clarifies and amplifies the client's own experience, without imposing the therapist's own material. (Miller & Rollnick, 1991)

Elements of a DV Offender Evaluation: Obtaining the Criminal History

- Police report of incident
- Criminal background check (BCI)
- Sample BCI and how to read these materials
- Pre-sentence Investigation (PSI)
- DCFS Referrals- Obtain DCFS documents (e.g., service plans, evaluations, etc.)

Domestic Violence Risk & Needs Evaluation (DVRNE)

Developed in Colorado (called DVRNA) in conjunction with the revised standards of DV offender treatment (in 2011). Utah DCFS DV contract requires its use. The UADVT strongly recommends that all treatment providers use it.

14 Domains –

Each domain is developed from existing research

Empirically based

- Well researched risk factors – DVSI, SARA, ODARA, LSI
- DVRNA has content and face validity
- Currently in validation study

Slides Credit: Cheryl Davis, LPC, Colorado DV Offender Management Board

Automatic Level Placement

- Three levels of risk, needs and differential treatment
- Significant Risk Factor and Critical Risk Factor that indicates a need for initial placement in treatment at Level B or C
- These risk factors have significant research support. Annotated DVRNA is available at UADVt.org
- Some items do need to be weighted because they are more predictive
- Victim and community safety

SCORING

Each Domain of the DVRNA has a maximum score of one point.

There are 14 Domains on the DVRNA

Therefore the maximum score of 14

Scoring Manual available at UADVt.org

Strict adherence to scoring – maintain fidelity, integrity of instrument

Encourage training only by UADVt approved trainers

Victim Safety Concerns are Paramount. Do not score information obtained from the victim that is not in the public domain without written consent.

Domain A: Prior domestic violence related incidents

Prior domestic violence related incidents (Any of the following are Significant Risk Factors that indicate initial treatment placement in LEVEL B) (Ventura and Davis 2004; ODARA, 2005). This domain applies only to adult criminal history.

1. Prior domestic violence conviction (ODARA, 2005) Critical Risk Factor that indicates initial treatment placement in LEVEL C
2. Violation of an order of protection (B-SAFER, 2005; Kropp & Hart 2008; DVSI, 1998)
3. Past or present civil domestic violence related protection orders against offender.
4. Prior arrests for domestic violence (Ventura & Davis, 2004)
5. Prior domestic violence incidents not reported to criminal justice system (Cattaneo & Goodman, 2003).

Criminal history DV

- Define DV criminal history: arrests, conviction (includes deferreds, diversions), protective orders, and violation of protection orders, as an adult
- DV Criminal History/Including unreported DV incidents: **Significant Risk Factor** that indicates initial treatment in Level B
- Includes violation of a protection order (DVSI, Kropp/Hart)

Civil or criminal, does not include marriage dissolution injunctions

- Includes prior arrests for domestic violence (Venture & Davis)

Domain B: Drug or alcohol abuse

(Any of the following are Significant Risk Factors that indicate initial treatment placement in LEVEL B at a minimum.)

1. Substance abuse/dependence within the past 12 months (Kropp & Hart, 2008; B-SAFER, 2005; Weisz, et al., 2000; ODARA, 2005; Cattaneo & Goodman, 2003)
2. History of substance abuse treatment within the past 12 months (Kropp & Hart, 2008; Klein, 2008) or two or more prior drug or alcohol treatment episodes during lifetime (DVSI, 1998)
3. Offender uses illegal drugs or illegal use of drugs (Campbell, 1995)

Domain B continued

The DSM V refers to “substance dependence” as a pattern of repeated self-administration that can result in tolerance, withdrawal, and compulsive drug-taking

The SARA explains that substance misuse is related to criminality and recidivism in general, and recent substance misuse is associated with risk for violent recidivism among partner assaulters

Drug or alcohol abuse

- Substance issues are related to criminality and recidivism in general (Harris, Monahan)
- Significant Risk Factor – Level B
- Offenders with a history of family violence (including intimate partners assault) are more likely than those with no such history to misuse substances (Dutton & Hart, Tolman & Bennett)
- The involvement of alcohol or drugs in the incident was a significant predictor of subsequent arrest. This finding appears to highlight the recognized interrelationship between alcohol/drug use and battering and highlight the need for offenders to receive treatment for both problems (Hirschel)
- Alcohol abuse is considered one of the three prominent risk factors for domestic violence by Saunders (1993)

Domain C: Mental health issue

(Any of the following are Significant Risk Factors that indicate initial treatment placement in LEVEL B at a minimum.)

1. Existing DSM diagnosis (excluding v codes)
2. Personality disorder with anger, impulsivity, or behavioral instability (Kropp & Hart, 2008; B-SAFER, 2005)
3. Severe psychopathology (Gondolf, 2007; Hare 1998)
4. Recent psychotic and/or manic symptoms (Kropp & Hart, 2008)
5. Psychological/psychiatric condition currently unmanaged
6. Noncompliance with prescribed medications and mental health treatment
7. Exhibiting symptoms that indicate the need for a mental health evaluation

Mental Health Issue

- Assessed with validated mental health instrument (such as MCMI, MMPI, CPI,)
- Personality disorders are very common in offender populations in general (Hare) and among wife assaulters specifically (Hamberger & Hastings, Hart, Dutton & Newlove)
- Most common are psychopathy/antisocial, borderline, narcissistic or histrionic
- And they are associated with increased risk for criminal behavior, including violence and violent recidivism (Hare, Harris, Sonkin)
- Significant Risk Factor – Level B

Domain D: Suicidal/homicidal

1. Serious homicidal or suicidal ideation/intent within the past year (Kropp & Hart, 2008) (This is a Critical Risk Factor that indicates initial treatment in Level C)
2. Ideation within the past 12 months (Kropp & Hart, 2008; B-SAFER, 2005)
3. Credible threats of death within the past 12 months (Kropp & Hart, 2008;)
4. Victim reports offender has made threats of harming/killing her (female victims in heterosexual relationships (Campbell, 2008))

“Credible” as defined in the SARA means that the threats were perceived as credible by the victim.

Jacquelyn Campbell’s work cited in this document refers to her work on femicide and only female victims in heterosexual relationships.

“Serious” as defined in the SARA means that the ideation is experienced as persistent and intrusive or involves high lethality methods; or that the level of intent is moderate to high.

Suicidal/Homicidal

- Suicidality is often indicative of a desperate “crisis” situation for the offender and is generally considered a risk factor (Goldsmith, Saunders, Stuart & Campbell)
- Empirical research suggests that there is a link between dangerousness to self and dangerousness to others, the two factors co-exist more often than expected on the basis of chance (Convit, Jaeger, Lin, Meinser & Volavka, Menzies, Webster & Sepejak)
- Serious ideation/intent Critical Risk Factor – Level C
- UADVT recommends use of the Columbia Suicide Severity Rating Scale (CSSRS)
<http://www.cssrs.columbia.edu/>

Domain e: Use and/or threatened use of weapons in current or past offense or access to firearms

1. Gun in the home in violation of a civil or criminal court order (Vigdor & Mercy, 2006) (This is a Critical Risk Factor that indicates initial treatment in Level C)
2. Use and/or threatened use of weapons in current or past offense (Kropp & Hart, 2008; Azrael & Hemenway, 2000) (This is a Critical Risk Factor that indicates initial treatment in Level C)
3. Access to firearms (VPC, 2007; Paulozzi et al. 2001; Mitchell & Carbon, 2002; Mitchell & Carbon, 2002; Campbell, 2003; Saltzman, et al., 1992; Klein, 2008)
Personal ownership of a firearm, living in a household with a firearm, access to a firearm, etc.

Use And/Or Threatened Use Of Weapons In Current Or Past Offense Or Access To Firearms

- Campbell's research indicates that "abusers who possess guns tend to inflict the most severe abuse"
- Spousal assaulters who have used a weapon in past assaults on intimate partners or others, or who have threatened future use of a weapon, are at increased risk for violent recidivism (Sonkin, Martin & Walker)
- Men who make credible threats of death or serious bodily harm against their partners are at increased risk of violent recidivism (Gondolf, Sonkin, Stuart & Campbell, Walker)
- Use and/or threatened use of weapons in current or past offense (Kropp/Hart)–
Significant Risk Factor – Level C

Domain F: Criminal history – nondomestic violence (both reported and unreported to criminal justice system).

This domain applies only to adult criminal history.

1. Offender was on community supervision at the time of the offense (DVSI, 1998) (This is a Critical Risk Factor that indicates initial treatment in Level C)
2. Offender has a prior arrest for assault, harassment, or menacing (DVSI, 1998; Buzawa, et al., 2000; Ventura & Davis, 2004). If there have been two or more arrests, it is a Significant Risk Factor that indicates initial treatment in Level B at a minimum.
3. Prior nondomestic violence convictions (DVSI, 1998; Klein, 2008; ODARA, 2005; Ventura & Davis, 2004) Note: If the offender was scored on Domain B2, only for 2 or more prior drug or alcohol treatment episodes during their lifetime, DO NOT also score any related previous DUIs here.

DOMAIN F CONTINUED

4. Past violation(s) of conditional release or community supervision (Kropp & Hart, 2008; B-SAFER, 2005; ODARA, 2005)
5. Past assault of strangers, or acquaintances (Kropp & Hart, 2008; Weisz, et al., 2000; B-SAFER, 2005)
6. Animal cruelty/abuse (Humane Society, 2007; Volant et al., 2008; Ascione, 1998; Faver & Strand, 2003, Ascione, 2007; Ascione, et al., 2007)

Non DV Criminal History

- Reported and unreported to criminal justice system, any non dv criminal history
- Offenders with a history of violence are at increased risk for spousal violence, even if the past violence was not directed towards intimate partners or family members.
- Most studies agree that the majority of dv offenders that come to the attention of the criminal justice system have a prior criminal history for a variety of non-violent and violent offenses. A study of intimate partner arrests in Connecticut, Idaho and Virginia of more than a thousand cases found that almost seventy percent had a prior record, 41.8% for violent crime.
- Offender on supervision at time of offense (DVSI) Significant Risk Factor – Level C

DOMAIN G: Obsession with the victim

1. Stalking or monitoring (Campbell, 2003; Block, Campbell, & Tolman, 2000)
2. Obsessive jealousy with the potential for violence, violently and constantly jealous, morbid jealousy (Wilson & Daly, 1992; Hilberman & Munson 1978; Campbell, 2003)

Obsession With Victim

- Stalking is identified as a risk factor for both femicide and attempted femicide. J. Campbell also in her Danger Assessment lists violent and constant jealousy as a risk factor associated with homicide.
- When coupled with physical assault, stalking is significantly associated with murder and attempted murder. (McFarlane)
- Wilson and Daly reported that battered women reported jealousy as the most frequent motive for their husbands assaults.

DOMAIN H: Safety concerns

1. Victim perception of safety/victim concerned for safety (Gondolf, 2001; Klein, 2008; Buzawa, et al., 2000; ODARA, 2005; Heckert & Gondolf, 2004)
2. Victim (female victim in heterosexual relationship) believes offender is capable of killing her (Campbell, 1995)
3. Offender controls most of victim's daily activities (Campbell, 1995; Block, Campbell, & Tolman 2000; Tjaden & Thoennes, 2000)
4. Offender tried to "choke" victim (Campbell, 2008)
 - Although the medical terminology is "strangle", victims more readily identify with the word choke when reporting abuse.

DOMAIN H CONTINUED

5. Physical violence is increasing in severity (Kropp & Hart, 2008; B-SAFER, 2005)
6. Victim forced to have sex when not wanted (Campbell, 1995)
7. Victim was pregnant at the time of the offense and offender knew this (Martin et al., 2001; ODARA, 2005)
8. Victim is pregnant and offender has previously abused her during pregnancy. (Gazmararian, 1996; Martin et al., 2001)

Reminder: information obtained from the victim should not be scored unless it is in the public domain without written consent.

DOMAIN I: Violence and/or threatened violence toward family members including child abuse

Does not include intimate partners

1. Current or past DCFS/CPS case (voluntary services aren't scored)
2. Past assault of family members (Kropp & Hart, 2008)
3. Children were present (in the vicinity) during any offense (DVSI, 1998)

Note: Any incidents scored in Domain F (Criminal History) should not be scored here.

Violence And/Or Threatened Violence Toward Family Members

- Offenders with a history of violence are much more likely to engage in future violence than those with no such history (Monahan, Webster, Dickens & Addario)
- Offenders who have a history of physical or sexual violence against family members are at increased risk for violent recidivism (Gondolf, Hotaling & Sugarman, Saunders, Sonkin, Stuart & Campbell)
- Children present during the offense or in the vicinity (DVSI)

DOMAIN J: Attitudes that support or condone spousal assault (Kropp & Hart, 2008; B-SAFER, 2005)

1. Explicitly endorses attitudes that support or condone intimate partner assault.
2. Appears to implicitly endorse attitudes that support or condone intimate partner assault.

E.g., minimizing, denying, patriarchy, misogyny, etc.

DOMAIN K: Prior completed or noncompleted domestic violence treatment

Participated previously in DV treatment (DVSI, 1998; Stalans et al., 2004)

Court-ordered or voluntary

Note: If the offender is in treatment again for the same offense, this is not considered a new treatment episode and is not scored.

DOMAIN L: Victim separated from offender within the previous six months

- The DVSI defines separation as the following: (1) Refers to physical separation (2) Separation may include going into shelter, moving out, moving in with friends or evicted the defendant.
- Initiated by the victim
- Previous 6 months

Victim Separated From Offender Within The Last Six Months

- According to FBI statistics 50-60% of women killed in the US are murdered by an intimate partner and 75% of those had recently left the relationship
- The risk of intimate partner femicide was increased 9-fold by the combination of a highly controlling abuser and the couple's separation after living together.

DOMAIN M: UNEMPLOYED

- Unemployed is defined as not working at time of offense or at any time during intake or treatment and does not include offenders on public assistance, homemakers, students, or retirees

DOMAIN N: Involvement with people who have pro-criminal influence

1. Some criminal acquaintances (may include family)
2. Some criminal friends (LSI, 2005)- persons with who one spends leisure time, whose opinions are valued, and who provide help when in difficulty, etc.

Influence of antisocial support system (Bonta/Andrews)

Note: Must meet both criterion to be scored.

Overrides

Reasons should be based on

- Verifiable evidence/documentation
 - Treatment team consensus
 - Unusual cases
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- If you can't document it, don't use it. Victim safety and confidentiality is paramount.

Practice Scenarios

- Case Studies
 - Mr. Denial
- Scoring Demonstration