

# Restorative Justice and Domestic Violence: Lessons Learned and Best Practices

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# Overview

- Background
- Applying Restorative Justice Principles and Practices to Domestic Violence
- Circles of Peace a Restorative Justice Evidenced-informed Approach
- Lessons Learned

# Background: Who Are We, Terminology, and Our Values

# NYU Center on Violence and Recovery (CVR)

- A research center dedicated to advancing knowledge on the causes and consequences of violence and trauma and developing solutions that foster healing among individuals, families, and communities.
- **To achieve our mission, we:**
  - Innovate
    - Develop cutting edge solutions to promote healing and transformation.
  - Study
    - Conduct research on critical issues related to trauma and restoration
  - Educate
    - Offer trainings, workshops, and lectures on topics related to trauma and healing.
- Collaborators: judges, prosecutors, defense attorneys, treatment providers and community-based organizations, victim advocates, and community members

# Terminology

- “**Domestic violence**” includes violence or abuse by one adult person against another in a domestic context. This includes violence between spouses, but also can include abuse between adult children and parents, violence between adult siblings, elder abuse and other forms of violence between adult family members or simply those who live in the same dwelling (e.g., roommates).
- “**Intimate partner violence**” encompasses violence that occurs specifically between current or former spouses or romantic partners. Intimate partner violence includes violence in the LGBTQ community.
- “**Family violence**” describes the abuse that takes place between other adult family members in a domestic context, such as between adult siblings, or between adult children and their parents.
- **Domestic violence**, as a term, therefore many times includes both family violence and intimate partner violence and is often used in a “catch all” manner.
- **Offender/victim** – person who has caused harm/person who has been harmed

# DV: The Big Picture

- DV is in every country, every community, every village, and neighborhood
- DV is linked to many of the larger social issues we face today
- More than half of mass shootings are *or are linked to* domestic violence
- Domestic violence is a leading cause of homelessness in this country

# Applying Restorative Justice Principles (RJ) and Practices to Domestic Violence (DV)

## Types of RJ Approaches

- **Victim-offender mediation or dialogue** – involves the harmed person, the person who caused harm, and a facilitator/mediator
- **Family group conferencing** – involves the person who caused harm, the person who caused harm’s family or supporters, facilitator, and sometimes the harm person or the harm person’s representative
- **Peacemaking circle** – involves the person who caused harm, the harmed person, family or supporters, facilitator, and sometimes community representative



# RJ Programs and the Criminal Justice System

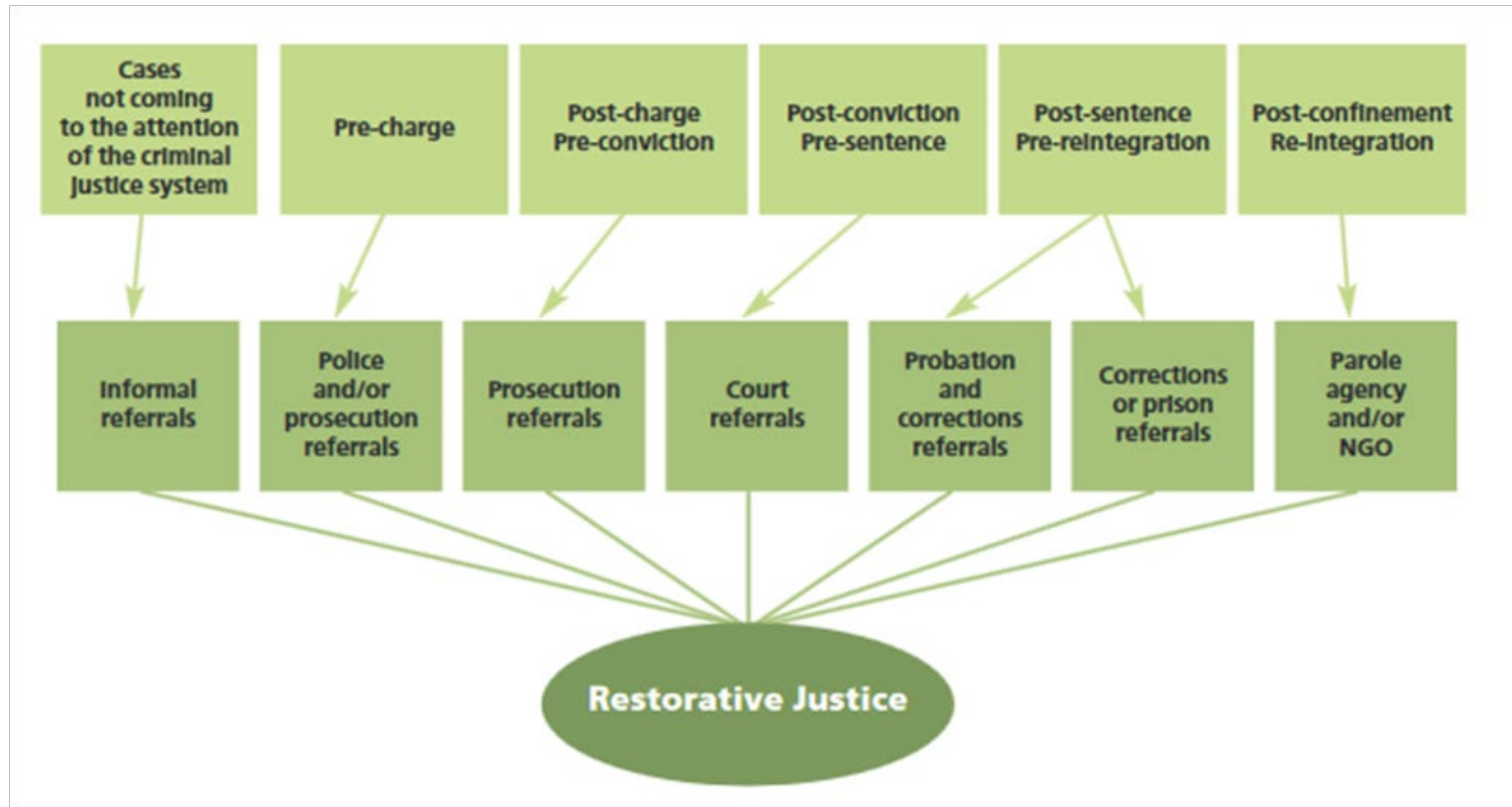


Image source: Dandurand, Y. and Griffiths, C.T., 2006. Handbook on restorative justice programmes. [Online]. United Nations Publications. Available at: [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_Restorative\\_Justice\\_Programmes.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_Restorative_Justice_Programmes.pdf)

Family  
Violence  
↔  
Intimate  
Partner  
Violence

- Domestic violence is commonly passed on from one generation to another  
(Askeland et al., 2010; Ehrensaft et al., 2003; Southern & Sullivan, 2021; Straus et al., 1980; Straus, 1999)
- Children who witness abuse between adults or experience violence directly learn the same behavior  
(Dargis & Koenigs, 2017; Ehrensaft et al., 2003; Finkelhor & Dzuiba-Leatherman, 1994; Meyer et al., 2021; Southern & Sullivan, 2021; Straus et al., 1980; Straus, 1999)
- Men who experienced or observed violence in their families of origin were two to nine times more likely to become violent against their wives  
(Roberts et al., 2010; Jung et al., 2018; Straus, 1999; Whitfield, Anda, Dube & Felitti, 2003)

# DV in the United States

- The United States prides itself on leading the way in formulating theories, court practices, and treatments to combat domestic violence
- Despite these efforts, domestic violence remains widespread

# What is the typical response to DV in the United States?

- Most misdemeanor DV offenders are court-mandated to attend a Domestic Violence Intervention Programs, traditionally known as Batterer's Intervention Program (BIPs)
  - Sometimes after time spent in jail or prison, but many times in lieu of it
  - Because of concerns over escalating violence, many "minor" offenders are referred to these programs
  - Popular models being the Duluth-model, Emerge, and Amend
- Every state has different legal definitions of DV, regulating bodies for offender treatment programs, minimum treatment lengths, facilitator education and training requirements, standards for programs, certifications, etc.

# Batterer Intervention Programs (BIPs)

- **2,500** BIPs in the US (Boal & Mankowski, 2014)
  - Proliferated following the passage of mandatory arrest laws
- Many of these BIPs have adopted “Duluth-model” characteristics:
  - Assume abusive men are equally socialized
  - Didactic, psycho-educational curriculum
  - Guided by a “feminist” perspective
  - Focus on changing sexist attitudes for the purpose of altering behavior
  - Focus on holding men accountable for the abuse
- In one national survey of BIP’s, 93% of programs surveyed described themselves as Duluth-model oriented (Price and Rosenbaum, 2009).

# ...but do they work?

- Although early evaluations suggested that BIPs reduced battering, recent evaluations based on more rigorous designs find little or no reduction  
(Jackson et al., 2003)
- Studies examining the effectiveness of BIPs for preventing recidivism were inconclusive; results were mixed.  
(Babcock et al., 2004; Cheng et al., 2021; Wilson et al., 2021)
- “There is little effectiveness evidence that would favor one type of traditional intervention over another.”
- This is in contrast to the “efforts and assumptions that appear to exist among state anti-domestic violence coalitions that would restrict the types of BIPs eligible for state certification”  
(Eckhardt et. al, 2013)
- More recently, there is new evidence to suggest that combining BIPs with other treatment elements can improve overall effectiveness

(For example, Lawrence et al., 2021; Lila, Gracia, & Catalá-Miñana, 2018; Romero-Martinez et al., 2018)

# Taking Stock of DV Interventions – What were we looking for?

## An approach that

- addresses **one-directional/two-directional/family violence**
- does **not re-privatize violence**
- could be adapted to **multiple cultures and family arrangements**
- provides **voluntary** participation by the victim
- recognizes that **co-habitation continues, children are involved**, and some victims **want to separate safely** with support
- **monitors safety** in new ways
- could interrupt **destructive intergenerational patterns**
- is effective, **evidence-based**, adaptable to the needs of **local jurisdictions**

# Why Restorative Justice (RJ)?

## RJ recognizes that

- crime/violence is a **violation of people**
- violations create **obligations**
- obligation is to **put things right**
- **change is possible**

**Could we apply these tenets to DV crimes?**



# The Circles of Peace Model: A Restorative Justice Evidenced- informed Approach

## Developing the model

- In 2003, Linda G. Mills, President of NYU, in her book *Insult to Injury*, proposes the use of restorative justice for domestic violence
- In 2004, NYU's Center on Violence and Recovery invites experts in restorative justice (including John Braithwaite) and domestic violence to New York for a roundtable to discuss using restorative approaches for domestic violence
- Two models are put forth:
  - Circles of Peace — connected to the criminal justice system
  - Healing Circles — **not** connected to the criminal justice system

# Circles of Peace (CP) Model

CP is the first program of its kind in the United States to use RJ principles to treat those arrested for DV crimes.

Bring **individuals who have been abusive** and the **victim (if they choose to participate)** together with **willing family members, support persons, a trained professional facilitator** and **CP-trained community volunteers**, to **monitor safety** in order to seek a **more effective treatment outcome**.

## Circles of Peace

- encourage dialogue about the current and previous incident(s)
- uncover gender dynamics and family history
- create longer term change

## Circles of Peace (CP) Model Continued

- Foster individual problem-solving/empowerment/  
community engagement
- Tailor safety planning/healing/rehabilitation to the  
cultural, religious, and socioeconomic needs of all  
involved
- Re-label those who are mandated to treatment as  
“Responsible Person” (Victims = “Persons Harmed”) upon  
acceptance to CP
- Monitor behaviors through the use of a Social Compact
  - Offenders are accountable to promises made
  - Engage other circle members in the treatment process  
by committing them to supportive activities and  
improved family/relationship dynamics

# CP for DV: Brief History

In 2004, Judge Maley adopts CP model in AZ with community input

- National Science Foundation (NSF) approves the first randomized controlled study comparing CP and Batterer Intervention Program (BIP) in Nogales, AZ

2004

In 2012, National Institute of Justice (NIJ) approves qualitative study to complement NSF research

2012

In 2020, the US Attorney's Office for the District of Columbia expresses their interest in the CP model

- CVR is developing a CP program for DC with local partners

2020

2010

In 2010, NSF approves a replication study comparing CP hybrid program with BIP in Salt Lake City, UT

2019

In 2019, VT State's Attorney develops a one-year CP pilot program

- CVR awarded a University Research grant to study VT program

Present

New Circles of Peace programs and programs informed by CP in several additional communities across the country

# CP Programs – An Overview

## **AZ**

- Circles of Peace-only (26 weeks – DV treatment provider)

## **UT**

- Hybrid – BIP plus Circles of Peace (12 weeks of BIP followed by 4-6 weeks of Circles – DV treatment provider)

## **VT**

- Offender – up to 4 Offenders (6 circles + 2 maintenance circles at 18 weeks/26 weeks – RJ treatment provider)
- Conjoint Circle allowed if the offender has completed 3 offender-only Circles
- Victim-only Circle if requested

## **DC**

- Circles of Peace – 18 weeks (2 community circles, 10 educational circles, and 6 joint circles – co-facilitated by a DV clinician and RJ expert)

# New Communities

## **CO**

- We are in the early stages of working with the District Attorney's Office of Adams/Broomfield Counties.

## **OR**

- We have partnered with Six Rivers Dispute Resolution Center in Wasco County to establish an RJ program for DV and other crimes.
- We are also working with a restorative justice men's group inside of the Oregon State Penitentiary to develop a Circles of Peace program for men inside the prison.

## **NM**

- We have partnered with Five Sandoval Indian Pueblos Inc., a behavioral health organization.

## **TX**

- Partnered with the Travis County District Attorney's Office to establish restorative justice program for juveniles arrested for family violence assaults.

## **OK**

- We are in the early stages of working with the Tulsa community on creating a restorative justice program for domestic violence crimes.

# NSF Study in AZ

- Randomized all DV offenders (N=152/intimate partner/family violence) into either a BIP-only program (26 weeks total) or a CP-only program (26 weeks total)
- This study provides evidence that **RJ can be a viable and safe option for DV crimes**
- Findings suggest that offender participation in **RJ does not automatically pose a security risk per se and debunks the claim that RJ is more dangerous than BIP in treating DV crimes**

Mills, L.G., Barocas, B., & Ariel, B. (2013). The next generation of Court-Mandated Domestic Violence Treatment: A randomized controlled trial of restorative justice. *Journal of Experimental Criminology*, 9(1), 65-90.



# NSF/NIJ Studies in UT

## **NSF Part I**

Randomized all DV offenders (N=222 intimate partner/family/roommate violence) into either a BIP-only program (18 weeks) or BIP (12 weeks) plus CP (6 weeks) program

## **NSF Part II**

Randomized DV offenders (N=274 intimate partner violence) into BIP-only (16 weeks) or BIP (12 weeks) plus CP (4 weeks)

## **NIJ**

Qualitative data collection to complement NSF Part II including interviews, observations, and a review of case records

# Utah – Results (so far)

## NSF Part I

- **BIP plus CP results in significant reductions in new arrests (53%) and severity (52%)**
- BIP plus CP is more effective than a BIP-only approach
- **RJ is a viable treatment option for DV crimes**

Mills, L.G., Barocas, B., Butters, R.P., & Ariel, B. (2019). A randomized controlled trial of restorative justice-informed treatment for domestic violence crimes. *Nature: Human Behaviour*. <https://doi.org/10.1038/s41562-019-0724-1>

## NIJ

- This qualitative study highlights **the promise of this model, the desire to participate in treatment together, and the importance of the victim's perspective in the treatment process**

Mills, L. G., & Barocas, B. (2018). *An In-depth Examination of Batterer Intervention and Alternative Treatment Approaches for Domestic Violence Offenders*. U.S. Department of Justice

Barocas, B., Avieli, H., & Mills, L. G. (2023). Restorative Justice Treatment for Domestic Violence Crimes: A Qualitative Study. *Criminal Justice and Behavior*, 50(12), 1805-1826. <https://doi.org/10.1177/00938548231202815>

# AZ and UT Victim/Victim Advocate Participation

Significantly, victims who participate in RJ programs tend to regularly report much higher levels of satisfaction with the process (Umbreit et al., 2006)

## **Victim participation rates in our NSF studies:**

- Nogales, AZ – (IPV/Family Violence) – 62%
- Salt Lake City, UT – (IPV/Family Violence/Roommates) – 42%
- Salt Lake City, UT – (IPV-only) – 67%

Victim advocates can represent the victim voice if victim chooses not to participate

Victim safety is paramount and safety concerns are continually assessed and addressed as part of the RJ process



# Victim's Desire to Participate

***“...I wish I would've had the opportunity to actually do the treatment, you know? ...I'm kind of disappointed because I really think it may have helped...”***

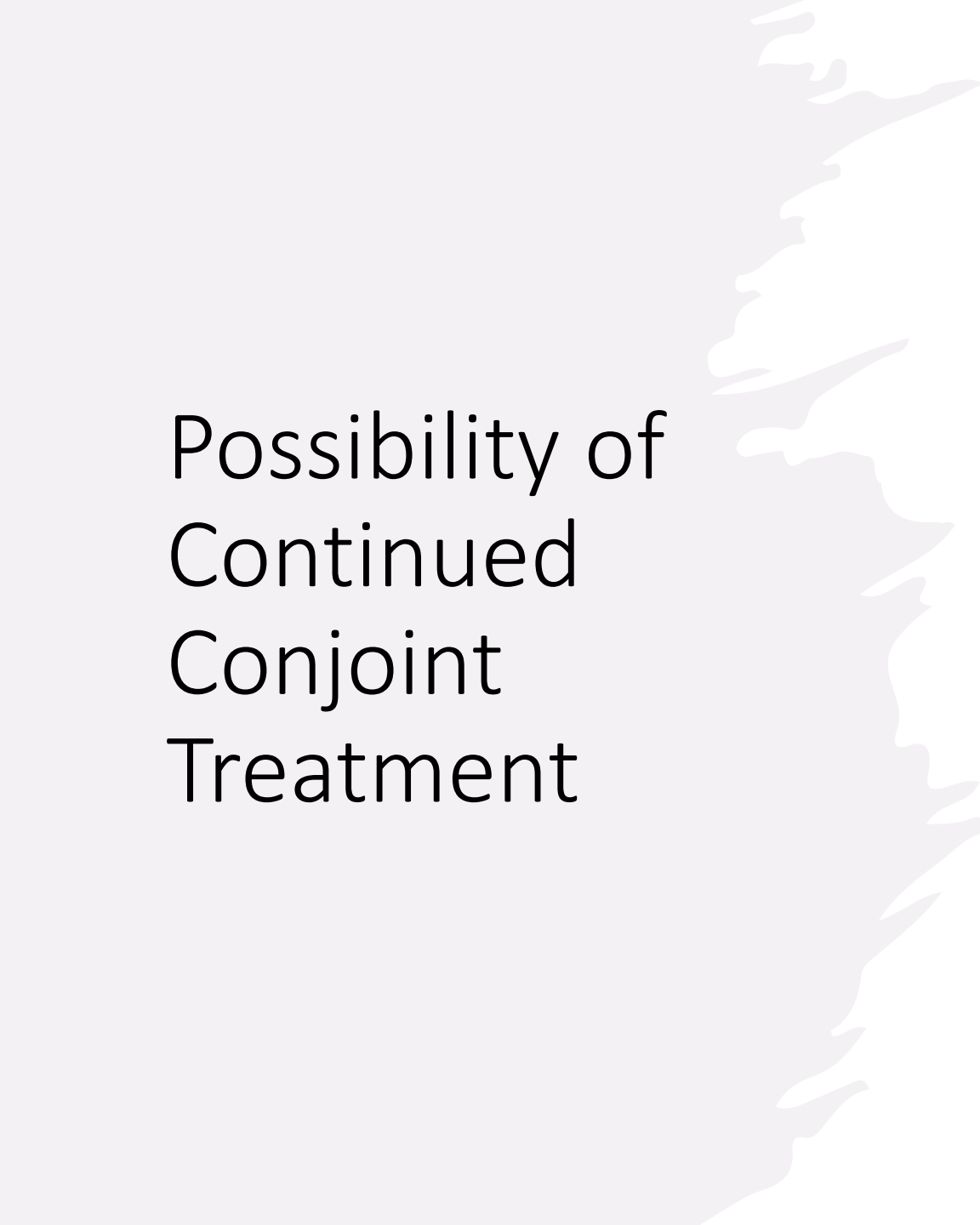
*(Female Victim)*



# Fosters True Change

*“You know how it is, when you’re talking, you’ll say something and you don’t really know how the other person took it and so you know when that happens to me, I just ignore it because I know she didn’t mean it. ...Same thing with her. **It just bounces off now and we move on**, so I think both of us kind of want this to just be in the past and, and kind of let it go. And so we’re just...it’s not starting over, that’s impossible,...**but it is moving on from here. And I know I had a choice of how I would handle that moving on.** I could keep blaming...And it would have fallen into the same thing but it’s not like that at all anymore”*

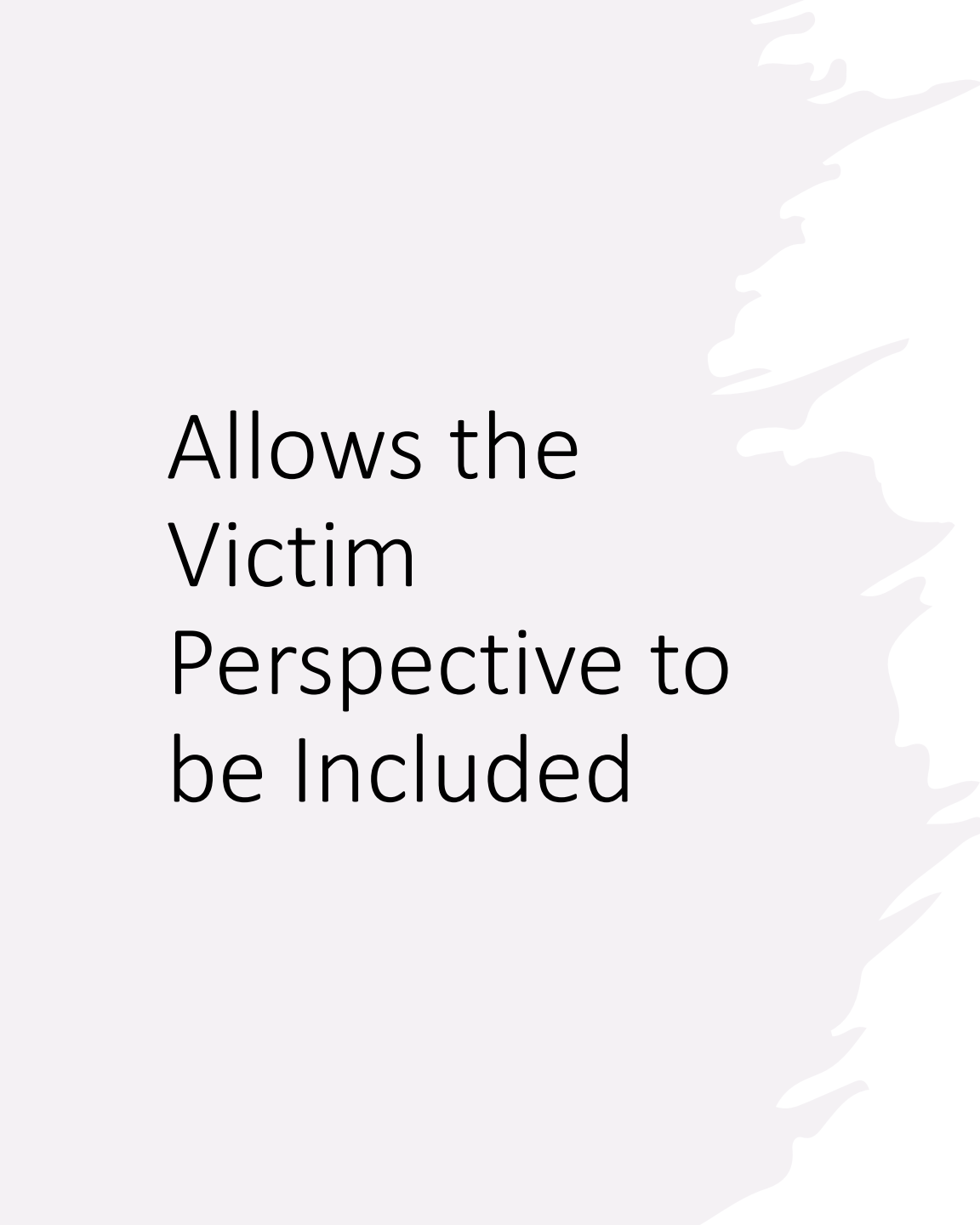
(Male Offender, BIP+CP)



# Possibility of Continued Conjoint Treatment

*“I'd say [the victim] probably gained as much if not more out of the Circle...because I think that there was a lot of good things that she hadn't really been thinking about either. Like I'd tell her what I gained, **what I'd learned in my groups for the first 12 weeks but having her actually involved I think was really big for her, and in return that makes things better for me.** I think we gained something out of it...if we can find it affordably, just thinking counseling or just talking to someone, having a third party, is just a good thing for us in general.”*

(Male Offender, BIP+CP)



# Allows the Victim Perspective to be Included

*“The victim was able to participate in this final session and **she was able to provide feedback, context and her perspective** to the process...We focused primarily on summarizing the skills/concepts from all of the sessions which included the following: **what boundaries/expectations look like for him and for his potential partners or anyone in his life, what enforcement of his boundaries/expectations can look like, how he can communicate his wants/needs/emotions/thoughts to others in an effective way, his ex-partner was able to provide her feedback on his summary of what he has learned in treatment.**”*

(From clinician’s session notes, BIP+CP)


# VT Study

Supposed to be a qualitative study of a 1-year pilot of the Circles of Peace program in VT but both the program and the study were modified due to the pandemic.

3 Cohorts of Responsible Persons (F2F, Hybrid, All online)

Barocas, B., Avieli, H., Shimizu, R., Yang, S., Uday Patankar, K., & Al Neyadi, L. (2024). Restorative Justice for Domestic Violence: The Meaning of Community in Circles. *Victims & Offenders*, 1-19.  
<https://doi.org/10.1080/15564886.2024.2312472>

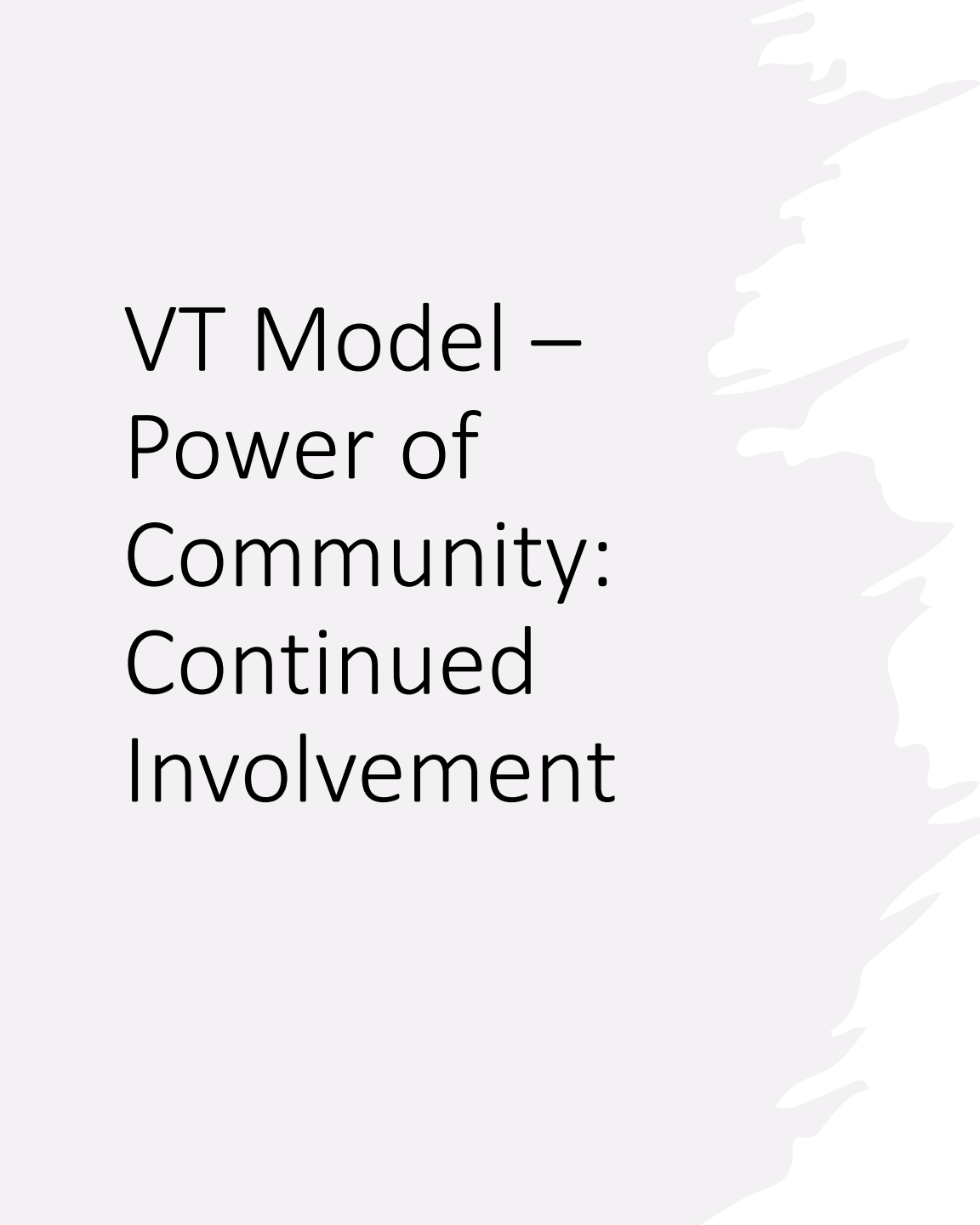




# VT Model – Power of Community

*"It's inspiring to see how many people from the **community are struggling with the same issues** and to see how they're able to kind of pull from their own inner-strength to get through some hard times."*

(Responsible Person, VT Circles of Peace)



# VT Model – Power of Community: Continued Involvement

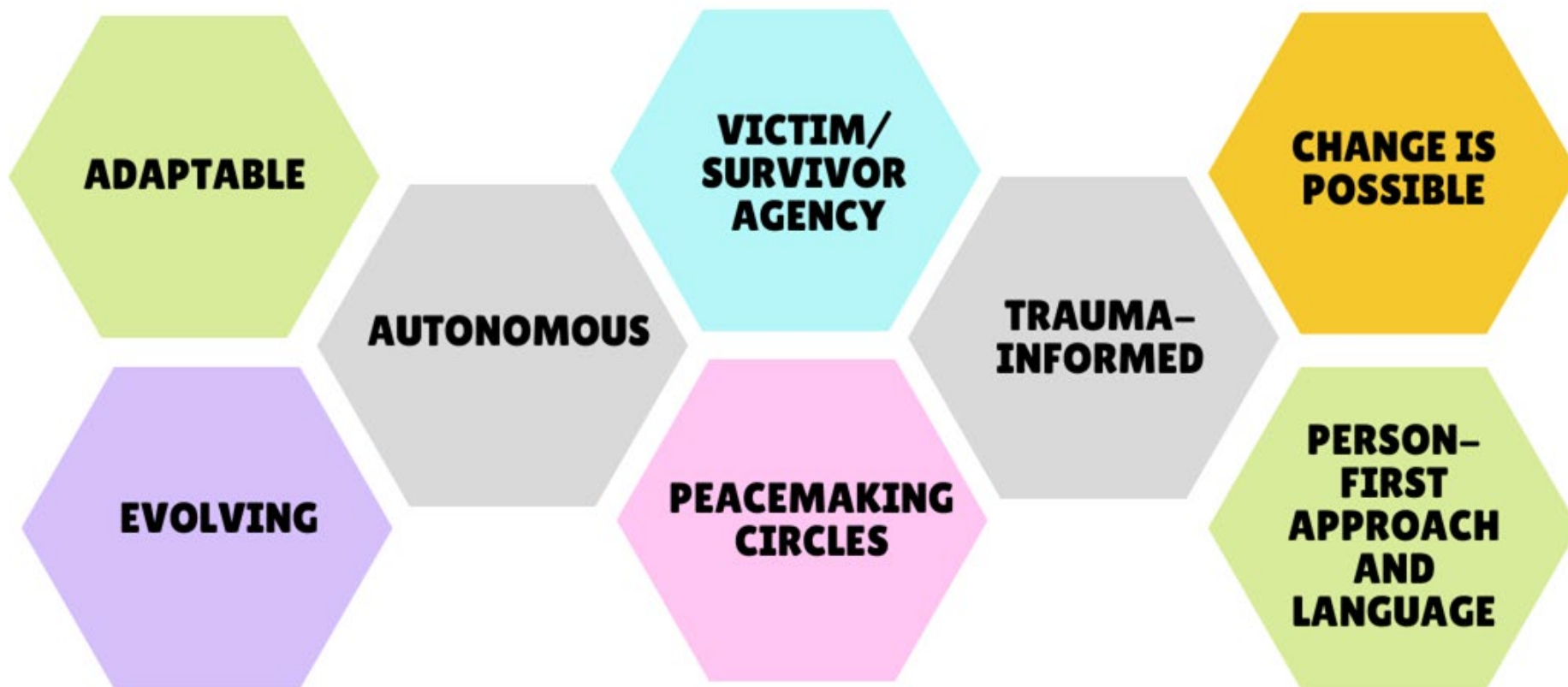
*"I'm actually thinking I want to volunteer in it **once**...its actually interesting because talking with a bunch of people in the program [community volunteers], I think I can relate to them fairly well, their backgrounds and experiences, and I just see a lot of myself in them and what they're doing and I think that there are certain issues in the traditional system, the corrections system. **And I just like the idea that someone [community volunteer] is actually being provided an opportunity to legitimately change their perspectives and the way they interact with people and being able to help someone who is maybe at the lowest point in their life, that's pretty cool and that's a neat thing to be able to help with.**"*

(Responsible Person, VT Circles of Peace)



Lessons Learned

# Our Values



# Our Values

## **ADAPTABLE**

One size does not fit all! We honor the uniqueness of each community and encourage communities to shift the model to fit local needs, context, and culture.

## **AUTONOMOUS**

We believe RJ should be community-led and community-seeded. We honor the agency of the communities we work with.

## **EVOLVING**

Our approach is living and therefore constantly evolving. We welcome/encourage change and evolution. We use lessons from each community we work to expand, adapt, and grow in our approach to addressing domestic violence.

## **VICTIM/ SURVIVOR AGENCY**

We honor the agency of victims. We believe victims should have choices within their healing process that honor their needs and desires. Our current criminal legal system does not allow for that.

# Our Values

## **PEACEMAKING CIRCLES**

We believe circles are a powerful tool for healing intimate and family relationships.

## **TRAUMA- INFORMED**

We avoid retraumatization and acknowledge the potential trauma and its impact on individuals and families.

## **CHANGE IS POSSIBLE**

We believe that change is possible in individuals, relationships, families, and communities.

## **PERSON-FIRST APPROACH AND LANGUAGE**

We seek to empower person over anything else, strive to eliminate stigma, and believe in human dignity.



# Circles of Peace: Strengths

- **Addresses the broad range of cases coming into contact with the criminal justice system**
- **Intensive process**
  - Many circles over time
- **Victim participation is voluntary**
  - Use of Victim Advocates
- **Trained Community Volunteers**
- **Adaptability**
  - Clinicians
  - Non-clinicians
  - Various system partners
  - Across different state standards
- **Centering communities**
- **Evidence-informed approach**



# Circles of Peace: Lessons Learned

40

- **Intervention programs for DV crimes is an area primed for innovation**
  - Punitive responses to DV crimes are generally ineffective
  - Interest in the use of RJ/CP is increasing
- **Collaborative Partnerships**
  - Referral process
  - Suitability Criteria
  - Restorative Thought Processes (e.g., think tank, advisory boards, etc.)
  - Coordinated Change
- **What does RJ look like for your community?**



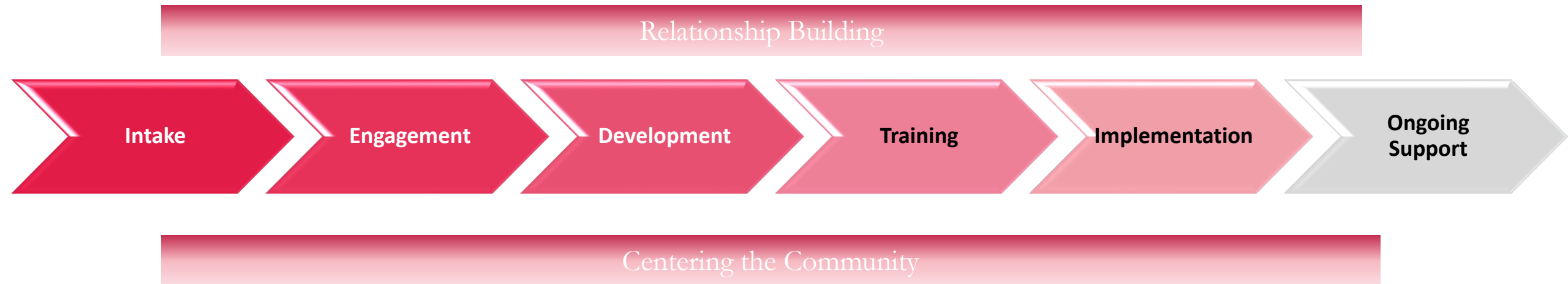


# Presenting Circles of Peace as a Response to DV

- CVR partners with organizations or individuals searching for **more effective responses** to domestic violence.
- Undertake education in the spirit of *openness* and **flexibility**, listening, and addressing concerns, and supporting our approach with the best available evidence and research.
- A great strength of the model is its **adaptability** to each community's needs, values, and cultural contexts. Each partner community builds its unique program with our support.
- In all our education efforts, we take care to address the **safety** mechanisms of the Circle and to thoroughly hear and tackle concerns.
- We also try to *manage expectations* and are clear that although we have found Circles to be a transformative, useful process for individuals, families, and communities, it does not always end all conflict, it is not appropriate for every situation, and it certainly does not solve every problem. Circles are, however, an **evidence-informed tool** for working with individuals and families who have experienced domestic violence.

# Overview of Circles of Peace

## Development and Implementation Process



\*Even though there is an order to this we do not always follow this sequence.

Intake

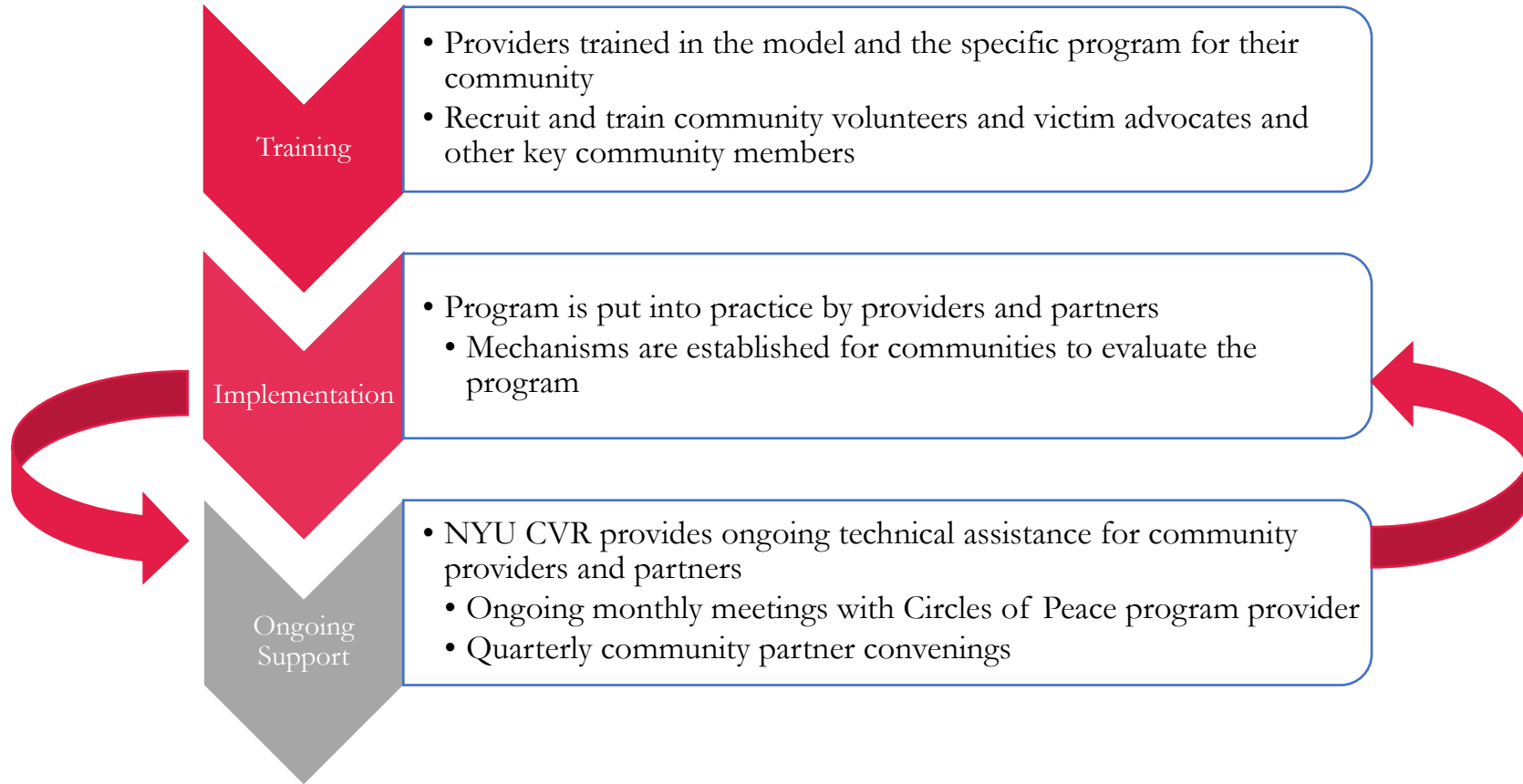
- Interest expressed
- Model match verification
- Connecting interested partners with current partners

Engagement

- Initial meetings with local stakeholders to foster collaboration and/or to get “buy-in”
- Community needs and or readiness assessment

Design and  
Development

- Co-create a Circles of Peace program built through modification based on local needs and state standards
- Community-centered program





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- University of Utah
  - Rob Butters, Shea Chandler, Emogene Hennick, April O'Neill, Kimberly Padilla, Kort Prince, Lani Taholo, Erin Becker Worwood
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