

FINAL REPORT  
**ACCOUNTABILITY WORKGROUP**  
Council to End Domestic Violence  
Fairfax, VA, April 1, 2024  
The Honorable John C. Cook, Chair

## INTRODUCTION

The Accountability Work Group “Work Group” was formed in 2022 by the Council to End Domestic Violence (“CEDV” or the “Council”) to examine in detail policies regarding those who commit acts of domestic violence. Specifically, the Work Group was asked to focus on the concept of “accountability.” The Work Group sought to explore how an accountability process can create pathways to responsibility, healing, hope, transformation, and in some cases restoration, in people who cause harm, systems, and communities. Such a process requires systems and communities to remedy barriers to change and support people who cause harm to repair the harms caused by intimate partner violence “IPV.” See “Guiding Principles,” *Center for Court Innovation* (“CCI”), 2022. The Work Group discussed what “Accountability” should mean and determined that, in addition to improving existing systems, it should include measures in addition to those provided by the criminal justice system. The Work Group explored other ways that those who cause harm can “own” their actions and be part of measures aimed at reducing recidivism. The Work Group further discussed how the greater community – family, neighborhoods, etc. – surrounding a person who causes harm can have opportunities to be part of providing accountability.

## EVALUATIVE PROCESS

### I. Membership

The Work Group included the following members, outside consultants, and support staff personnel:

Name	Organization
John C. Cook	Chair
Chris Davies	Workgroup Staff; Domestic and Sexual Violence Services
Andréa Nunes-Gardner	Workgroup Staff; Domestic and Sexual Violence Services
Gretchen Soto, succeeded by Melody Vielbig	Domestic and Sexual Violence Services
Brittany Davis	Center for Court Innovations
Joe Meyer	Shelter House
Dr. Brenda McBorrow	Faith Communities in Action
Jonathan Yglesias	Virginia Sexual and Domestic Violence Action Alliance
Courtenay Schwartz	Virginia Sexual and Domestic Violence Action Alliance
Katrina Smith	Court Services, Juvenile and Domestic Relations District Court
Kim Parr	Community Corrections, Juvenile and Domestic Relations District Court
Dawn Butorac	Fairfax Public Defender’s Office
Pia Miller, succeeded by Jenna Sands	Deputy Commonwealth Attorney

Derwin Overton	Opportunities Alternatives Resources
Mercedes Alonzo	Dept. of Family Services, Children Youth and Families, Father Engagement
Kevin Ochs	Dept. of Family Services, Children Youth and Families
Jaya Nelliot, succeeded by Shaneen Dewendre	Ashiyanaa Executive Director
Jamie Milloy	OAR Director of Programs - survivor
Donna Audritsh	ADAPT facilitator – survivor
Dr. Adam Allston	Health Department, Chief, Population Health Section, Division of Epidemiology & Population Health
Iman Omer-Bahar	Health Department Nurse Manager

**II. Meetings and Process**

The Work Group met a total of 21 times between June 2, 2022, and March 21, 2024, generally for 90 minutes on the third Thursday of each month. There were an additional nine meetings convened by subgroups of the Work Group. The Work Group heard presentations from outside and in-group members, held discussions, and developed working materials outside of the formal meeting structure. All Work Group meetings were public and in-person, with remote video accessibility for out-of-town members and the general public.

The Work Group consulted the following resources, in addition to tapping the expertise of its members:

- 6/30/2022- Fact Sheet: Guiding Principles for Engagement and Intervention with People Who Cause Harm through Intimate Partner Violence (Center for Justice Innovations [CJI], formerly Center for Court Innovations [CCI])
- 6/30/2022- Accountability Workgroup mission statement
- 6/30/2022- Accountability Workgroup one-page overview
- 8/25/2022- Goal creation template document
- 11/15/2022- Accountability Workgroup Goals and Objectives - Final
- 11/30/2022- Focus Group Subgroup reference of CCI model and questions for focus groups
- 12/15/2022- Proposed plan for survivor focus groups and surveys
- 1/19/2023- Focus group/survey participant recruitment flyer
- 1/19/2023- Facilitator recruitment letter
- 1/19/2023- Focus group participant informed consent document
- 1/19/2023- Draft of survivor focus group questions
- 1/19/2023- Draft of survivor survey questions
- 1/19/2023- Accountability presentation by Gretchen Soto, DSVS
- 2/16/2023- Presentation by Courtney Schwartz of the Virginia Sexual and Domestic Violence Action Alliance about how those who cause harm manipulate the court system
- 3/16/2023- Project Rise presentation
- 4/20/2023- OAR presentation

- 5/18/2023- Project Mirabel presentation
- 6/15/2023- Community Corrections presentation- Kim Parr, JDRDC
- 7/20/2023- Summary of Focus Group results: full report and PowerPoint- Chris Davies, DSVS
- 8/17/2023- Overview of local DVIP curricula and approaches
- 10/19/2023- Creative Intervention Toolkit
- 10/19/2023- Community based accountability programs- Dr. Adam Allston
- 10/19/2023- Partner Resource List- Andréa Nunes-Gardner, DSVS
- 10/19/2023- Updated CEDV Accountability Workgroup Membership List
- 11/16/2023- Concept report from Promising Programs
- References from Brittany Davis, CJI:
  - Winnebago Mentor Court Fact Sheet.docx (innovatingjustice.org)
  - Winnebago County Domestic Violence Courts: Working with the Community to Address Family Violence - YouTube
  - Domestic Violence Mentor Courts | Center for Justice Innovation (innovatingjustice.org)
- 1/18/2024- Concept report PowerPoint on post-incarceration recommendations – Jamie Miloy, OAR
- 1/18/2024- Concept report on pretrial recommendations – Kim Parr, JDRDC
- 1/18/2024- Concept report on victim/survivor recommendations – Dr. Brenda McBorrow

### III. Goals, Deliverables, and Objectives

The Work Group developed the following goals, deliverables, and objectives to guide its deliberations.

- 1. Center and listen to the experiences of survivors as a guide to inform the services, processes, and changes that are most urgent.**
  - a. Deliverables:**
    - i. Present a report on recommendations from survivors about experience to guide accountability work to inform this workgroup’s actions and for a perpetual feedback loop to the system
  - b. Objectives:**
    - i. Gather survey data from survivors and those who cause harm
    - ii. Focus groups with survivors and those who cause harm to answer what is needed and what is missing in accountability
    - iii. Develop a SWOT from focus group findings (strengths, weaknesses, opportunities, threats)
- 2. Restore hope and dignity for those affected by domestic violence.**
  - a. Deliverables:**
    - i. Those affected will have autonomy in decision-making and adequate supports
  - b. Objectives:**

- i. Analyze results of focus groups/surveys and incorporate ideas
  - ii. Measurement tool, such as pre-post survey
  - iii. Tailoring of offerings (not one-size-fits-all)
- 3. Support self-determination for survivors and their families with options and resources for safely separating or restructuring family relationships.**
  - a. Deliverables:**
    - i. Identify options and recommendations to expand and strengthen, such as:
      - 1. Easy and affordable access to couple’s mediation as a follow-up to a BIP
      - 2. Financial stress management resources
      - 3. Shelters, housing, advocates, etc. for survivors
      - 4. Places for those who cause harm to go to increase safety
      - 5. Nontraditional interventions for those who cause harm, including those who cannot afford a BIP
      - 6. Peer support groups and the organizational support to perpetuate them (forums might exist that have strength and need to be identified)
      - 7. Any dyadic resources require careful risk assessment and safeguards in the community system (which we might not yet have in Fairfax County)
    - ii. Compile a menu of viable options and an education process for explaining options
  - b. Objectives:**
    - i. Identify existing resources (including BIPs)
    - ii. Ensure system is equipped to engage a variety of resource options
- 4. Promote stronger links between accountability and healing.**
  - a. Deliverables:**
    - i. Present data on how participation in BIP (or other accountability interventions) relates to how the victim experienced healing (per focus group participants’ definition of “healing” and “accountability”)
  - b. Objectives:**
    - i. Focus group, survey, and interview questions to include this question
    - ii. Longer-term follow-up data from partners of BIP participants
- 5. Create multiple pathways to accountability, including alternatives to the criminal justice and other traditional systems and responses, to reduce recidivism.**
  - a. Deliverables:**
    - i. To identify or create one or more additional pathways to accountability in the community not related to CJS
    - ii. To measure how well these work over time to reduce recidivism (using metrics of behavior changes beyond recidivism)
  - b. Objectives:**
    - i. Learn from communities who have developed such alternatives
    - ii. Identify alternative measures of success
- 6. Use evidence- and practice-based methods to promote effective means of accountability.**
  - a. Deliverables:**

- i. Gather information about evidence- and practice-based models used in various locations (including approaches that are relevant for a variety of cultures)
  - b. **Objectives:**
    - i. CCI can provide some of these examples to explore
- 7. Engage the community in its role in domestic violence prevention and accountability.**
  - a. **Deliverables:**
    - i. Implement community-centered structures for accountability
  - b. **Objectives:**
    - i. Identify a process for engaging community entities
    - ii. Carry out this process
    - iii. Provide education to community entities to become part of this process (e.g., clergy, family members, Safe Havens “Between Compassion and Accountability”, Futures Without Violence prevention)
    - iv. Conduct focus groups with family members, etc.
    - v. Include the role of children
- 8. Promote the awareness, coordination, and implementation of strategies to address policy, systemic, social, and cultural biases that contribute to disparities in both the occurrence of domestic violence and opportunities for restorative healing.**
  - a. **Deliverables:**
    - i. All recommendations and initiatives of the Workgroup acknowledge and respond to biases and will address disparities
  - b. **Objectives:**
    - i. Measure baseline knowledge about biases and disparities
    - ii. Assure Workgroup is informed about biases that contribute to disparities

#### **IV. Stakeholder Input**

##### **A. Introduction**

Accountability for domestic violence is defined as the process by which those who cause harm acknowledge abusive behaviors and their impacts with remorse and embark on an effort to repair harm and prevent similar further abuse. Accountability differs from punishment. Punishment is imposed by authority and does not target improvement for any party or for the community. Accountability is—like behaviors that cause harm—the choice of the person who causes harm. Accountability targets improvement for the person who caused harm, the person who was harmed, and the community. Communities and their systems are responsible for promoting individual accountability with efficacy and justice, including safety and autonomy for survivors/victims.<sup>1</sup>

A primary goal of the CEDV Accountability Workgroup is to center solutions on the voices of survivors/victims. To this end, the Accountability Workgroup engaged local domestic

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<sup>1</sup> “Exploring Harm and Accountability”, Virginia Sexual and Domestic Violence Action Alliance Membership Meeting, November 16, 2021.

violence service providers and other professionals to invite survivors/victims to participate in focus groups and a survey to learn about their experiences and preferences for how accountability is addressed in those who cause harm. Participants were offered modest compensation for focus group participation, their identities were kept confidential, no services were made conditional on participation, and it was acknowledged that no survivor/victim has an obligation regarding the accountability process.

#### B. Focus Groups

Two 90-minute focus group sessions were held, April 26 and June 17, 2023. Focus group facilitators, who were affiliated with the Accountability Workgroup, were trained to facilitate and signed an agreement to maintain participant confidentiality. The focus groups centered around:

1. Victim service providers
2. Intervention services for participants' current or former partners
3. Police and legal systems
4. Community systems

Participants were invited to describe their experiences with each of these entities and their preferences and suggestions for how these entities might support accountability in those who cause harm in a way that supports the safety and interests of those who have been harmed. Seven women participated in the focus groups. Their ages were between 33 and 50 years (average of 41 years). Two were White/Caucasian, two were Black/African-American, one identified as more than one race (Black and Asian), one identified as an "other" race, and one declined to identify race. Two of the women were Hispanic/Latinx, four were not, and one declined to say.

#### C. Survey

A survey consisting of 19 questions, taking an estimated nine minutes to complete, was administered anonymously via SurveyMonkey between June 2 and July 14, 2023. The same topics were addressed in the survey as in the focus groups, with a combination of multiple-choice and write-in response questions. Many of the participants responded richly to open-ended questions, which provided quality data. Twenty-one women between the ages of 35 and 64 participated, including some who were focus group participants. Twelve survey responders identified as White, three as Asian, two as Black, three as an "other" race, and one as American Indian or Alaskan Native. Five identified as Hispanic/Latinx and 16 did not.

#### D. Summary of Focus Group and Survey Responses

While the sample size of the focus groups and surveys was not sufficient to give statistical validity to the result, several themes emerged from focus group participants. None of these themes should be taken to represent the experiences and preferences of every survivor/victim, but each is important for the community to consider in its accountability response:

- Survivors/victims do not feel heard by the criminal justice and child welfare systems.

- Accountability for harm is not being promoted by the criminal justice and child welfare systems.
- There is an over-reliance on the criminal justice system and a lack of other options such as:
  - Professional services relevant to accountability
  - Peer-led networks for support
  - Public awareness and education
- Systems and communities are easily manipulated to compound harm to survivors/victims; education and safeguards are needed to prevent this.
- Survivors/victims are not protected within systems of accountability, resulting in further harm. Examples cited include:
  - Victim blaming
  - Dismissing danger
  - Professionals/officials intimidating survivors
  - Forcing survivors/victims into compromising positions

While the survey sample is too limited to generalize findings, several statements emerged repeatedly from survey respondents:

- Survivors/victims want to be believed when they reach out for help.
- The current legal system is not sufficient to promote accountability.
  - Improvements are needed to the legal system.
  - Options outside the legal system need to be equipped to protect survivors/victims.
- No intervention should keep a survivor/victim in a relationship when they prefer to leave.
- Conversely, no intervention should require a survivor/victim to cut off contact with a partner before receiving support.
- The entire community and its systems must become better informed about domestic and sexual violence to better understand, believe, and support survivors/victims and to promote accountability for those who cause harm, not become a vehicle for perpetuating harm against survivors/victims.

Survivors/victims suggested a variety of community and system solutions to promote accountability (varied widely across participants):

- Jail time for the person who caused harm (12 participants)
- Individual therapy for the person who caused harm (12)
- Divorce (10)
- Arrest (10)
- Support from family, friends, mental health or substance use treatment providers, or a domestic violence intervention program for the person who caused harm (8)

Other solutions suggested by a few participants included:

- Supervised visitation
- Mediation



- Court-ordered restitution
- Faith community support
- Couples counseling
- Child Protective Services involvement

The following are some direct quotes from participants:

- *I have lost a lot of family members, because they have more faith in the courts than in me. My support team is really my friends. I find certain organizations' services helpful. I go to those places for help.*
- *Is there a platform for DV survivors to be part of the community, not just by sharing our experiences with leaders but with each other? I would like there to be a peer network that addresses the needs of survivors, not just a support group but a community peer leadership group.*
- *Waiting for a person to change who was not going to change did not serve me and added to my danger.*
- *Abuse is emotional, and the community does not come into play until well after that fact, when things become physical.*
- *The process I had to go through with the system was more traumatizing than the actual abuse.*
- *We both wanted help... and we could not find [a couple's therapy provider to address domestic violence accountability]. Some people would want to address things individually, some as a couple, and some would want a partner to be ordered to a program. That was not even ordered, even though there was a place on the form to request it and we both wanted it.*

Some participants offered suggestions how the Fairfax County community can support accountability in those who cause harm:

- Provide education across the criminal justice system, social services, and the whole community on how to identify survivors/victims of domestic violence and what actions are helpful or unhelpful in promoting safety and accountability. This education should be delivered by outside experts not embroiled in the current system. It should include the following topics:
  - Domestic violence patterns
  - Believing survivors/victims
  - Affirmation and empathy
  - Upholding autonomy
  - Labeling abusive behaviors
  - Overcoming taboo
  - Advocacy on behalf of survivors/victims
- Provide or facilitate options for peer support groups, mentoring, and networking forums by survivors/victims with lived experience.

- Make frequent contact and support to survivors/victims throughout the accountability process.
- Engage a variety of community-based options, including those that do not rely on courts.
- Provide prevention and early intervention services for families at the first signs of distress.
- Address unresolved trauma in those who cause harm.

#### D. Limitations

The results of the focus groups and survey should be interpreted carefully. The Workgroup made every attempt to reach and include a larger number of adult voices from a more diverse range of participants in regard to gender, race, and ethnicity. Flyers and the survey were made available in eight languages, and potential facilitators were identified to hold focus groups in other languages. While the distribution of participant race and ethnicity was not greatly different from that of the Fairfax County population, the fact that there were relatively few non-White, non-female, non-English-proficient, young adult, or older adult participants limits the generalizability of the results. For brevity, anonymity, and privacy, participants were not asked if they were cisgender or about their sexual orientation, health information, income and education, or region of residence. However, these are likely important factors in survivor/victim preferences. More information is needed regarding how to support accountability within specific marginalized communities.

Because of the relatively small and homogeneous participant sample and the wide range of responses, no central tendencies can be interpreted for most of the data. However, that wide range of responses clearly illustrates one important fact—that there is no single system or single approach to accountability that is generally preferred or even acceptable. Survivors/victims who participated asked for a wide range of resources across a wide range of systems. According to these data, it seems that no vehicle of accountability should be dismissed.

#### E. Comparison to Another Sample

To confirm data consistency, the results of the focus groups and survey were considered alongside the 2017 dissertation research of Workgroup member, Dr. Brenda McBorrough, "Developing a More Holistic Response to Survivors of Family Violence."<sup>2</sup> Dr. McBorrough's research included in-depth interviews and conversations with seven survivors in Northern Virginia who collectively had experienced every form of domestic violence and, in many cases, encountered multiple generations of family violence. Her sample was demographically complementary to this Workgroup's sample, with six African American women and one Hispanic woman, ages 36 to 75. The focus of Dr. McBurrough's project was on the need to break the silence on family violence and transform the church's response. Her results were consistent with

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<sup>2</sup> Brenda B. McBorrough, "Developing a More Holistic Response to Survivors of Family Violence," DMin diss. (Palmer Theological Seminary of Eastern University, 2019).

several themes from the inquiry of this Workgroup. Specifically, Dr. McBorrough's participants cited the need to:

- Center survivor voices and engage survivors in viable responses
- Increase community awareness, education, and prevention
- Provide alternatives for accountability beyond legal systems
- Increase accessibility to resources

Concerning support for alternative sources of support and accountability, only one of the seven participants had engaged the criminal justice system. Three had disclosed to church leaders, but the leaders' responses were not helpful.

#### F. Implications

- Survivors/victims vary in how much confidence they place in the community for accountability, but they agree that the current criminal justice system response is insufficient to promote accountability.
- Some survivors/victims want more community involvement in accountability, and others fear being pressured by the community to stay in a harmful relationship or to take responsibility for moderating the behavior of the person who caused harm. Survivors/victims feel similar pressures with the criminal justice system.
- Some survivors/victims want a greater variety of methods for accountability, while others find it risky to stand by in the hope that a partner will change.
- No single approach is safe and effective in all cases. However, survivors/victims want all entities involved in accountability to be educated about domestic violence and attuned to the needs and safety of survivors/victims. Points of contact for accountability are diverse and need to be better equipped and coordinated in how they support the survivor/victim and promote accountability for those who cause harm.

### **WORK GROUP RECOMMENDATIONS**

The Work Group developed its recommendations in three categories.

First is the establishment of a new accountability system outside of the criminal justice system, which would be completely voluntary and run by non-profit, community organizations, with oversight from a non-profit organization. No governmental agency would be involved in oversight or administration of the project, in order to maintain independence, except to ensure that public funds are used in a manner consistent with their intended purpose. This Work Group recommends that public funding be conditional upon the recipient organization setting and achieving measurable targets consistent with the purposes set forth in this report and with ongoing guidance from an advisory board that includes representation by persons who have experienced domestic violence.

Second are continued improvements to the existing criminal justice system programming administered largely by the Juvenile and Domestic Court and county agencies. These

recommendations are considered complementary to existing efforts within the court to improve its services.

Third are recommendations for enhancing existing post-incarceration programs through collaboration between county agencies, law enforcement, the courts, and non-profit partners.

## **I. The Establishment of an Independent Accountability System.**

This is a draft proposal for a pilot program in Fairfax County. This program would develop and maintain a system of community alternatives to address domestic violence (DV) outside of the current police/judicial system responses.

**Need:** We know through anecdotal information from workgroup members, qualitative data from focus groups, and some survey results that many survivors of DV and persons who cause DV harm would welcome the option of an independent accountability system which would seek to heal injury, hold accountable those who cause harm, prevent further harm, and provide for the potential of a continued relationship free from violence, when sought by both parties. We know that the current public safety system is not always equipped to provide these options.

Some victims/survivors of DV prefer an option that supports accountability in the person causing them harm and does not rely upon police or the judicial system. Despite the existence of several DV intervention program providers in Fairfax County who accept voluntary participants, few people volunteer to participate, which indicates that these types of programs are not what the public typically seeks to address domestic violence, outside of a court referral. This is likely due to several factors, including but not limited to: the perception that these programs are inextricably linked to the judicial system, lack of culturally specific options, and difficulty spreading information about these programs to sub-communities within Fairfax County. Research on certain community-based programs in other jurisdictions has shown that community-based interventions can be effective in engaging people toward accountability who are not court-ordered, engaging the social systems that are trusted and influential to the person who caused harm and important for survivor/victim safety.

There are also opportunities to go beyond a sole focus of holding accountable those who cause harm. First, there is the opportunity to hold communities accountable. That is, to reflect an understanding that our communities have inequities and cultures from which negative actions sometimes arise. If we see a problem in our community, we as citizens should accept some responsibility for looking for solutions. The solution is not always just to say “those doing wrong should stop” or “the government should fix this.” Sometimes the community needs to play a role in the solution. Second, we have the opportunity to build better communities. A community accountability system can be a positive step toward a healthier and more just community. It can be a step toward peacemaking and a step away from violence. Domestic violence prevention can be more than just stopping harm. It can be about building stronger, healthier, peaceful, and more just communities.

**Design:** An alternative accountability system would be completely voluntary (by both parties) and outside of any court, public safety, or governmental accountability system. It would rely on family, community groups (faith groups, neighborhoods, and other community groups), and other non-governmental partners, with the assistance of trained personnel operating out of the non-profit sector. Based on the successful Project RISE (Respond Invest Sustain Empower) program in New York, a non-profit organization would provide staff support to an “accountability group,” which could be an extended family, a faith community, a neighborhood, men’s club, or other community group, which would work with the survivor and person who caused harm to bring about attitudinal and practical change. Those causing harm would have goals and targets, with the group providing guidance and accountability. Those causing harm would be held to account but in ways other than arrest and incarceration.

This design would equip trusted community institutions to support accountability in a way that increases self-determination and safety for survivors. This would include culturally specific institutions that are relevant and trusted by the community.

**Goal:** The goal for the pilot would be for a non-profit (referred to herein as the “Hub”) to conduct community outreach and develop a framework and resources that community-based organizations could use to promote accountability within their settings, incorporating these organizations into an expanded coordinated community response to domestic violence. It would be the goal of this nonprofit to identify and develop up to five community-based organizations willing to stand up accountability programs, each from a unique community inside Fairfax County.

**Purpose:** The goal of a community-based response system is to create and maintain sites where DV accountability programs can be tailored to cultural and/or personal differences, while maintaining the integrity of the principles of DV accountability and survivor/victim self-determination and safety.

**Mechanism:** A non-profit organization (the Hub) would be identified, via application and vetting, to serve as the convener for the community-based accountability sites.

**Roles of the Hub:**

- Develop a framework based on best practices for accountability for those who cause harm, which adheres to DV programming principles but is also culturally flexible.
- Ensure all appropriate stakeholders are consulted, as feasible, in the design and administration of the program.
- Recruit community leaders to develop community-based accountability programs, including, but not limited to, places of worship, neighborhood/community centers, and existing community support groups.
- Provide initial education and ongoing consultation to the program providers for educational programming, group and individual support, services for couples and families, and/or peer-based programs.
- Educate leaders/sites on discussing DV and safely recruiting participants.

- Develop guidelines with tools to assess and respond to risk of harm and to ensure that the needs of the individual fall safely within the scope of the program.
- Maintain guidelines for all providers that meet evidence-based practices and the principles of DV accountability and survivor/victim self-determination and safety.
- Evaluate and maintain a current list of trained community-based accountability program sites.
- Organize regular opportunities for program providers to discuss insights, challenges, and success stories with one another.
- Conduct outreach to victims/survivors by developing opportunities to educate the community about DV and the community-based accountability options available.
- Continue to assess factors contributing to DV, as well as barriers to victims/survivors accessing support.
- Assist with recruitment and training of additional qualified volunteers to support community-based accountability.
- Educate community leaders on how to find or become a trained program provider.
- Maintain a list of DV resources that can be accessed by program providers and community leaders as well as by victims/survivors in the community.
- Measure and report data related to impact and efficacy.

**Funding:** Pilot funding for the program would be provided via grant through Fairfax County.<sup>3</sup> Organizations interested in functioning as the Hub would apply and use the funds for staff, training materials, informational and educational materials, evaluation materials, etc. In the future, fundraising and other grant applications would be used for continued funding.

**Mechanisms of Support:** A number of existing community-based accountability programs have been identified that can be a source of information for the Hub. These include Center for Justice Innovation, The Collective Healing and Transformation Project CHAT-Restorative Justice Circle, Project RISE, and Neighborhood and Community Services youth programs.

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<sup>3</sup> The FY 2024 Carry Over package, which would be brought before the Board of Supervisors in September 2024, is one possible source of funding for the pilot program.

## **II. Recommendations on Improving Accountability Within the Judicial System.**

### **A. Scope**

The proposed improvements to the current Judicial System in this report are recommendations geared toward enhancing the current Accountability programming/systems as well as adding new evidence-based programs aimed at improving the outcomes for the survivors/victims and families of those who cause harm. Included in these recommendations are training and education for staff, implementation of a Domestic Violence Accountability Docket, development of assessments and programs aimed at addressing the criminogenic needs of those who cause harm, and measures aimed at repairing the harm caused to the victim/families.

### **B. Demonstration of Need**

Currently, defendants who are placed on Pre-Trial and Probation supervision in the County do not get any domestic violence related risk assessments through Court Services. The evidence-based risk assessments that are conducted as a requirement of the Department of Criminal Justice Services (DCJS) for all local Pre-Trial and Probation services do not sufficiently address the risks/needs specific to incidents involving domestic violence.

Additionally, there is no formal Court process to follow up on a defendant's progress while on Court ordered supervision. When the Court is notified of non-compliance through affidavits filed by Court Services, the violations are often dismissed or nolle prosequi. There is no data on why this occurs. It could be, in part, that the probationer brought himself back into compliance by the time the case came to court. It could also be that the Pre-Trial/Probation Officers did not receiving notice of Court dates and subsequently are not present when the case disposition occurs. This also happens with motions filed by the defendants' counsel to amend Court Orders. The result of this is that, at times, the Court does not hear directly from the Pre-Trial/Probation Officer who would be able to provide supporting arguments to the violation and make recommendations on any further need/risk factors that should be addressed.

Another trend is that defendants are entering plea deals that are worked out by the Commonwealth Attorney's Office and their defense counsel that may include some form of treatment or program to be completed, but do not provide for Pre-Trial or Probation supervision. This means that the defendant is on their own to navigate the process of locating an appropriate program, enrolling in the program, and ensuring the Court receives the appropriate documentation upon completion. This presents many challenges for the defendant as they generally are not aware of the State Certification Curriculum for Domestic Violence Intervention Programs or which programs have such certification. They also may not be assessed for additional criminogenic risk/needs which may hinder progress in such a program. Additionally, this presents a hardship on the program if there are issues with compliance or other barriers keeping the defendant from being successful in the program. Assistance of a Pre-Trial/Probation officer assigned to these cases would help to alleviate many of these issues which would lead to more successful outcomes.

The focus group conducted with survivors as part of this Accountability workgroup highlighted their experience with the Court system and concluded that some did not feel their voices were centered. There also have been instances where a victim may not show up for court as a witness and the charges are subsequently nolle prosequi with no follow-up on why the victim had missed court. It is unknown whether there is a formal process in place to follow up with the victim after completion of a case and there is currently no way to show that harm has been repaired.

While there is no “one size fits all” response when it comes to DV, there are ways to ensure that the process is consistent in determining the needs of each defendant/victim, which services/programs are appropriate, and compliance while being monitored. Court Services should be used as a mechanism to promote accountability, increase survivor safety, and improve outcomes for all parties involved including the defendant, survivor, children and the family unit as a whole.

Community Corrections Probation and Pretrial Officers, through the use of Motivational Interviewing and other Evidence Based Practices, go beyond what is ordered on the bench and assist the defendant with the creation of a Case Service Plan. Goals are set and the Probation Officer works with the defendant in an attempt to help them succeed in reaching those goals. These goals vary but can include things such as household budgeting (many domestic disputes occur due to a lack of household funds), job placement, employment training, substance abuse counseling (when not already ordered but deemed necessary), obtaining a driver’s license and so much more. If the defendant is not placed on probation as a part of the Court’s order, they do not receive the full extent of the services that are available to assist them in improving their lives and becoming not only more productive members of the community, but also a better member of the family.

C. Description of proposed improvements

1. Implementation of a Domestic Violence Accountability Docket.

An accountability docket could create pathways to better partnerships between all stakeholders through a DV Coordinated Court Response Team which would include designated members of the:

- Judiciary
- Commonwealth Attorney’s Office
- Public Defenders Office or other defense attorney
- Victim Services/Victim Advocate
- Law Enforcement
- Court Services
- Child/Adult Protective Services-If involved
- Service Provider-Domestic Violence Intervention Program



Input would be given from all involved stakeholders in each case on a coordinated action plan to be considered as part of the plea/disposition. The Victim Impact Statement would include the victim's proposed action plan, which would be taken into consideration for sentencing. A uniform Court Order would be utilized which would be filled out by the Court Response Team prior to being presented to the Judge. Judges could make any adjustments as they see fit. Cases would be identified to be assigned to the docket at arraignment or advisement or when the first court date is set. After sentencing, a review set every 60-90 days would address ongoing compliance and progress. With the coordination of stakeholders in a Domestic Violence Accountability Docket, there would be a better understanding of the risk/needs/responsivity factors in each case which drive violent behavior and would assist in identifying appropriate responses and programming to promote accountability. A docket would also significantly reduce the incidence of probation violations being heard/dissmissed without a Probation Officer present to provide testimony and recommendations.

Measures would need to be identified to reflect current outcomes for survivors involved with the court and to reflect the impact of the accountability docket. Additional funding and resources would be needed for the staffing and facilities to administer the docket.

## 2. Implementing Sanctioning/Sentencing guidelines

Sanctioning/sentencing guidelines can keep a balance between consistency and accountability. Guidelines are not necessarily required but can provide creative ways to address non-compliance while addressing needs and barriers.

## 3. Repairing Harm / Restitution

In an effort to repair the harm caused by domestic violence, a provision would be included as part of the Court Order that the offender be required to "fix" what was damaged. This refers directly to property damage, monetary losses, physical damage, or any other harm caused by the violence. This speaks to how visual reminders can delay healing and how that damage, if left unaddressed, can contribute to ongoing trauma.

## 4. Introductory Domestic Violence Intervention pre-class/Waitlist Groups/Jail Groups

The purpose of a Domestic Violence pre-class, such as the "Peaceful Choices" three-hour class out of Georgia, is to provide an introduction to what the full certified program will include. This educational class offers specific program information and touches on some of the main topics in the certified class. This class should be used during the pre-trial phase of the case to prepare the defendant for the full program which would be ordered as part of the post dispositional phase. This class could also be utilized post disposition as part of the probation intake and could be offered by court services with facilitating staff who have obtained specialized training and/or certification or this could be added as part of the intake with a Certified Domestic Violence Intervention Program.

Waitlist groups are mostly educational with the structure of a support group. These groups can be held in Court Services with a specially trained staff or be added to a local certified

domestic violence program curriculum. This can be utilized after the offender has attended the three-hour pre-class and while they are awaiting a certified domestic violence program to start. Waitlist group models have been used by the Community Services Board when a defendant was assessed and recommended for substance abuse services but there was a waitlist.

Jail domestic violence groups provide domestic violence education while a defendant is incarcerated awaiting trial or serving a sentence.

Funding for additional staff and materials would be needed to implement a similar program in Fairfax County. Such a program could be staffed by probation officers, possibly in collaboration with other local domestic violence intervention providers.

5. Informational pamphlets for Victims/Defendants with information on statute and rights during the court process

Information packets can help both survivors and those who cause harm navigate the court system as well as the array of available services in the community. Information contained in the pamphlets for defendants might include statutes that they need to be aware of involving possession of weapons, protective order compliance, contact information for key stakeholders that the defendant may need to be in touch with, and any other information important to highlight. Information contained in a pamphlet for the victim might include any services available to them, contact information for key stakeholders involved, their rights pertaining to protective orders and any other pertinent information. These pamphlets would be handed to the victim/defendant in court.

**III. Recommendations for Improving Post-Incarceration Systems.**

Within the current system processes, an individual convicted of a DV charge is sentenced either to probation or to jail time plus probation. Often, a court order for the individual includes completion of a Batterer Intervention Program (BIP) or a probation officer conducts a risk assessment that indicates need for a BIP. Interim due dates, such as for enrollment in the program, are predicated on Probation time frames rather than a next court date. Sometimes, a Probation review date exists. A probation officer refers the client to BIP, either directly or by providing a list of BIP options (such as ADAPT, OAR, and NVFS). The service provider sends monthly and completion or noncompliance reports to the probation officer, per statewide accreditation standards.

Current relationships between probation officers and service providers allow for clients to receive tailored care once enrolled in the BIP program. Deadlines set by probation officers tend to be more flexible than pre-trial, so clients are able to start the program over or complete extra work if they are struggling, instead of being closed out as an unsuccessful participant. Individuals are often screened for other risk factors by probation before being referred, so the service provider sometimes has information that can assist with the client's case and individual needs.

Coordinated efforts by the Adult Detention Center and Department of Corrections are needed so that programs and services can start pre-release. This should include the certified BIP but also other wraparound services. This should begin prior to the release date, as sometimes the participants and the survivor may be in contact for the duration of the incarceration. Pre-release services should be available for both parties, if they plan to continue the relationship post-release. Support services for survivors could be specifically tailored to preparing for the relationship to resume in-person. Services such as relationship counseling could be available for those who have completed a BIP and are now in a place of having taken accountability and being ready to focus on rebuilding.

Funding for jail-based programming would need to come from sources other than participant fees. Funding would be required for qualified staff and training. The impact of such programming would need to be measured.

Access to affordable and emergency housing is needed, so that there is less pressure for couples to resume living together again in cases where the survivor either does not want to or does not yet feel ready to do so. Current funding for housing programs is insufficient to meet this need. Probation officers should be more aware of how each program works and how to support clients in the program. For example, probation officers could allow for prioritization of needs, such as obtaining employment before starting their BIP. Probation officers should provide the BIP with information in every case as early as possible, so that when assessing individuals, the provider has all information that has been reported. This happens sometimes but should be more standardized. Mental health and substance use disorder screening is needed fresh post-incarceration before referral so that the provider knows more. This happens sometimes, but should be more standardized.

More flexibility in program structure is needed, so that higher-risk individuals can attend class twice per week at first and then step down as their risk level decreases. When the BIP participant formerly incarcerated or convicted of DV charges is being abused, their background may cause them to be the one who gets arrested during a new incident. Options to separate the individuals should allow someplace for both to go to be safe, not a cost burden like “go to a hotel” that is usually put on the person with a record. Probation officers need to know where various populations can go for appropriate services, such as a women’s group in Spanish. Transparency is needed between agencies on how long the current wait list is, etc., so that the probation officer can factor in when making referrals or setting due dates. Alternative options must be available, such as one-on-one services in cases where the person is hard to place into an existing group program, without burdening the participant with additional cost. This would require additional funding, as many participants cannot afford the market rate for weekly individual services. Consistency is needed among judges in requiring BIP for all DV cases, not Anger Management. It is recommended that judges add language to court orders regarding “following all recommendations” of a BIP service provider, rather than simply “completing a BIP”, as clients sometimes need other services before a BIP can be a viable/healthy option (such as substance use disorder treatment). Existing services in the community can be leveraged for these purposes.

## CONCLUSIONS

Our current efforts to end domestic violence, assist survivors, and hold accountable those who do harm, are excellent. But we know we can do even better. Not every survivor is heard. Not every person who does harm is held accountable. Systems are antiquated and stretched. Our proposals would strengthen significantly our current capacities to achieve our goals.

We have a terrific opportunity to strengthen our efforts. We know the existing system does not, and cannot, serve everyone well. Some survivors, for many reasons, do not find the existing court-based system effective. Some people causing harm could be held more accountable through different processes. To do this, we propose the county launch a pilot program to establish an alternative accountability system outside of the criminal justice system. Managed by a non-profit “hub,” this system would be entirely voluntary and would seek to involve the greater community in the effort to hold accountable those who cause harm in new and different ways. We propose the County allocate sufficient funding in its FY 2024 carry-over package to launch this pilot project as outlined above.

Our existing court-supervised system would be enhanced through the establishment of a domestic violence accountability docket. The Docket would be managed through a DV Coordinated Court Response Team. Survivors would be involved in fashioning accountability measures. Team oversight of the docket would reduce the need for probation oversight. Accountability would focus, in part, on “repairing” the harm caused. In addition, a domestic violence certified program could be used through probation or a jail-based program for those incarcerated. All of these efforts would require increases in funding on a long-term basis.

Post-incarceration systems can be improved by beginning services, such as BIP programs and wrap-around services, during periods of incarceration. Post release housing is required for some upon release. Probation officers need further training and earlier access to information. Mental health assistance and substance use screening is needed on a larger scale. Programs should be more flexible and individually-tailored. Judges should focus on requiring adherence to BIP recommendations and not just completion of the program as part of an on-going effort to avoid recidivism.

We hope these recommendations are of value to the Council and the community as they continue to improve efforts to end domestic violence.