

## Screening for Perpetrator and Victim

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*You are staffing the hotline at a domestic violence advocacy organization. The phone rings, and the caller, a woman, says “I am so upset! My ex is unbelievably selfish and unstable, and I am just so tired of it. We just had another huge blowup last night. We have a divorce hearing tomorrow, and I would really like to have someone go with me. Someone at my church said an advocate can sit with me at the hearing. Is that true?”*

Will you meet the caller at the court? Is the caller eligible for advocacy services at your organization? Would you want any additional information before extending services? Does your comfort level change if the caller were a man instead of a woman? Does your comfort level change if the caller and the intimate partner are both women? Or both men? **Does your organization have any tools or policies to help you decide what to do?**

### 1. Why to do routine screening

Screening procedures can help advocates determine if an individual is in an abusive relationship, and if so whether they are a victim or perpetrator of abuse. But why should advocacy organizations conduct screenings on people requesting services?

The purpose of screening is to ensure that the advocacy services we offer are appropriate for that individual. On a practical level, we need to be good stewards of our organization’s resources, particularly the resource of staff time, by ensuring that we are serving victims of domestic violence and stalking. We also want to safeguard safety planning strategies so they remain available and effective for victims. In addition, there is the issue of promoting justice, which guides us to not provide advocacy and support to batterers. Furthermore, programs will periodically be faced with the need to make determination when both partners of the same intimate relationship come for services. Gender is an insufficient, and illegal,<sup>i</sup> basis to make determinations of eligibility, and is particularly inadequate in instances where the couple coming forward for services is not heterosexual. Finally, there is the compelling reason that conducting routine screening allows advocates to have confidence to fully engage in advocacy with all organization participants as eligible victims/survivors.

Domestic violence is a pattern of coercive actions intended to alter the behavior of an intimate partner so as to gain control over the partner and decisions in the relationship. Coercion is complex and must be understood contextually. Determinations of who is a victim/survivor and who is a perpetrator of abuse can require careful analysis. One excellent resource which informs much of this paper, the *Intimate Partner Abuse Screening Tool*,<sup>ii</sup> notes that:

A screening process is essential when providing domestic violence services in order to ensure that those services are appropriate. Distinctions between acts of abuse and self defense can be confusing and determining the perpetrator and victim can, at first, appear difficult. Victims can

take blame for the abuse or focus on acts of self-defense and present themselves as batterers. Batterers can believe and present themselves as victims.

In order to avoid being misled, an evaluator must thoroughly explore the dynamics of the relationship with an eye to common manifestations of batterer and victim behavior.

The ability to listen and discern context is essential, as highlighted in this excerpt from *Lesbian, Gay, Bisexual and Trans (LGBT) Communities and Domestic Violence: Information and Resources*<sup>iii</sup>.

People who batter may contact survivor support services for a number of reasons: they may want to cut their partner off from access to those services, they may try to locate their partner who they believe is utilizing those services and they may believe that they themselves are a victim of abuse. Further, people who batter often feel very entitled to their abusive actions and often feel victimized by their partner's attempts to take back authentic control of their own lives. Finally, people who batter may contact a program because they are concerned about their own behavior and are searching for help to change.

Meanwhile, survivors may have internalized the blaming and minimizing from the abuser and may underreport abuse, or they may believe that they are responsible for the abuse. Survivors may feel very ashamed about the choices they have made in the course of resisting violence. While some survivors are very clear about the abuse they have experienced and their abuser's responsibility for that abuse, others may come to believe that they are the abuser or seek some kind of accountability for the violence in hopes of making it stop. We find that virtually any behavior can be used by a person either to survive abuse or to establish power over another. As a result, advocates cannot rely solely on a person's own assertions or on a checklist of behaviors to determine who should be brought into confidential survivor advocacy services and who should work with a batterers' treatment program. "Believing survivors" requires us to be able to use discernment to ensure we are talking to a survivor. "Batterer accountability" requires us to use discernment to ensure when we are talking to a batterer.

With a trusted screening process in place, advocates can address any concerns about an individual's use of force and ultimately serve victims of abuse without reservation.

## **2. Concerns about screening**

Advocates are uniquely positioned by our core advocacy values and the structure of our work to be able to provide non-judgmental survivor-defined support and advocacy to victims of abuse. The antithesis of this important stance is to be skeptical, judgmental, investigative, and prescriptive, which is how some advocates initially perceive screening. Screening, however, is used to confidently bring people into advocacy, not simply to filter people out. Conducting screening as to an individual's role as victim or perpetrator of abuse allows advocates to assess for which services an individual would be eligible. Just as we would not refer a victim to offender treatment, we do not allow perpetrators to utilize victim advocacy. Services match participant needs; victims' need for safety and self-determination is best met in advocacy organizations, while perpetrators' need for accountability is best met in offender treatment.

Another concern about screening is that determinations of eligibility are made through advocates' professional knowledge, which is not infallible. All workers at domestic violence organizations are leery of denying services to victims or providing services to perpetrators. There are tools to help workers with their screening process, as well as supervision strategies and policies which can help ensure the process is well informed and consistent.

### **3. Principles for screening**

When screening is a routine and universal part of an advocate's work, then the initial judgment or bias of who to screen is removed, which is consistent with advocacy principles of non-discrimination. Routine screening can, and should, be fluidly included in the interactions which advocates initially have with individuals, and can, and should, be warm and friendly rather than aloof. As Connie Burke writes<sup>iv</sup>, it is important to "incorporate an unqualified commitment to compassion for everyone with whom we have contact, whether a survivor or batterer, as a foundation of ethical advocacy."

Advocates will continue to learn more about the context of an individual's situation the longer they work together. An advocate can change their determination of an individual's role as victim or perpetrator of abuse as new information is obtained. With a process in place for addressing emerging concerns about an individual's eligibility for advocacy services, screening loses overtones of pressure or immediacy, and becomes a part of how an advocate obtains and considers information.

### **4. How to screen**

Screening is conducted both by asking questions, and by analyzing responses. Any single behavior could be used to coerce a partner or to guard against coercion by a partner. Therefore, understanding the context is essential to making determinations as to if an individual is a victim or a perpetrator of abuse. The flow and tone is significantly improved if you ask for and use the partner's first name rather than 'your partner/ boyfriend/ wife, etc. This also holds true for children; refer to children by first name whenever possible.

## 5. Sample Screening Tool

### Screening Questions

- A. General—ask general questions about the relationship; what has brought that person to you for services?
- Could you tell me about your relationship?
  - What are the circumstances that led you to contact us now?
  - Are these circumstances typical of the things that happen in your relationship?
  - What is your most pressing concern?
  - What, if anything, would you like to see change?
  - Are you afraid of \_\_\_\_\_ (your partner)?
  - Are your children afraid of \_\_\_\_\_?
- B. Abusive tactics and behaviors—try to get more specific information about identified incidents. With each point, try to find out the CONTEXT for the answer (ie-“Can you give me an example of...?” (or) “What was happening at the time?”)
- What are your fights or disagreements about?
  - What are they like?
  - Where and when do they happen?
  - What kinds of name-calling, put-downs, or yelling/screaming happen?
  - Has there been any physical violence by either person?
  - What would you describe as the worst thing \_\_\_\_ (your partner) has done?
  - How is your parenting supported or undermined by \_\_\_\_\_?
- C. Systematic behaviors of abuse—look for patterns of coercion and control:
- How are decisions made in the relationship?
  - How do disagreements get resolved, if they do?
  - What kinds of things do you or your partner do separately? How does \_\_\_\_\_ (your partner) feel when you do things without them? How does \_\_\_\_\_ let you know how they feel?
  - How does \_\_\_\_\_ act when upset, whether with you or about something else?
  - How do you act when upset?
  - If you share money in any way, whose choice was that? Who manages and makes decisions about money?
  - What are the good times like?

**If identifying specifics of an incident is difficult, slow the story down and find out about the details of the fight(s) and how it progressed. What happened directly before the fight? And before that? What happened next?**

## 6. Analyzing the information provided

Analyzing information provided by an individual may be confusing. Batterers often paint a clear picture of the problems and who is at fault for the problems (the partner), while victims affected by trauma may not ‘present’ as well and often give a more complicated account of who is responsible and give excuses for a partner’s bad acts<sup>v</sup>.

### A) Notice behavior during the conversation:

Batterers may:

- try to change the topic to an unrelated one,
- try to ask questions about you or ‘interview’ you,
- be vague, avoid questions or leave gaps in the story,
- label their partner as crazy or as a bad parent, or
- try to ‘sell’ themselves and win you over.

Victims may:

- talk about other past arguments or assaults by the partner,
  - blame themselves for the relationship tension,
  - accept shared responsibility for arguments or fights,
  - defend their partner’s actions,
- or, if they do not feel safe, victims may*
- be vague, avoid questions or leave gaps in the story.

### B) Consider any injuries reported.

Batterers frequently make conscious decisions about what kinds of force to use based on their assessment of how terrifying it will be, and the type of injuries it is likely to result in. Court savvy batterers injure parts of the body not easily seen (ie. the back of the head) or where victims would not be comfortable showing the injuries (ie. breasts, genitals). Strangulation is frequently selected by batterers as it is both terrifying and it may leave no immediate signs of injury.

In contrast, scratching their partner’s face or biting on their arm or torso is neither a smart nor effective offensive attack, and such injuries are generally defensive wounds. In addition, some victims will use an object/ weapon to try to equalize the perceived threat of their partner. In such cases the victim may be viewed by police as more aggressive, and may be the one arrested.

### C) Listen for:

#### ❖ *Denying, Minimizing, Blaming*

Batterers frequently deny or minimize their own behavior, or blame their partner, life stresses, or substances for their own actions. Victims are more likely to minimize or make excuses for their partner’s actions, while taking ownership of their own actions.

#### ❖ *Empathy*

Victims are often able to understand their partner’s feelings and perspective, and give detailed information about their partner’s moods and ways they respond to those moods. Victims also look at the stresses impacting their partner, and ways they may have contributed to problems or abusive episodes. Batterers, however, often attribute a partner’s actions to stupidity, defiance, or selfishness.

❖ **Entitlement**

Entitlement is an attitude by which a lack of empathy allows one person to assert their will regardless of the effect on their partner.

Batterers often *feel entitled to*:

- obedience, loyalty, respect
- servitude
- setting 'the rules'
- making the big decisions
- unlimited sexual access
- punishing the victim if they aren't obeyed

Whereas victims have often *surrendered expectations of*:

- being treated with respect
- having their opinions heard
- shared parenting responsibilities

❖ **Intent/ Effect of the behaviors**

While batterers often deny or lie about their use of force, they intentionally and consistently use coercion and force with

**the intent to:**

- get what they want
- intimidate their partner
- teach their rules/ expectations
- restrict their partner's independent action
- punish their partner for 'disobeying'
- provoke defensive action from the victim in order to justify escalated force

and **the effect** on the victim of:

- hidden injuries
- terror
- fear of independent action, self-doubt, self-blaming

Victims often admit to their use of force. Victims spontaneously and intermittently use force with

**the intent to:**

- defend or free themselves
- attempt escape or de-escalation of attack
- preemptively minimize an imminent attack
- retaliate for current/ history of abuse.

and **the effect** of:

- inflicting defensive injuries
- being solely blamed by partner for incident
- being labeled by partner as crazy

❖ **Fear**

Batterers often use very general language when claiming to be afraid.

Example: "I am afraid she'll go crazy again, and just lose it. She's out of control, and gets totally wild."

Victims may minimize their level of fear, but when they do disclose, they are often give specific examples of behaviors or threats they are afraid of.

Example: "I am afraid he may get me fired from my new job by pulling the spark plugs out of my car again." or "I am afraid he may kill me and dump my body in pieces out in the woods where he and his uncle butcher deer in hunting season."

## 7: Supervision and Policy Considerations

### A) Supervision considerations:

When you are in the role of supervising frontline advocates, it is helpful to include the topic of assessment in your discussions. “Advocates from all around the country complain about how little time they get to think. ... The lack of opportunity to think critically makes advocates fall into traditional and fragmented work patterns, lose their connection to women’s realities, and prioritize their tasks according to bureaucratic expediency.<sup>vi</sup> Building critical reflection into the structure of advocates’ work is a primary way to strengthen the quality of advocacy provided.

Some questions to pose to advocates you supervise could include:

- How have you been doing with incorporating screening into your initial conversations with people? What’s been hard about that? Has it been useful in any unexpected way?
- Can you tell me about a particularly complex situation that a recent caller brought to you? What kinds of questions did you pose to that caller?
- Can you tell me about a woman you are working with who has used force/violence against her partner? What was the context of that use of force? Tell me about your analysis for determining that she was a defending victim. What kinds of discussions have you had with that woman about her use of force? How has that knowledge impacted your safety planning with her?
- Are there any people you have been in contact with who you are not sure whether they are the person using coercion to gain power or if they are the person resisting coercion from a partner? What information have you learned about the incident/ relationship?
- If both partners in a relationship use violence, how might you determine the underlying power and control dynamics? What do you want to know? How might you ask about that?

Once a determination has been made that an individual is not eligible for advocacy support, it is useful to document the name of the individual, the name of their current intimate partner, and a summary of why they are not eligible for services. Should the individual file a grievance or request a record of the ineligibility determination, then a record is available. Should the same individual come forward for services in regard to a new intimate partner, the assessment should be completed again to determine eligibility.

### B) Policy considerations:

Policies can provide guidance and authority to an advocate regarding when to screen potential participants for eligibility, criteria through which an individual is deemed ineligible for advocacy support, and how to resolve situations of conflict of interest between participants. Here are some sample policies which address these considerations.

#### 1.1 Services refused to abusers/primary aggressors

*ORGANIZATION* provides services only to victims and survivors of domestic abuse, teen dating violence and stalking, as well as their dependents. Conversely, we will not provide services to those individuals we determine to be the abusive/predominately aggressive partner. To ensure that we provide services to victims and survivors only, a screening process will be completed for all persons seeking our services beyond referrals through our crisis hotline.

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#### Colorado Coalition Against Domestic Violence

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### **1.2 Serving both parties of an intimate relationship**

It is considered a conflict of interest for *ORGANIZATION* to work with both parties in an intimate relationship. If both parties contact us for assistance, the party not receiving services may be referred to another advocacy organization or other community resource. The reason for the referral may not be disclosed, due to the communication protections accorded victims/survivors through CRS .

*ORGANIZATION* will never knowingly provide services to both partners of an intimate relationship. In the event that services have been provided to both partners of an intimate relationship, a screening for the primary aggressor will be done by Staff:

- If a primary aggressor is determined, that individual will be told upon next contact that s/he is not eligible for further services from *ORGANIZATION*.
- If a primary aggressor cannot be determined, services to both parties will be terminated immediately.

### **1.3 Restricting services to someone misusing services**

*ORGANIZATION* may restrict some or terminate all of our services to individuals who have been assessed by our staff to be ineligible for services for the following reasons:

- Participant has been re-assessed as abuser/primary aggressor;
- Participant has needs beyond our scope of training/experience;
- DV, TDV or stalking is not a primary co-occurring issue;
- Individual is claiming to be a victim to scope out services given to another victim;
- Requests for material assistance (i.e.—holiday donations), without valid participation in other *ORGANIZATION* services within the past quarter;
- Individual is not a victim of DV, sexual assault, stalking or harassment;
- Individual has been required to seek court-ordered services;
- Individual is disruptive to services delivered to other participants.

When a participant has been deemed inappropriate for services, and it becomes necessary to restrict or terminate crisis and/or support services to her/him, it is the policy of *ORGANIZATION* to prepare a written statement including the date, reason and explanation of the specific service restriction and/or termination, if the participant so requests. A copy of "Rights of Participants" and grievance process will accompany the statement.

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<sup>i</sup> “Nothing in this title shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this title.” (VAWA 05 Statute)

<sup>ii</sup> Intimate Partner Abuse Screening Tool for Gay, Lesbian, Bisexual and Transgender (GLBT) Relationships. Gay, Lesbian, Bisexual and Transgender Domestic Violence Coalition of Massachusetts, 2003.

<sup>iii</sup> This material was reprinted/adapted from the publication titled *Lesbian, Gay, Bisexual and Trans (LGBT) Communities and Domestic Violence: Information and Resources* (2007) by the National Resource Center on Domestic Violence

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<sup>v</sup> House, Erin H. When Women Use Force, An advocacy guide to understanding and conducting an assessment with individuals who have used force to determine their eligibility for services from a domestic violence agency. Domestic Violence Project/SAFE House. Ann Arbor, MI.

<sup>vi</sup> Pence, Ellen. Advocacy on Behalf of Battered Women, Chapter 17 of “Sourcebook on Violence Against Women,” Sage Publications, Inc, 2001.

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