



# Pretrial Strategy for Handling Intimate Partner Violence Cases

An Innovation Fund Case Study from Buncombe County, North Carolina

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*October 2018*

**Criminal justice system actors tasked with responding to violence between intimate partners are grappling with how to effectively secure victims' safety while ensuring that those who use violence are held accountable and put on a path to change their abusive behavior. One example of where those two goals can be difficult to balance is releasing aggressors<sup>1</sup> when at least one incident of intimate partner violence (IPV) has already been reported. While some intimate relationships are abusive from the start, many others are violent in different ways or become subtly more violent over time, making it difficult to predict when victims are in danger.**

Pretrial supervision agencies are well positioned to manage or mitigate such risks by monitoring some aggressors in the community. Buncombe County, North Carolina, was one of the first counties in the country to develop and pilot a specialized pretrial protocol for such supervision. This case study, part of a series highlighting work supported by the Safety and Justice Challenge Innovation Fund, highlights Buncombe County's experience implementing the protocol, examines the early outcomes and implementation challenges, builds upon the scant research in the United States about the effective pretrial supervision of IPV cases, and charts a course for other localities that seek to institute an effective coordinated response.

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<sup>1</sup> It is difficult to decide how to refer to someone who might use violence, and we use the term "aggressor" with caution. We make the linguistic choice that, when an incident of abuse prompts engagement with the justice system, the person who potentially used violence is referred to as the aggressor. However, we think about this incident as episodic, rather than labeling the aggressive behavior (and the person) as incapable of resolution or change. In addition, our use of "victim" and "aggressor" reflects our attempt to differentiate the dynamics between intimate partners and should not be interpreted as a determination of someone's guilt or innocence.

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**BOX 1**

**The Safety Justice Challenge Innovation Fund**

The John D. and Catherine T. MacArthur Foundation launched the Safety and Justice Challenge Network in 2015 to create fairer, more effective local justice systems. Twenty competitively selected jurisdictions received financial and technical support to rethink justice systems and implement data-driven strategies to safely reduce their jail populations. In 2016, MacArthur partnered with the Urban Institute to expand this network by establishing the Innovation Fund to test bold and innovative ideas on how to safely reduce the jail population while maintaining or enhancing public safety. Innovation Fund jurisdictions received small grant awards, light touch technical assistance, and access to the Challenge’s peer learning network.

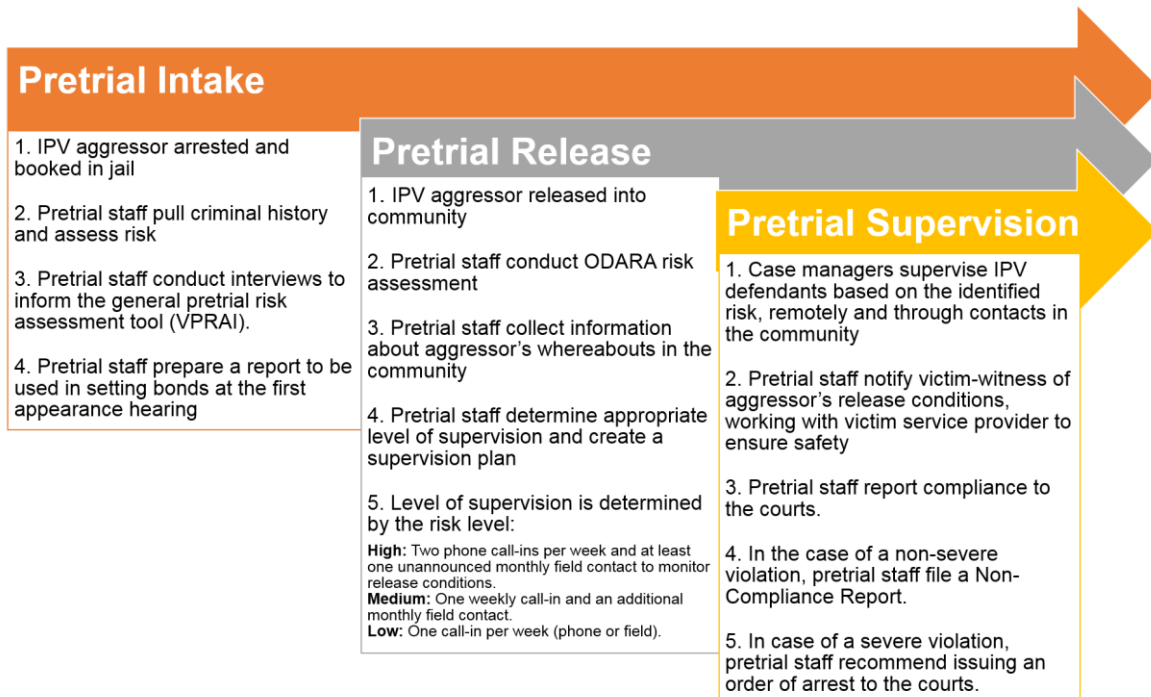
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*Photo provided by Buncombe County.*

To further improve its communitywide response to IPV, in January 2017 Buncombe County developed a specialized protocol to supervise IPV aggressors released at pretrial. Drawing on extensive and rich partnerships with community and criminal justice stakeholders, pretrial services office established a multipronged mechanism for its staff to manage the risk of violence when an aggressor is released into community, as described in figure 1.

**FIGURE 1**  
**Buncombe County IPV Pretrial Protocol**



**Source:** Interviews with stakeholders from Buncombe County.

The dilemma of whether IPV aggressors should be detained at pretrial or released is complicated and nuanced. There are opposing views on this dilemma, not only in the research and victim advocacy fields but also among the justice actors, whose decisions might be influenced by their respective views. Because someone's life may be at risk, some elected officials and justice actors who make decisions in interpersonal violence cases tend to be cautious. If the risk is hard to determine and existing evidence hints at increased risk to the victim, judges and prosecutors may lean toward detaining the aggressor promptly after arrest. But making such a decision before the final verdict is decided may not be the best choice in some cases.

Detention before trial is suboptimal in some cases of intimate partner violence for several reasons. First, to uphold the constitutional presumption of innocence and accordance with the Supreme Court's ruling,<sup>1</sup> decisions about "preventive pretrial detention" should be only made in exceptionally high-danger cases, with a transparent due process that grants the defendant the right to defense counsel.<sup>2</sup> Second, incarcerating people might pose risks to the victim in the long term. A few studies have found

that men were more likely to use violence against their partners after being detained (Braun 2012; Hilton et al. 2010). Generally, there is lack of robust empirical evidence in the United States on what happens after the release from custody, but several studies with strong randomized controlled trial designs from Australia show no difference in risk of reoffending between people who served time in custody and people released on suspended sentences (Trevena and Poynton 2016; Weatherburn and Trimboli 2008). Such evidence indicates that pretrial release has, at the very least, a similar effect on future rates of abuse as temporary detention.

Notably, victims of abuse prefer rehabilitation and community treatment to prison or jail time for their partners—by a margin of 3 to 1, according to one recent survey of victims of violent crime (Crime Survivors Speak 2017). Many victims do not trust or perceive the criminal justice system as a credible vehicle to keep them safe or resolve their case (Herman 2010; NIJ 2016). Ample evidence shows that victims are reluctant to report IPV to police or see cases to their resolution (Cattaneo et al. 2009; Finn 2013; Rhodes et al. 2011). For example, just over half of IPV cases were reported to the police in the past 10 years (Reaves 2017). Studies also estimate that between 45 and 75 percent of victims withdraw from cases or refuse to cooperate in prosecution (Dawson and Dinovitzer 2001).

Victims may choose not to engage with the justice system for multiple reasons, including the complex relationship between victims and their partners; fear of getting the partner in trouble; being bound together through intimacy, children, or financial dependency; and/or fear of police (Artz 2011; Rhodes et al. 2011). As one study showed, the majority of IPV victims who had no prior experience with police were afraid of how police would react, and even among those who had past interactions with the police, 44 percent reported that police had no impact on their safety (NIJ 2016). All these factors prompt victims to stay in potentially volatile and dangerous relationships without getting the justice system involved. With persistently high incarceration rates, jail overcrowding, rising costs, and challenges to maintain and rehabilitate jail populations, safe community alternatives to manage IPV cases are needed.

Recognizing these complexities, criminal justice agencies and their community partners have started looking at the possibilities of a more nuanced response that can make a difference in IPV cases. Community corrections started specializing in intimate partner violence and developing their own capacity to more effectively handle aggressors on the outside. It is becoming more common for probation offices, and now for some pretrial services departments, to train and dedicate specifically trained staff that can recognize abuse and help aggressors on their path to behavior change (Intergovernmental Pretrial Justice Reform Task Force 2015; Klein 2015; Klein et al. 2008). However, research on their operations, policies, processes, and effectiveness is lagging.

This case study presents findings from a pilot program in Buncombe County on establishing a specialized IPV protocol in the pretrial services office, explores the drivers that led to its creation, explains implementation nuances, and presents early success and challenges after one year of implementation.

# What Led to the IPV Pretrial Protocol in Buncombe County?

Buncombe County’s pretrial strategy can be traced back to 2013, when a spike in intimate partner fatalities gave the county the third-highest IPV mortality rates in the state (NC DOJ 2014). This prompted criminal justice and community stakeholders to revisit their IPV prevention strategy and intentionally address significant gaps. A key part of Buncombe’s strategy was to harness the network of community-based organizations that provide social, legal, and health services to victims of sexual and domestic violence. As a result, several critical reforms in the community and justice system took place.

## Reforms in the Community

In May 2014, victim advocacy and service providers announced a highly publicized education campaign, eNOugh, to raise public awareness and engage the community.<sup>3</sup> The campaign laid the foundation to stimulate the public around the urgency to make IPV one of the county’s highest policy priorities.

Concurrently with the public campaign, stakeholders from multiple agencies came together to develop a coordinated community response that culminated in a comprehensive plan that guided future reforms in the handling of intimate partner violence cases.<sup>4</sup>

To push for a sustainable change, county leadership committed resources to create the Family Justice Center, a single space where victims of different types of violence can come for help, receive a multitude of services and assistance, and continue “on the path of” recovery, strength, and hope.”<sup>5</sup> The creation of the center gave impetus to a better collaboration between groups that do not always work together routinely: victim advocacy and service providers on the one hand, and criminal justice agencies on the other.



*Buncombe County Family Justice Center. Photo courtesy of Buncombe County.*

The county invested in expanding treatment options for aggressors in the community. SPARC, a nonprofit organization based in North Carolina, was contracted to carry out battering intervention classes for aggressors to address abusive patterns from emotional to physical, promote change in attitudes and behavior, and shift to nonviolent expressions toward their intimate partners.

## Reforms in the Justice System

In close coordination with local victim service providers and after training from Dr. Jacquelyn Campbell (a national leader in IPV research and author of the danger assessment), the Asheville Police Department, Buncombe County Sheriff's Department, and smaller municipalities in the county implemented the Lethality Assessment Program (LAP),<sup>6</sup> a validated risk assessment intervention designed to help police officers recognize the signs of intimate partner violence and link high-risk victims to services more promptly. All officers received primary aggressors training and refreshers of IPV types, signs, dynamics, and effects on children, among other things. Police leadership also put quality assurance mechanisms in place such as regular supervision and reviews of LAP compliance to monitor officers' performance and address noncompliance.

With a more targeted and focused enforcement from the police, the courts started seeing an influx of IPV cases. Prosecutors, public defenders, and judges felt pressure to process the cases quickly in order to keep up with the rising IPV caseloads. There was a push for more consistent procedures, treatment of defendants, and rulings and orders. Such developments also created the need for the courts to identify risks among aggressors more quickly to make informed decisions about who should be detained and who could be amenable to behavior change and thus supervised safely in the community. At the time, Buncombe's jail population was consistently high, therefore the courts needed to have a spectrum of mechanisms to keep IPV aggressors accountable, from custodial sanctions to deferred sentences in the community. Judges realized that it was not feasible or necessary to keep everyone in custody and welcomed an opportunity for additional supervision in the community.

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*For me, I know that there are some defendants in front of me that if I didn't know they had additional supervision, I would not have let them out.*

*—Honorable Calvin Hill, presiding judge*

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One important step was to make electronic monitoring available for those released in the community. But at the time, the staff were not trained in assessing IPV risk and thus unable to make informed decisions on who was appropriate to be released with or without electronic monitoring. The pretrial staff were also not aware of the IPV dynamics and effective supervision methods for this population.



At this critical juncture, the Innovation Fund opportunity opened a possibility for Buncombe County to create a specialized IPV protocol for pretrial services. The specialized protocol aimed to achieve two purposes: 1) establish a viable and safe pretrial infrastructure to manage risk and supervise aggressors in the community; and 2) support the court's goal to ensure victim safety while keeping aggressors accountable. At the time of application to the Safety and Justice Challenge Innovation Fund, a third of the 1,701 referrals received by pretrial services were IPV related. Under the county's leadership, pretrial services put forth an application for the Innovation Fund under the Safety and Justice Challenge to pilot a specialized IPV supervision protocol and advance the county's IPV response.

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## BOX 2

### Case Study Methods

Urban Institute researchers conducted 16 in-person and telephone interviews with 33 individuals who partnered with pretrial services to develop the protocol. A range of stakeholders participated including local law enforcement, pretrial staff, field supervisors, judges, prosecutors and defense attorneys, county planning leaders, and community-based service providers. These semistructured interviews explored the site's reasons for developing the protocol; the logistics of developing the data infrastructure to track IPV cases; the stages of choosing, adopting, and applying the new IPV risk assessment; instituting policies to manage IPV population; and reflections on the benefits and challenges of the IPV protocol. Interview transcripts were analyzed to identify common themes and recommendations from all stakeholders. Buncombe County's management analyst shared some descriptive statistics to inform this case study.

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## How the IPV Pretrial Protocol Was Implemented

The implementation of the new protocol introduced several additions to the pretrial policy: (a) adoption of the Ontario Domestic Assault Risk Assessment (ODARA) tool; (b) reassignment of case management staff and hiring of new field supervision agents; and (c) execution of a required victim contact protocol. Pretrial services and the county's Justice Advisory Group felt that these additions would help increase victim safety while reducing the number of low-risk people unnecessarily held in jail.

### Risk Assessment

The cornerstone of the specialized supervision protocol is the ability of pretrial staff to assess for IPV-specific risk and determine the level of appropriate supervision. The dynamics of IPV incidents differ from those of other offenses because of their volatile and private nature. Such dynamics make the prediction of violence more complicated. Pretrial services had relied on the Virginia Pretrial Risk Assessment Instrument (VPRAI) for all people considered for pretrial release but it realized that the VPRAI was inappropriate and insufficient in IPV cases, so the office sought out other tools and chose ODARA. Pretrial services continues to administer the VPRAI to inform judges of an aggressor's risk

level. The VPRAI score is used to guide the judges' release decision, and the ODARA score helps pretrial services determine supervision level.

Risk assessment scores are derived from a combination of interview information and administrative data. Pretrial services sends an investigator to the county jail to conduct risk assessment interviews with all new defendants in-custody.<sup>7</sup> County judges receive copies of the VPRAI score and bond reports, which detail the defendant's risk level and Pretrial Service's recommendations for release. If the person is identified as an aggressor in an IPV case and is recommended for pretrial release, the person's ODARA score will help determine the level of supervision in the community. The information in the bond report helps judges decide whether to release a defendant and the conditions of his or her release. Per North Carolina law, judges can set any number of pretrial conditions, including prohibiting contact with the victim; prohibiting contact with the victim's home, school, business, or place of employment; prohibiting the consumption of alcohol; and setting a secured bond appearance.

Pretrial services convened justice system and victim services stakeholders to help in the search for the right tool to identify the complicated risk and need factors particular to IPV cases. The advisory group included prosecutors, public defenders, corrections staff, law enforcement, and community-based service providers. This group reviewed risk assessment options to pinpoint a tool that would address their top priority: maximizing victim safety. Through planning meetings and contact with other practitioners, stakeholders decided that the ODARA was the best fit to inform supervision level while taking into account the victim's perspective. That the ODARA was validated and available at no cost were other factors in this decision.

In the field of actuarial risk assessments, the ODARA stands out because it requires contacting and gathering information about victim-witnesses for details that may not normally be available to pretrial case managers. The Waypoint Centre in Canada developed ODARA in the early 2000s to measure the risk of future harm to victim. The tool has been validated for use in several contexts (Hilton and Ham 2015). It consists of 13 yes-or-no questions that ask about criminal history, details of the assault incident, and details about victim circumstances such as whether they have children from the relationship and barriers to support (Waypoint 2016). For each question for which victim information can't be obtained, the risk score increases by one point. Such practice is rooted in evidence showing that victims' assessment of their future risk is the single best predictive factor (Roehl et al. 2005; Weisz and Tolman 2000). If there are more than five missing items, pretrial staff are instructed to use the VPRAI score to determine supervision level.

To prepare for implementation, pretrial staff underwent free online training and researched what other practitioners across the country were doing to address pretrial release and supervision of IPV defendants. The training included watching videos of defendant interviews and practicing the use of ODARA to score aggressors. Pretrial staff also have attended a one-day Helpmate-led training to understand the dynamics and impact of IPV (among heterosexual and same-sex couples). They have also gone through Crisis Intervention Training and substance abuse and mental health training related to supervising clients.



## Community Supervision

Effective supervision of IPV aggressors required pretrial services to maximize its operational capacity. Consequently, the director of pretrial services initiated some staffing changes. More experienced case managers were assigned to administer the ODARA and provide the determined level of supervision by phone. In addition, two part-time pretrial field supervision agents were hired to complement the case managers' efforts. These field agents work as both compliance officers, making unannounced check-ins on supervisees in the community, and as case managers, handling some of the more administrative aspects. The pretrial case managers routinely have large caseloads, making it difficult to track and supervise the highest risk cases. The addition of two part-time field supervision officers allowed the case managers to have more support for their existing caseloads.

The frequency of unannounced visits depends on identified risk through ODARA (as indicated in figure 1). The primary purpose of these visits is to ensure that aggressors are maintaining distance from the victims as delineated in their release conditions. However, these check-ins can also help enforce other conditions of release such as the prohibition of substance use or alcohol use. Safety is a significant concern for supervision agents. As such, field visits always include two agents since they are not allowed to carry weapons.

Every aggressor released into the community through pretrial services must call in once a week. Those who pose an intermediate amount of risk (ODARA score of 4–6) also receive one field contact a month. Those under intensive supervision (ODARA score of 7–13) must check in with their case manager twice a week and are subject to more frequent field contacts. The aggressor's case managers can also use their discretion to request an unannounced visit. When preparing to conduct a field visit, supervisors print out the aggressor's release conditions, a record with a picture, current address, previous address, last place of employment, and details about the person's appearance, such as tattoos or piercings.

If the field agents locate the aggressor at his or her place of residence, they verify his or her identity and address and reiterate the conditions of release if necessary. They also carefully note substance use, alcohol use, or signs of a physical altercation during the interaction. The conditions of release for individuals with documented substance use include a provision for warrantless searches, which are ordered in very rare cases. In interviews, agents expressed that, as civilians, they typically do not feel comfortable performing those searches. If they observe concerning behavior, field agents will immediately contact the aggressor's case manager. It is then up to the case manager to contact law enforcement to put out an order of arrest or conduct a welfare check. If the supervisee is not at home, the agent will leave a card asking them to call their case manager to check in.

Noncompliance with the terms of release are documented in the noncompliance event form. The revised severe violations under the new protocol include

- harassing or threatening behavior toward the victim, via any means of communication or contact;
- coming into proximity of the victim's residence, school, or place of employment;

- threatening or physically assaulting the victim; and
- removing or damaging the victim's property.

The new form gives pretrial case managers discretion as to whether an order for arrest is necessary. The form is eventually brought to the attention of the judge who has a final say on the case progression. The new protocol removed a single nonthreatening virtual contact (by phone, email, or social media) as a ground for automatic revocation. For example, texts between an aggressor and the victim would not prompt an automatic violation, as it would have under the previous protocol. The new revisions have promoted reductions in immediate incarceration of lower-risk aggressors.

## Victim Contact

In line with best practices, pretrial staff started engaging more with victims. Sharing the conditions of an aggressor's terms of release has been a key component of the protocol, reducing victim and family anxiety around the pretrial release of potentially high-risk partners. Having a physical copy of the conditions also gives victims something to refer to if they face an unwanted contact with an aggressor and must involve law enforcement. In interviews, stakeholders reported that sharing this information built trust with victims. In the same vein, case managers felt that the ODARA gave them credible information to tell the victim—specifically, that based on the score of a validated tool, their partner is more or less likely to hurt them again. If the ODARA interview with a victim presents particularly alarming information, case managers reach out to the Helpmate to contact the victim.

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*Now I have this tool that helps me talk to her in a way that she [the victim] feels free to express herself of how fearful she is. I have something to give back that makes it concrete, especially for those who are on a line. It makes me acutely aware that we're in a position to make things fair on both sides.*

*—Case manager*

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Case managers rely on Family Justice Center connections and on administrative data for victim information. Sometimes cases can involve other agencies, such as Child Protective Services, with whom pretrial staff coordinate closely. In stakeholder interviews, case managers reported occasionally receiving calls from Helpmate for assistance when there were concerns about a particular aggressor, and the field supervision agents were able to conduct a visit fairly soon after the call was made. The protocol has prompted a closer cross-agency coordination—one of the most difficult but impactful developments in handling the IPV cases.

## Lessons Learned for the Field

The complex nature of the IPV cases presented some challenges for Buncombe County in undertaking this effort. But a strong foundation for effective cross-agency collaboration made it possible for the county to establish a comprehensive protocol. After 15 months of implementation, the county has had early successes and continuing challenges that might inform other jurisdictions interested in changing their pretrial procedures for intimate partner violence cases.

### Early Outcomes and Indicators

**Developed user-friendly reporting to track IPV data.** IPV data are historically challenging to track and analyze for many jurisdictions. There are multiple reasons for issues with data, including the siloed nature of data collection by different agencies, strong victim protection laws, and lack of an IPV criminal charge. The latter is particularly challenging because, as in many other states, in North Carolina IPV charges are hidden under typical charges such as simple or aggravated assault, making it difficult to identify and analyze IPV cases. Buncombe County overcame this challenge by developing an algorithm to match IPV cases from multiple criminal justice databases and creating a user-friendly dashboard. The pretrial staff use the dashboard to track IPV cases, their types, time to close, jail use, and compliance rates. The dashboard allows the pretrial services director and staff to make informed decisions about the caseloads and measure critical benchmarks.

**Reduced bookings to jail by more than 10 percent.** Although it is too early to draw any conclusions and conduct a robust analysis, preliminary analysis shows reductions in the use of detention as a single intervention for IPV aggressors. In late spring 2018, year-to-date IPV-related bookings were down 10.6 percent compared with the same period in 2017. Similarly, the number of IPV cases assigned to pretrial supervision in the community increased 6 percent.

**Alleviated hesitation among criminal justice stakeholders to release some aggressors.** The highlighted specialized pretrial protocol demonstrates the potential to alleviate the apprehension among judges, prosecutors, and public defenders to safely release some aggressors while their case is pending. While challenges to ensure uniform adoption across all actors remain, Buncombe County made significant strides in reducing the concerns among critical stakeholders. Before the adoption of the protocol, the pretrial services, judges, prosecutors, and public defenders went through a long and deliberate process to get everyone on board with the protocol—an effort that ultimately ensured its success.

**Established a well-functioning cross-system collaboration.** The inception of the IPV protocol prompted pretrial services to shift from working occasionally with judges, public defenders, prosecutors, and Helpmate to communicating daily about IPV cases. Pretrial services staff are now in regular contact with victim services agencies, relying on them to get the most up-to-date victim contact information and communicate about IPV cases progress. Because victims are not aware or sometimes unsure if they can trust pretrial services, the working relationship with the victim service agencies gives an opportunity for pretrial staff to better understand some cases and prepare more informed reports to the court.

**Piloted the possibility of smaller, more focused caseloads.** The hiring of two part-time field supervision agents hinted at what is possible for the office when staff have manageable caseloads. As a result of the new hires and reassignment of cases, the field supervision agents' caseloads hover around 15–20 defendants with IPV charges. Other pretrial case managers handle IPV and non-IPV cases but their IPV caseload is limited to 20. It is common for the pretrial case managers to handle between 80 and 120 (IPV and non-IPV) cases at one time. Pretrial services hopes to look at case outcomes by case manager and assess the impact of focused IPV caseload on pretrial condition compliance rates among IPV aggressors.

**Increased engagement with victims.** The protocol's focus on victim safety allowed for increased victim engagement and more collaboration with other stakeholders. For some victims, the ODARA interview was the first time they were in contact with pretrial services. Both Helpmate and the district attorney's office report that they have sustained and increased contact with pretrial services. The victim-witness coordinator in the district attorney's office has started writing bond letters to victims to make them aware of the conditions of an aggressor's release. Once a victim is made aware of all the prohibitions around contact, he or she might feel more comfortable moving forward with a case.

## Continuing Challenges

**Assessing IPV risk in a timely manner.** To intervene effectively, pretrial staff need to be properly equipped and trained to recognize the signs of violence, find suitable responses, and act promptly. Effective intervention relies on the timely ability to assess the risk. IPV risk levels are difficult to determine because information is usually drawn from multiple sources such as criminal justice databases, aggressors' self-reports, and accounts from victims. Not everything is readily available or comprehensive. Buncombe pretrial staff have experienced challenges in reaching all victims and gathering their input on the cases. While challenges in this area still exist, pretrial services has created a foundation to assess for IPV risk specifically and continue working on improving their ability to assess for risk promptly.

**Securing trust among victims and aggressors.** Multiple interviewed stakeholders commented that victims and aggressors distrust the system and sometimes do not find it an appropriate or credible vehicle to resolve their cases. Adding to this issue is the fact that many victims and even aggressors are unaware of what pretrial services are and how they function. Some victims and aggressors confuse them with law enforcement. Lack of cooperation leaves little room for pretrial services to maintain less intrusive types of supervision because of concerns about the potential risks to the victims. However, with the inception of the protocol, Buncombe County has revised its no-contact violation policy to allow for a wider range of responses to low-risk cases, which might improve aggressors' and victims' views of the justice system in the long term.

**Establishing impact on recidivism.** This protocol has been in place for a little over a year, so it is too early to analyze its impact on the jail population. Pretrial services is still honing the details of implementation strategy and putting quality assurance mechanisms in place. At this point, the analysis

has not been carried out to determine if the protocol has reduced IPV re-offenses for those who have been released on pretrial since the project inception.

**Fostering wider buy-in and adoption across justice system stakeholders.** Because of the collaboration needed to mount this pilot, critical stakeholders were brought in early to garner their support. Some of those early adopters included the presiding judge, prosecutors, and public defenders. However, familiarity and comfort level with the specialized pretrial protocol still varies among a broader range of justice actors. Much of this is related to concerns around safety, the conditions of the release protocol, or simply lack of awareness about its nuances. There are also competing interests between what prosecution and the defense want to get out of this new supervision system.

**Committing resources to provide consistent training.** Because the county has not committed funds to make the new protocol permanent, pretrial services has been unable to provide consistent training to its staff. There are concerns around case managers being able to accurately complete and understand the ODARA. Pretrial services has already worked with external experts on the dynamics of supervising IPV aggressors through the justice system. But more training specific to the definitions and use of ODARA is needed. Providing the necessary training to address these issues is difficult when resources are scant. Buncombe County, however, has expressed a commitment to find resources to maximize the quality of work being done.

## Future Policy and Research Recommendations

Early results from Buncombe County show that investing in the specialized IPV protocol for pretrial services might better manage risk on behalf of those victimized and address the challenges of high jail populations. Based on Buncombe County's experience, other government leaders, policymakers, and researchers alike should consider the following:

- Invest in adopting and locally validating risk assessments that guide and inform IPV interventions.
- Dedicate resources to train pretrial staff and other key stakeholders in recognizing the signs of abuse, distinguishing the types, and understanding the IPV dynamics.
- Create an infrastructure for pretrial staff to supervise IPV aggressors in the community as opposed to by phone only and develop effective mechanisms to intervene promptly in cases of noncompliance.
- Align the use of risk assessments and incentivize cross-system sharing of assessment results for better coordination on a single case.
- Design and implement empirically rigorous studies to assess the community supervision effects on future rates of re-offense, victim and/or children safety, and long-term well-being.

## Conclusion

Buncombe County's experience in establishing a specialized IPV pretrial protocol stands out because of the county's previous strong efforts to curb violence between intimate partners and the exceptional support from key elected officials, county government, criminal justice agents, and community victim service providers to tackle IPV thoughtfully. But Buncombe County is not unique in its struggle to navigate the complexities of intimate partner relationships when violence potentially poses risks to the safety, health, and well-being of the victims. This case study illustrates what it takes to overcome the challenges that criminal justice and victim service providers face to effectively respond to IPV.

The experience of implementing the pilot protocol has shown it takes *time* to design and implement, *coordination* among system actors who are not used to working closely, and *willingness* from different agencies to change their internal procedures so the whole system can function better. Yet, early results from Buncombe County show that it is possible to overcome data issues with tracking IPV cases, supervise pretrial cases more efficiently and effectively, and better manage pretrial caseloads by phone and in the community.

The system actors in Buncombe County who initiated this change and continue refining their approach shared some lessons that might be of interest to other localities. Bringing together all critical stakeholders in the criminal justice system and victim service providers is instrumental. The protocol cannot be designed or promoted within a single agency. Choosing the right risk assessment tool takes time. No matter what risk assessment tool is used, staff need to be properly trained and continuous quality assurance mechanisms should be in place. Ideally, the tool should be locally validated. Finally, it is important that all stakeholders are aware of the protocol and any subsequent changes as their agencies' operations might need adjustment as well.

Escalation to physical violence in intimate relationships carries a heavy human toll; the importance of victims' safety and well-being cannot be overstated. The lessons from Buncombe County's pilot of a pretrial protocol are a useful guide to other jurisdictions grappling with how to respond to IPV in a way that the criminal justice system and victim advocates consider effective.



## Notes

- <sup>1</sup> United States v. Salerno No. 86-87, <https://www.law.cornell.edu/supremecourt/text/481/739>.
- <sup>2</sup> “Availability of Detention with Due Process,” Pretrial Justice Institute, accessed May 18, 2018, <http://www.pretrial.org/solutions/detention-with-due-process/>.
- <sup>3</sup> “eNOugh,” Buncombe County, North Carolina, accessed June 4, 2018, <https://www.buncombecounty.org/law-safety/family-justice-center/enough.aspx>.
- <sup>4</sup> See “Buncombe County Comprehensive Plan on Domestic Violence,” accessed June 4, 2018, <https://www.buncombecounty.org/common/admin/Domestic%20Violence%20Plan%20Overview%20.pdf>.
- <sup>5</sup> “Family Justice Center,” Buncombe County, North Carolina, accessed June 4, 2018, <https://www.buncombecounty.org/law-safety/family-justice-center/default.aspx>.
- <sup>6</sup> “Danger Assessment,” accessed June 4, 2018, <https://www.dangerassessment.org/>.
- <sup>7</sup> Excludes the following charges: 2nd degree trespass, intoxicated and disruptive, possession of beer/wine on unauthorized premises, open container, parole violation, disorderly conduct, soliciting alms, city ordinance violation, urinating in public, and littering (under 15 lbs.).

## References

- Alliance for Safety and Justice. 2017. *Crime Survivors Speak: The First-Ever National Survey of Victims' Views on Safety and Justice*. Oakland, CA: Alliance for Safety and Justice.
- Artz, Lillian. 2011. “Fear or Failure: Why Victims of Domestic Violence Retract from the Criminal Justice Process.” *South African Crime Quarterly* 37:3–10.
- Braun, Margaret Joy Freeland. 2012. “Intimate Partner Violence during the Transition from Prison to the Community: An Ecological Analysis.” PhD diss., Portland State University.
- Cattaneo, Lauren Bennett, Lisa A. Goodman, Deborah Epstein, Laurie S. Kohn, and Holly A. Zanville. 2009. “The Victim-Informed Prosecution Project: A Quasi-Experimental Test of a Collaborative Model for Cases of Intimate Partner Violence.” *Violence Against Women* 15 (10): 1227–47.
- Dawson, Myrna, and Ronit Dinovitzer. 2001. “Victim Cooperation and the Prosecution of Domestic Violence in a Specialized Court.” *Justice Quarterly* 18 (3): 593–622.
- Finn, Mary A. 2013. “Evidence-Based and Victim-Centered Prosecutorial Policies.” *Criminology & Public Policy* 12 (3): 443–72.
- Herman, Susan. 2010. *Parallel Justice for Victims of Crime*. Washington, DC: National Center for Victims of Crime.
- Hilton, N. Zoe, and Elke Ham. 2015. “Cost-Effectiveness of Electronic Training in Domestic Violence Risk Assessment: ODARA 101.” *Journal of Interpersonal Violence* 30 (6): 1065–73.
- Hilton, N. Zoe, Grant T. Harris, Suzanne Popham, and Carol Lang. 2010. “Risk Assessment among Incarcerated Male Domestic Violence Offenders.” *Criminal Justice and Behavior* 37 (8): 815–32.
- Intergovernmental Pretrial Justice Reform Task Force. 2015. *Report of the Intergovernmental Pretrial Justice Reform Task Force*. Portland: State of Maine Judicial Branch.
- Klein, Andrew R. 2015. *Practical Implications of Current Domestic Violence Research for Probation Officers and Administrators*. Minneapolis, MN: Battered Women’s Justice Project.
- Klein, Andrew R., Douglas Wilson, Ann H. Crowe, and Matthew DeMichele. 2008. *Evaluation of the Rhode Island Probation Specialized Domestic Violence Supervision Unit*. Final report for grant 2002-WG-BX-0011. Washington, DC: US Department of Justice.
- NC DOJ (North Carolina Department of Justice). 2013. “Report on Domestic Violence Related Homicides Occurring in 2013.” Raleigh: NCDOJ.

- NIJ (National Institute of Justice). 2016. "The Criminal Justice System Response to Intimate Partner Violence Victims: Developing a Research Agenda." Meeting in Baltimore, Maryland, March 7-8.
- Reaves, Brian A. 2017. "Police Response to Domestic Violence, 2006-2015." Special Report. Washington, DC: Bureau of Justice Statistics.
- Rhodes, Karin V., Catherine L. Kothari, Melissa Dichter, Catherine Cerulli, James Wiley, and Steve Marcus. 2011. "Intimate Partner Violence Identification and Response: Time for a Change in Strategy." *Journal of General Internal Medicine* 26 (8): 894-99.
- Roehl, Janice, Chris O'Sullivan, Daniel Webster, and Jacquelyn Campbell. 2005. *Intimate Partner Violence Risk Assessment Validation Study*. Final report for grant 2000-WT-VX-0011. Washington, DC: NIJ.
- Trevena, Judy and Suzanne Poynton. 2016. "Does a Prison Sentence Affect Future Domestic Violence Reoffending?" *Crime and Justice Bulletin* 190. Sydney, AUS: NSW Bureau of Crime Statistics and Research.
- Waypoint Centre for Mental Health Care. 2016. "ODARA Fact Sheet." Penetanguishene, CAN: Waypoint Centre for Mental Health Care.
- Weatherburn, Don, and Lily Trimboli. 2008. "Community Supervision and Rehabilitation: Two Studies of Offenders on Supervised Bonds." *Crime and Justice Bulletin* 112. Sydney, AUS: NSW Bureau of Crime Statistics and Research.
- Weisz, Arlene N., and Richard M. Tolman. 2000. "Assessing the Risk of Severe Domestic Violence: The Importance of Survivors' Predictions." *Journal of Interpersonal Violence* 15 (1): 75-90.

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# Acknowledgments

This brief was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge. We are grateful to them and to all our funders, who make it possible for Urban to advance its mission.

The views expressed are those of the authors and should not be attributed to the Urban Institute, its trustees, or its funders. Funders do not determine research findings or the insights and recommendations of Urban experts. Further information on the Urban Institute’s funding principles is available at [urban.org/fundingprinciples](http://urban.org/fundingprinciples).

We thank Buncombe County for its generosity and collaboration not only in developing this case study, but also throughout our technical assistance partnership during the early design and adoption of the IPV protocol. We are grateful to everyone who has participated in the interviews and numerous calls. We want to extend our special thanks to Kim Moretz who oversaw the initiation and implementation of the protocol, and Lee Crayton, who led the reporting design and data analysis.



Supported by the John D. and Catherine T. MacArthur Foundation

This brief was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails.

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