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**Engaging with perpetrators of intimate partner violence:
An exploration of inter-agency collaboration
in the Western Cape**

by

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Psalm 127v1, *“Unless the Lord builds a house, the work of the builders is wasted.”*

*I dedicate this thesis to my mom Elizabeth
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*2 Timothy 1v4, "I long to see you again..And I will be filled with joy when we are together
again."*

Abstract

The prevalence of violence between intimate partners in South Africa is widely acknowledged, with large numbers of cases annually processed through the criminal justice system. Over the past two decades social and legal reforms have attempted to address the needs of victims of intimate partner violence. However, the development of truly comprehensive strategies aimed at the prevention of intimate partner violence remains a huge challenge. Thus far efforts to rehabilitate batterers, as part and parcel of a more holistic prevention effort, have been ad hoc rather than systematic.

This study drew on social learning theory to explicate the causative factors involved in intimate partner violence. According to international best practices, treatment interventions for batterers are based on psycho-educational and cognitive behavioural principles and provided in community-based group settings. Coordinated community responses are likely to provide favourable outcomes for batterer intervention and the prevention of intimate partner violence. Key features of batterer intervention programmes and issues that affect their efficacy are outlined. The Duluth model is presented as a best practice batterer intervention model within a coordinated community response.

Using a qualitative research approach, a sample of eighteen research participants were selected from five courts and two batterer intervention programmes run by Families South Africa (FAMSA) and the National Institute for Crime Prevention and the Reintegration of Offenders (NICRO), in the Western Cape. The sample included magistrates, prosecutors, court managers, domestic violence clerks, social workers and other social service professionals. The aim of the study was to explore participants' views on the desirability and feasibility of court-mandated treatment of batterers and the range of challenges which confront inter-agency collaboration between the criminal justice system and service providers situated within civil society. The study involved face to face interviews using a semi-structured interview schedule, with mainly open-ended questions. To ensure the integrity of the data gathering process, data collected from the semi-structured interviews were transcribed, analyzed using coding and categorized into emerging themes.

The field research revealed opportunities for, and challenges confronting, current collaborative efforts underway in court-mandated batterer interventions in the Western Cape. The results illustrate that courts play an important role in victim safety and in legal measures to hold perpetrator's accountable, but are unable to address the psycho-social interventions required, motivating the necessity of collaboration between courts and agencies working with victims and perpetrators. Batterer intervention programmes focus on stopping abusive patterns of behaviour, protecting victims and holding batterers accountable. Gaps exist in interventions for children affected by intimate partner violence. Ongoing training demands were highlighted. Recommendations for regular meetings, and formalising working agreements, which clarify joint goals, objectives and roles, are formulated. Attention to routine risk-based screening protocols, improving monitoring systems for batterers and dealing with non-compliant batterers are recommended.

The limitations of the study notwithstanding, it succeeded in emphasising that coordination between criminal justice practitioners and other participating agencies can advance efforts to manage Intimate Partner Violence intervention and prevention.

Keywords

- Batterer Intervention Programmes (BIPs)
- Batterer accountability
- Coordinated Community Response (CCR)
- Court-mandated batterer intervention
- (The) Duluth model
- Families South Africa (FAMSA)
- Intimate Partner Violence (IPV)
- The National Institute for Crime Prevention and the Reintegration of Offenders (NICRO)
- Risk based assessment
- Victim safety

Declaration

I declare that:

Engaging with Perpetrators of Intimate Partner Violence: An exploration of inter-agency collaboration in the Western Cape

is my own work, that it has not been submitted for any degree or examination to any other university, and that all the sources I have used have been indicated and acknowledged by complete references.

Venessa Claudette Thigesharee Padayachee-1 September 2011

Signed:

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ACRONYMS

AMEND	Abusive Men Exploring New Directions
BIPs	Batterer Intervention Programmes
CCR	Coordinated Community Response
CJS	Criminal Justice System
CSOs	Civil Society Organizations
DAIP	The Duluth Abuse Intervention Project
DOJCD	Department of Justice and Constitutional Development
DV	Domestic violence
DVA	The Domestic Violence Act 116 of 1998
FAMSA	Families South Africa
IPV	Intimate Partner Violence
NGOs	Non-governmental organizations
NICRO	The National Institute for Crime Prevention and the Reintegration of Offenders
RVC	Referral of victims for counselling
SA	South Africa
SACSSP	South African Council for Social Service Profession
SAFFI	South African Faith and Family Institute
USA	The United States of America
WHO	World Health Organization

CHAPTER ONE: CONTEXT OF THE STUDY

1 INTRODUCTION AND BACKGROUND

In this chapter, the reader is introduced to a brief contextual background that provides information on the extent and nature of intimate partner violence, explanations of theory, and an overview of intervention strategies. The research problem statement is articulated, the research question and objectives clarified. The significance of the study and key concepts conclude this chapter.

This study explores collaboration regarding court-ordered batterer intervention. The research enquiry was informed by the high incidence of intimate partner violence (Development Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:9; Artz & Smythe 2005:31; Vetten 1998, as cited in Londt 2004:8; Parenzee et al. 2001:103), behaviour change of perpetrators, and the lack of comprehensive strategies and coordinated responses in South Africa (Londt 2004; Padayachee & Petersen 2010a:1; Padayachee 2007a).

In the 1997 *Population and Development White Paper* the Minister for Welfare stated: “we must respond to the brutal effects of all forms of violence against women and children as well as the effective strategies to deal with perpetrators” (Department of Welfare 2000, cited in Londt 2004:2). Ten years later, despite pockets of good intimate partner violence prevention programmes in South Africa, neither comprehensive management of the problem nor adequate interventions for both victims and perpetrators are in place (Padayachee & Petersen 2010b:1; Londt 2004:11; Padayachee 2007:3). Prior strategies by government have been directed almost exclusively towards the victim. More recently, prevention programmes targeted at men and boys and strategies that address social norms and cultural beliefs, which often support and perpetuate violence against women, have emerged (Kalichman et al. 2008:271; Rothman et al. 2003:21). Failure to pay sufficient attention to interventions directed toward the behaviour change of perpetrators has been identified as a major shortcoming (Padayachee 2007:3). This failure persists despite indications from victims that perpetrators should receive some kind of rehabilitation (Bollen et al. 1999). Moreover, little is known about the men who will continue to use violence in an intimate relationship or those who may kill their partners in South Africa (Londt 2004: iii; Parenzee et al. 2001:109).

Whilst the passing of the Domestic Violence Act 116 of 1998 (hereafter DVA) is a definite step forward, and although it had good intentions, several challenges regarding its implementation is documented (Development Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:9; Parenzee et al. 2001:103, 111; Artz & Smythe 2005; Artz 2003; Vetten 2005a; Vetten 2005b; Londt 2004). More specifically, the DVA contains minimum specifications for the management of the intimate partner violence perpetrator. Regulations for Batterer Intervention Programmes (hereafter BIPs) in SA, or a coordinated approach that places obligation on other state agencies, like the Department of Health and Social Development (Vetten 2005a:10) poses problems for prevention of intimate partner violence (hereafter IPV). Coordinated mechanisms, where all relevant role-players share responsibility for IPV prevention are either absent or spasmodic (Padayachee & Petersen 2010a&b; Vetten 2005a:3). Parenzee et al. (2001:102) concur that very few even consider effective strategies to facilitate inter-sectoral cooperation. Therefore, strategies and service delivery remains fragmented and uncoordinated (Padayachee & Petersen 2010b).

The DVA was supposed to ensure efficiency of the criminal justice system (hereafter CJS). However, capacity constraints, and the specialized and complex nature of IPV continues to threaten gains achieved through this legislation (Artz & Smythe 2005:40; Parenzee et al. 2001:102, 107; Artz 2003:54, 56; Vetten 2005a:6, 7; Vetten 2005b:280; Development Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:9; Cilliers 2003:3; Londt 2004). Subsequently, improvements for the effective management of intimate partner violence by both the criminal and civil courts is still required.

Internationally, criminal justice intervention in IPV is used to enforce the goals of victim safety and batterer accountability (Erez 2002; Bennett & Williams 2001b:7; Londt 2004:6; Crowe et al. 2009:52-54). In SA, violence between intimates is regarded as a unique legal challenge without any one-dimensional solutions. Moreover, it requires of criminal justice practitioners to have specialized skills and an understanding of the management of IPV cases (*State v Baloyi* at pg. 12; Londt 2004:11; Artz & Smythe 2005; Parenzee et al. 200:102,104, 105; Artz 2003:54, 57). Similarly, we know from experience that not all social workers, psychologists and nurses, in the helping profession, necessarily understand the complex dynamics of IPV. Assumptions that all stakeholders understand the array of interventions available to deter violent and abusive behaviour, including strategies that maximize victim

safety, as well as the required CJS processes may be premature. (Padayachee & Petersen 2010b; Londt 2004:8; Artz & Smythe 2005:53-55,57; Parenzee et al. 2001;102; Development Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:12-15; 142, 152; Artz 2003:16-17; Danis 2003:238). The specialized and complex nature of IPV thus makes it appropriate to explore collaboration between courts and civil society agencies.

According to Artz & Smythe (2005:57) “continued interaction and inter-sectoral cooperation between all state role-players is important.” In addition intra-departmental collaboration, cooperation between state and non-state responses to domestic violence, and within civil society is needed. Subsequently, integrated system responses, including the coordination of civil and criminal proceedings is highlighted (Castleton et al., 2005:28 and Healey et al., 1998:81). Londt (2004:7-8) recognizes that an ethos of collaboration does exist in SA, enabling role-players to work together. A limited number of organizations that provide BIPs are interacting with the courts. However, increasing the number of BIPs, developing comprehensive strategies, models of good practice in collaboration, and coordinated responses (Padayachee & Petersen 2010a&b) must be given priority attention.

2 CONTEXTUAL INFORMATION

The prevalence of violence between intimate partners in South Africa is particularly significant and shapes the basis of this study. Ganley (1996, as cited in Londt 2004:57) notes that ‘domestic violence’ (specifically violence between intimates) can be referred to as: “wife abuse, spousal abuse, marital assault, woman battery, wife beating, conjugal violence, and intimate violence, or partner abuse”. This writer explains that these terms are often used interchangeably, yet different terms may differ in describing specific aspects or nuances of the problem.

Subsequent to the passing of the DVA in South Africa, the definition of domestic violence was widened. Therefore, domestic violence is a common term used in South Africa, used also to describe the violence between intimates. For the purposes of this study, the writer adopts the narrow term of IPV, which best encapsulates the writer’s engagement with the specific phenomenon of violence between intimates and which forms the basis of this study. IPV is not gender specific but gender neutral, and best describes the violence between intimate

partners. A World Health Organisation report (hereafter WHO) states that intervening with victims and perpetrators is complicated by competing theories to explain the causes of intimate partner violence, and varying definitions of domestic violence (Rothman et al. 2003:11).

3 THEORIES OF CAUSALITY AND TREATMENT IMPLICATIONS

It is not the intention of this thesis to discuss in detail theories of causality of IPV. What we do know is that a number of major theories have been proposed for its causes, and that understanding the causes and contributing factors does help to design effective interventions, both for victims and perpetrators (Brayton 2003:9; Londt 2004:9). Individual psychopathology, Family systems, Feminism/Feminist theories, and Social learning (Londt 2004:73; Stordeur & Stille 1989:23-32; Rothman et al. 2003:13-14), are four dominant theories emanating from the literature, and will be discussed here together with implications for treatment.

3.1 Individual psychopathology

Individual psychopathology examines the pathological causes of IPV. Various authors (Londt 2004; Gondolf 1991; Stordeur & Stille 1989; Boonzaier 2008) refer to this as ranging from:

- possible psychological problems,
- immature personalities,
- poor self-concept,
- personality disorders, particularly borderline personality disorders,
- poor impulse control, attachment disorders, fear of intimacy and/or abandonment, depression, jealousy addiction
- the dichotomy of victimization of the perpetrator, particularly childhood victimization and biological abnormalities and
- trauma, alcohol and drugs.

One of the glaring limitations of this approach is that domestic violence perpetrators are viewed as being “ill”, which can compromise perpetrator accountability and responsibility (Londt 2004:80).

3.2 Family systems-based theories

Family systems-based theories attribute violent behaviour to the structure of the family and family interactions rather than on an individual within a family (Healy et al. 1998: xi; Corey 2001:387, as cited in Londt 2004:81; Stordeur & Stille 1989:25). This perspective locates IPV against the background of the perpetrator’s interpersonal interactions within the family. Criticisms against *Family systems theory* have been that, in attempting to establish co-responsibility for the violence (Hansen 1993:82, as cited in Londt 2004:83), proponents of family systems theory have implicitly or explicitly blamed the victim (Hansen 1993:82, as cited in Londt 2004:83), contributed to perpetrator justifications, ignored the power disparity that exist in such relationships and focused on keeping relationships together, instead of stopping the abuse, thereby increasing the danger and risks for victims (Bograd 1984; Adams 1988b; and Brygger & Edleson 1987, all cited in Stordeur & Stille 1989:26).

3.3 Feminist theories

Feminist theories appear to be the greatest influence on current practice in understanding male violence in intimate relationships (Development Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:11; Johnson 2009:212; Rothman et al. 2003:13). Feminist perspective observes intimate partner violence as a problem rooted in the structure of society rather than in pathologies of individual men (Kupers 1997:113, as cited in Londt 2004:84). IPV is often perceived as an expression and consequence of the socio-political context of gender inequality, patriarchy, and male domination (Stordeur & Stille 1989:32). Similarly in Africa, patriarchy and male domination appear to be a popular discourse, in the absence of competing theories for the high incidence of IPV on the continent (Jesse & Baffour 2009:323; Development Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:28). However, critics of the feminist perspective point out the inadequate empirical research base and that patriarchy and a gendered view of power and control do not necessarily provide an adequate conceptual framework for other forms of violence (Featherstone 1997, as cited in Londt 2004:86), which includes the influence of psychological, interpersonal, situational or socio-cultural factors (Dutton & Corvo 2007, as

cited in Boonzaier 2008:21). Yet Londt (2004:85) has provided convincing evidence that the feminist perspective has helped position IPV within a broader understanding of historical, political, societal, and institutional impacts (Londt 2004:85). Feminist ideas have been reported to have the greatest influence on BIPs (Cunningham et al. 1998:24, as cited in Londt 2004:85; Healey et al. 1998: xii) and feminist activism and research appears to have largely impacted in drawing attention to the issue of violence against women. Feminist models of BIPs are based on the idea that the socio-cultural environment, which is based on patriarchal ideology, provides the support for men's violence against women partners. The approach traditionally focuses on issues related to power and control and how men's use of violence is employed as enforcement of traditional gender roles – i.e. men as dominant and women as submissive. Feminists argue that aggression is completely about men's control and that violence is used to maintain power and control. Notwithstanding the critiques levelled at a narrow feminist focus, a feminist perspective purports that men are the only targets of intervention to halt intimate violence against women. The treatment implications of a feminist model are that (a) men must take sole responsibility for violence and for stopping violence, (b) they must recognise and acknowledge male power and control, and (c) men must be treated in gender-specific groups in order for them to take responsibility for their behaviour (O'Leary, Heyman & Neidig 1999, as cited in Boonzaier 2008:46-47).

3.4 Social learning theories

Social learning theories support the notion that violence can be learned by children watching or experiencing violence in their families of origin (Londt 2004:87; O' Leary 1987, as cited in Danis 2003:239), and violence learned and reinforced in the culture (Ganley & Harris 1978, as cited in Stordeur & Stille 1989:29). Cognitive-behavioural interventions that derive from social learning approaches cannot be ignored as an invaluable contribution in changing the belief systems and behaviours of perpetrators.

Contemporary developments see the use of combined or ecological models that illustrate multi-faceted causes of IPV (Rothman et al. 2003:17). The strength of the ecological model lies in distinguishing numerous determinants of violence and providing a framework for the interaction of individual, relationship and socio-cultural factors (Rothman et al. 2003:17;

Heise 1998, as cited in Boonzaier 2008:6). Individual level factors include: biological,¹ psychological² (Bograd 1988; Walker 1979; Rothman et al. 2003) and social learning theories.³ Relationship level factors include: marital conflict, communication patterns, relationship stage, and power differences. At a socio-cultural level, social risk markers, race, ethnicity and culture, the cultural and institutional acceptability of violence against women, and patriarchy are some of the key determinants in understanding a man's violence toward women. Sufficient evidence suggests that an integrated approach, which draws on techniques and principles from various theories and tackle the problem at a number of levels, is advised (Londt 2004:257; Carlson 1984; Edleson & Tolman 1992; Hanson & Wallace-Capretta 2002:2; Jackson et al. 2003:1). According to Jackson (2003:1) eclectic combination approaches are used by well known BIPs, like Emerge and AMEND (Abusive Men Exploring New Directions) in the USA.

4 PREVALENCE OF INTIMATE PARTNER VIOLENCE

South Africa is known to be a violent society with an unacceptably high incidence of IPV (Development Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:9). Official estimates of incidence and prevalence of IPV in South Africa is problematic, yet is considered to be one of the most common forms of assault (Londt 2004:5). Intimate partner violence is repetitive in nature with the typical victim of IPV in SA being abused every day and remaining in abusive relationships for several years (Development Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:10; Artz & Smythe 2005:54). Further, in 2008 Development Research Africa and CSIR Defence, Peace, Safety and Security Unit found that "more than a third of victims had been in more than one abusive relationship and 18% said that they were abused as children" (Development Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:10).

¹ such as head trauma, alcoholism, chemical reactions, or genetic evolution, explain some violence.

² include psychopathology and personality characteristics.

³ Family and socio-demographic variables including witnessing or experiencing violence in the family of origin

Various SA studies have noted that women continue to be the primary victims of IPV (Development Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:10; Artz & Smythe 2005:35; Parenzee et al. 2001:103). Very little is known about the actual number of men who are in an intimate partner relationship in which they are abused or treated violently by their female or male partners, or about the nature of these abuses (Development Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:33). In 1999 a South African National Demographic and Health survey found that one in eight women (13%) reported being subjected to violence at the hands of their partners (Peltzer 2003:149), while in 2005, Vetten (2005b:277) showed that the incidence had increased to one in two women. Recent studies showed estimates of 22.9% - 42.3% of South African men are violent towards their intimate partners (Gupta et al. 2008: 537-538). A recent Canadian study on IPV among men in South Africa, found a high prevalence of physical violence perpetrated by men against their intimate partners (Gupta et al. 2008:535). Yet, Artz and Smythe (2005:38) found emotional, verbal and psychological violence to be the most prevalent forms of abuse indicated on protection orders in SA.

The lethality and volatility of IPV is evident in that South Africa boasts the highest rates of intimate femicide in the world (Matthews et al. 2004:2 and 4). These authors found that in 1999, alone, 8.8 per 100 000 females, 14 years and over, had been killed. Newspaper coverage on the topic of IPV suggested at least 40% of women murdered in SA are killed by their intimate partners (Londt 2004:4). Thus, “the killing of women by intimate partners, also known as ‘female homicide’ or ‘intimate femicide’ is the most extreme form and consequence of Violence Against Women” (Matthew et al. 2004, as cited in Londt 2004:9). Consequently, the culture of male violence against women still pervades our society and requires serious attention. The gravity of the problem in South Africa is captured in this statement by the Minister of Women, Children, Youth, and People with Disabilities, in a recent television interview, when she stated that: “domestic violence is on the political agenda in South Africa, in a way it hasn’t been before” (Asikhulume, SABC 1, and 7 December 2009). Co-occurrence of other social problems, such as unemployment, substance abuse, mental health disorders further complicate intervention strategies. The links between HIV, other sexually transmitted diseases, and IPV further complicate intervention and are well documented (Rothman et al. 2003:24). Additionally, an overburdened criminal justice system, capacity constraints experienced by both state and non-state responses, and the

quality of services delivered are pertinent challenges in the management of IPV (Bennett & Williams 2001b:2; Parenzee et al. 2001:103; Development Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:12), and are relevant for this study.

5 INTERVENTIONS OF BATTERER INTERVENTION PROGRAMMES (BIPs)

As mentioned earlier, the wide range of definitions and causes of IPV implies various Interventions and strategies. As in many parts of the world, in SA early interventions of intimate partner violence prevention focused on providing ‘shelters’ and support services for abused women, while only marginal attention were accorded to men who perpetrated the violence (Padayachee & Petersen 2010a; Boonzaier 2008:4). It later became evident that working with the victim alone would not solve the problem and as a result of this recognition, as well as responses from women in shelters who did not necessarily want to leave the relationship but wanted the violence to stop, the first BIPs in South Africa were developed (Londt 2004:2). Research shows that victim support strategies alone do not stop IPV as they do not address the origin of the problem, and that working with perpetrators is crucial (Boonzaier 2008:2; Rothman et al. 2003:9). Batterer intervention programmes began in South Africa in the 1990’s. A small number of batterer intervention programmes are presently available, run by non-governmental organizations. International trends have indicated that intervention with either the survivor or the batterer is futile and greater recognition has been given to the development of comprehensive and coordinated responses (Schechter 1982, as cited in Londt 2006:6).

Victim safety seems to be the guiding principle of BIPs (Bennett & Williams 2001b:1). Compelling research evidence shows real safety for women and children needs to include violent men taking responsibility for their violence, being accountable for behaviour change and to engage them in interventions that will stop further violation of their current partners or those in future relationships (Londt 2004:11). Thus, BIPs have been developing in the USA, Canada, Europe⁴ and Australia since the 1970s (Gondolf 1997; Bennett & Williams 2001a Boonzaier 2008 ; Rothman et al. 2003:9; Kavemann et al. 2001:2) and since the 1990s in

⁴ Germany-1983, Austria-1985, Norway-1987 (Rothman, et al. 2003:9); Scotland -1980’s (Criminal Justice Social Work Development Centre for Scotland 2003:1)

developing countries such as Indonesia, India, Peru, Costa Rica, Honduras and Africa⁵ (Boonzaier 2008; Londt 2004; Rothman et al. 2003:9). A WHO study reported distribution of BIPs⁶ as: “America’s (34%), Europe (36%), Africa (11%), South-East Asia (5%), Eastern Mediterranean (2%), and Western Pacific (13%)” (Rothman et al. 2003:8). An extensive, increasing body of theory, research, content and methodology documenting BIPs is available (Stordeur & Stille 1989; Gondolf 1991, 1996, 1999; Pence & Paymar 1993; Tolman & Edleson 1995; Healey et al. 1998; Bennett & Williams 2001a and b; Arias et al. 2002; Dankwort & Austin 2002; Hanson & Wallace-Capretta 2002; Rothman et al. 2003; Londt 2004; Dalton 2007; Boonzaier 2008).

International trends indicate 50-85% of BIPs are court-mandated (Kavemann et al. 2001:15 and 16; Rothman et al. 2003:11, 23; Boonzaier 2008:3). BIPs have been found to have modest but positive effects on IPV prevention and there is minimal evidence supporting the effectiveness of any one particular BIP model (Bennett & Williams 2001b:3). Therefore, appropriate legal and clinical interventions for perpetrators remain controversial (Edleson & Williams 2007:45; Bennett & Williams 2001b:6-7).

6 MOTIVATION FOR THE STUDY

6.1 Research Problem Statement, Research Question and Key Objectives

As a practitioner, employed by The National Institute for Crime Prevention and the Reintegration of Offenders (hereafter NICRO), we have been actively worked in the field of intimate partner violence for over twenty years. This study was initiated by concerns about the lack of comprehensive strategies for the prevention of intimate partner violence, the small number of batterer intervention programmes available, the resource and capacity limitations of courts, in general, and in particular to deal with the complex and specialised field of intimate partner violence, and the lack of best practice models for collaboration and coordination in SA.

More specifically, this study was informed by the frustrations of NICRO staff working with

⁵ FAMSA first programme established in developing country in 1990 (Rothman, et al. 2003:9)

⁶ Excludes programmes in USA, Canada and England

court-ordered batterer referrals. NICRO staff repeatedly reiterated that courts issued no further sanction for non-compliant batterers. Further, the lack of uniformity of interaction with courts, with varying levels of cooperation, appeared to be a concern. There was a need for role clarification and NICRO staff was concerned about inappropriate referrals of intimate partner violence parties for couple counselling⁷, victim offender mediation and to anger management programmes. NICRO was also concerned about the use of diversion in cases of medium to high risk cases. There was also an insufficient use of non-custodial options in working with batterers.

Therefore, building on domestic violence criminal justice monitoring research (Artz & Smythe 2005; Artz 2003; Parenzee et al. 2001; Vetten 2005a; Vetten 2005b) and studies on BIPs (Londt 2004; Boonzaier 2008), the main objective of this research was to explore the participant's experiences of what works and what doesn't, in the collaboration around court-mandated batterer treatment. Another important objective was to explore best practice models of coordinated cooperation regarding court-mandated BIPs.

For purposes of this study then, the high occurrence of intimate partner violence in SA, marginal attention to the development of BIPs, the specialized nature of IPV, challenges with coordination and collaboration, and in general the limited criminal justice and civil society capacity make it appropriate to explore collaboration between courts and BIP agencies to identify challenges and opportunities.

The key research question for this study is whether collaboration between the courts and practitioners who provide BIPs can provide better outcomes for IPV intervention and prevention?

To establish the main objectives for this research the following questions were asked:

- What is the purpose of court-mandated batterer treatment?
- Are the roles and responsibilities of the courts and BIPs clearly defined?

⁷ A WHO study states: "providing couples counselling to abusers and victims are a controversial practice"...concerns are that, "victims risk extenuating harm and perpetrators are unlikely to be rehabilitated by this practice" (Rothman et al. 2003:19, 25).

- How do the courts and BIPs work together? What is the nature of the relationship, the principles, mechanisms, protocols and procedures of the cooperation?
- What opportunities does the collaboration between courts and BIPs present for IPV prevention?
- What challenges confront collaborative attempts?
- Are there best practice models to provide leadership to the development of court-mandated batterer intervention programmes?

6.2 Research methodology

The study used a qualitative interview-based approach to capture the ‘real stories’ behind the collaborative efforts. Participants were selected by using purposeful sampling (Strydom & Delpont 2005:328; Nieuwenhuis 2007:79). This kind of sampling is described as “participants selected because of some defining characteristic (or criteria) that make them holders of the data needed for the study.” The selection criteria provided the parameters for choosing participants for this study, and were as follows:

- i. practical involvement with a court-mandated BIP;
- ii. experience in working with domestic violence more generally;
- iii. a mix of BIP participants, magistrates, domestic violence clerks, court managers and prosecutors
- iv. based in Cape Town and surrounding areas.

The broader methodological approach is discussed in detail in Chapter 3.

To ensure the integrity of the data gathering process, the data collected from the semi-structured interviews were transcribed, analyzed using coding and categorized into emerging themes, the findings of which are presented in Chapter 4. In Chapter 5 the researcher explores the findings from a theoretical perspective, drawing conclusions.

7 SIGNIFICANCE OF THE STUDY

Research on IPV in SA in the last two decades focused primarily on monitoring the implementation of the DVA. Recommendations from previous research on domestic violence in South Africa influenced legislative reform and the CJS policy development (Artz 2003; 2008; Artz & Smythe 2005; Parenzee et al. 2001; Bollen et al 1999; Vetten 2005a and Vetten 2005b).

Although positive contributions were made by this research, limited attention to important aspects of batterer behaviour change is of concern. While the DVA became the primary tool for managing IPV (Artz & Smythe 2005:33), the primary focus on state responses to victim support displaced more targeted attention to evidence-based interventions that address the behaviour of perpetrators. Similarly, the research does not pay much attention to the fragmentation of IPV prevention strategies, and good practice models of coordinated responses. It merely highlights the value of inter-sectoral collaboration. More attention has been given to improving state responses than to coordinating state and non-state responses.

Hence, the significance of this study is that it is the first BIP study in South Africa that focuses on real experiences of participants in the collaboration surrounding court-mandated batterer intervention. This study will show further how court-mandated BIPs draw attention to the need for coordinated responses to IPV prevention in South Africa. It is anticipated that findings of this study will further assist to improve the criminal justice response to IPV, draw attention to the value of court-mandated BIPs, offer insight into the mechanics of a collaborative approach and provide leadership to ensure that people work together and develop a model of cooperation.

8 DEFINITION OF KEY CONCEPTS

The following key concepts were used for the purposes of this study:

8.1 DVA

DVA refers to the South African Domestic Violence Act 116 of 1998.

8.2 Domestic violence

A recent domestic violence survey, by Development Research Africa and CSIR Defence, Peace, Safety and Security Unit, stated:

“The Domestic Violence Act 116 of 1998 defines domestic violence as ‘any controlling or abusive behaviour that harms the health, safety or well-being of the applicant or any child in the care of the applicant,’ and includes but is not limited to:

- (a) Physical abuse or threat of physical abuse (beatings, slaps, punches, kicks, pushing and shoving);
- (b) Sexual abuse or a threat of sexual abuse (any contact which abuses, humiliates, degrades or otherwise violates sexual integrity);
- (c) Emotional, verbal and psychological abuse (including insults and name-calling, ridiculing, degrading conduct, threats to cause emotional pain, jealousy);
- (d) Economic abuse (including not paying household necessities, bond or rent, selling/giving away property);
- (e) Intimidation (making threats or sending threats);
- (f) Harassment (watching, loitering, making phone calls, letters, packages, emails, faxes etc)
- (g) Stalking (Meaning following and accosting);
- (h) Damage to or destruction to property;
- (i) Entry into the applicant’s residence without consent, where the parties do not share the same residence”
(Development Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:26).

The DVA (116 of 1998(1) (viii)) lists acts constituting domestic violence in South Africa to include “physical, sexual, emotional, verbal and psychological abuse; economic abuse; intimidation; harassment; stalking; damage to property; entry into the complainant’s residence without consent, where the parties do not share the same residence; and any other controlling or abusive behaviour where such conduct harms, or may cause imminent harm to the safety, health or well-being of the complainant.”

Domestic relationships covered by the DVA (116 of 1998), (1) vii) include:

married, divorced or separated couples; couples living together (including gay or lesbian couples); parents of a child; family members (including the extended family); people who are or were engaged or dating one another – including those circumstances where one party (but not the other) perceives some form of romantic, intimate or sexual relationship to be in

existence; children; and people who share or have recently shared the same residence (such as flatmates, housemates).

Other operational definitions are explained in the course of the next chapter.

8.3 Intimate Partner Violence

While ‘domestic violence’ in SA is broadly applicable to a range of domestic relationships, IPV specifically refers to the violence that occurs within the context of an intimate relationship, where both perpetrator and victim are known to each other and have either been or are still in an intimate relationship (Ganley 1995, as cited in Londt 2004:60; Londt 2004:61). IPV is characterized by abuse of power, domination, coercion, intimidation and victimization of one person by another, mostly through physical, emotional and sexual means (Londt 2004:72).

8.4 Court and community collaboration

According to Rottman et al. (1998:1), ‘the court’ can refer to an individual judge or magistrate, an entire court, or even a state system of courts. The authors state that the term ‘community’ in community collaboration can be specific local organisations or the public at large within a defined geographical area. The mission of court and community collaboration is to improve the administration of justice so as to produce better outcomes, results, and impacts for individual, communities, and society at large.

8.5 Coordinated community response (CCR)

A ‘coordinated community response’ brings together key criminal justice, health and human (and social) services providers to work together cooperatively and to address the problem of intimate partner violence holistically. Participating agencies are likely to adopt a shared vision, and to develop and implement policies and procedures that improve interagency coordination that lead to more uniform responses to intimate partner violence (Shepard 1999:1; Slaght & Hamilton 2005:45; Salazar et al. 2007). It is considered an effective strategy to address intimate partner violence, of which BIPs are one component. However,

there is no ‘one size fits all’ approach, and a range of models of coordination exist. The Duluth model is one such best practice model and will be discussed in more detail in the next chapter.

8.6 Intervention

‘Intervention’ in this study refers to any form of help or perceived help offered to victims and perpetrators of domestic violence (Petersen 2006:11). Court-mandated referrals to treatment programmes can happen in a variety of ways. According to Bennett and Williams (2001a:263), in the USA participants usually come to batterer programmes either as a stipulation of probation or parole or as a diversion from prosecution or punishment. In SA, perpetrators are either referred through diversion, non-custodial sentencing conditions, or are just advised to attend counselling.

8.7 Perpetrator/Batterer

All individuals who are abusive or violent in intimate partner relationships cannot indiscriminately be categorized as perpetrators of IPV. For the purposes of this study we will use Jaffe and Crooks’s (as cited in Edleson & Williams 2007:6) definition of the term “batterer”, or “men who batter” as, “individuals who demonstrate a pattern of abusive behaviours over time, that are designed to control, humiliate, or terrorize their victims.” As much as this study recognizes that women can be perpetrators of IPV, in SA the highest number of reported cases has been of ‘male on female violence’. Current specialised batterer interventions are designed for male offenders. Therefore, for the purpose of this study the word ‘perpetrator’ refers to male persons who exert violent and abusive behaviour on their female, intimate partner or spouse (Petersen 2006:11) and who have been charged with a domestic violence-related offence. In this study, the term ‘batterer,’ is mostly used, though this is not a common term used in South Africa. Despite its wider application, than just being limited to court involvement, I chose to use it because it is a common term used in much of the body of knowledge on BIPs. As noted by Gerlock (1999:374), ‘batterer’ refers to a man who is both physically and psychologically violent toward his female partner, and ‘battering’ is the use of both physical and psychological violence.

8.8 Batterer intervention programmes (BIPs)

BIPs usually take the form of group-based therapy, counselling or cognitive behavioural training (Kavemann et al. 2001:9). A BIP is defined as any action that has as its goal to change the abusive behaviour of a person who physically, sexually, emotionally or verbally controls his or her intimate partner (Rothman et al. 2003:6; (Londt 2004:9). Most BIPs are court-mandated (Kavemann et al. 2001:15 and16; Rothman et al. 2003:11, 23; Boonzaier 2008:3).

The features of BIPs are explained in more detail in the chapters that follow.

8.9 Victim

Both men and women can be victims of IPV. However, 'victim' in this study refers specifically to any woman who finds herself on the receiving end of IPV (Petersen 2006:11), as defined above. Gerlock (1999:374) asserts that the 'victim' is the most recent female partner being victimized by the batterer.

9 CHAPTER OUTLINE

Chapter 1 **Context of the Study:** A general orientation to the research and orientation to the purpose of this study: A brief contextual background that provides information on the extent and nature of intimate partner violence, explanations of theory, and an overview of intervention strategies. The research problem statement is articulated, the research question and objectives clarified. The significance of the study and key concepts are defined.

Chapter 2 **A Theoretical Overview of Intimate Partner Violence Intervention Strategies:** Various perspectives regarding the criminal justice response to the prevention of intimate partner violence, coordinated community response and Batterer Intervention frame and inform this study are discussed. Key features of BIPs, as well as the justice issues

that affect the efficacy of BIPs and IPV prevention is highlighted. Lastly the Duluth Abuse Intervention Project (hereafter DAIP or ‘the Duluth model’), is presented as a best practice BIP in a CCR model.

- Chapter 3** **Research Design:** A discussion of the research methodology employed: This chapter outlines the research design and reports on various matters relating to methodological decisions in the terrain of inter alia negotiating access, the sampling and interviewing of participants as well as data analysis. Ethical considerations are discussed and the limitations of the study are considered in this chapter.
- Chapter 4 &5:** **Presentation and Discussion of findings:** This chapter presents the key findings which emerged from the empirical enquiry, drawing on the views of the eighteen participants who participated. Key quotes from the interviews are included. The discussion is arranged around central themes and sub- themes that emerged from the data and the literature. The findings are compared with the literature to identify areas of consensus and contention in views.
- Chapter 6:** **Reflective Summary, Conclusions and recommendations of this study:** This chapter provides conclusions drawn by the researcher on the findings, some broad recommendations for practice, and some suggestions for future research. The chapter closes with a reflective summary and some closing remarks.

CHAPTER TWO: THEORETICAL OVERVIEW OF INTIMATE PARTNER VIOLENCE INTERVENTION STRATEGIES

1 INTRODUCTION

The nature of domestic violence is composite and best understood by ongoing patterns of abusive behaviour, involving not just physical violence, but includes combinations of physical, psychological, emotional, sexual and economic abuse (Pence & McMahon 1997:2; Danis 2003:237). In South Africa, the Domestic Violence Act 116 of 1998 (hereafter DVA) defines domestic violence to include both a broad range of behaviours, as well as a variety of familial and domestic relationships within its ambit (Vetten 2005a:4).

A critical review of the main literature findings relevant to a theoretical overview of the criminal justice system response to IPV, as well as CCRs and Batterer Interventions, as viable IPV intervention strategies is provided in this Chapter. Various perspectives regarding CCRs and Batterer Intervention that frame and inform this study are discussed. It is also necessary to discuss key features of BIPs, as well as the justice issues that affect the efficacy of BIPs and IPV prevention. It is also important to present the Duluth Abuse Intervention Project (hereafter DAIP or 'the Duluth model'), which is presented as a BIP model that uses a CCR, because this model has influenced the development of CCRs and BIPs worldwide.

The literature presented in this chapter is both expansive and fragmented. However the level of detail presented here is important, and thus by ordering and providing cohesion to the fragmentation, the aim is to introduce various salient features of a coordinated community response and batterer intervention.

2 PERSPECTIVES ON CJS RESPONSES IN THE MANAGEMENT OF INTIMATE PARTNER VIOLENCE

Pence & Mc Mahon (1997:2) see the value in a criminal justice response as "the power of the state to place controls on an abuser and protect the battered women." According to Londt (2004:262), "legal intervention is an integral part of how batterers are managed". However, there is significant support in the literature that law enforcement intervention and punitive

measures alone are not entirely effective in holding perpetrators accountable or in reducing IPV (See for instance Bouffard & Muftic` 2007:353,354; Slaughter & Hamilton 2005; Salazar et al. 2007; Castleton et al. 2005:30; Babcock & Steiner 1999). In a study by Babcock & Steiner (1999:46), in which men who batter were followed over two years, completion of BIPs correlated to a reduction in the number of repeat IPV offences, while those batterers incarcerated without a treatment programme had a greater number of repeat offences.

Murphy et al. (1998) confirm that arrest, prosecution, probation, treatment and assertive sanctions for non-compliance may each have just a small, additive effect on the reduction in recidivism. Castleton et al. (2005:23) postulate that traditional court responses to domestic violence, such as protection orders and sometimes prosecutions of perpetrators, focus on the perpetrator, losing sight of the victim. Erez (2002) argued that “victims have various motivations for seeking criminal justice intervention, most of which are not related to punishing their batterer.” On the other hand, Castleton et al. (2005:23) are of the view that actual arrests and prosecutions of domestic violence perpetrators are not common. In recent years mounting concern for the protection of victims and the accountability of the perpetrator, particularly by feminist activists, has resulted in subsequent development of policies on mandatory⁸ and preferred⁹ arrest, and mandatory prosecution.¹⁰ However, there is a debate in the literature for the support for such policies. Some have questioned its success in lowering the incidence of IPV and caution its use in all instances. Kruttschnitt (2008:629) argues that policies like mandatory arrests and prosecutions, even though they have as their objective victim protection, have instead resulted in “unprecedented levels of legal intrusion”, and does not always lower the incidence of IPV. Further, Castleton et al. (2005:23) argue that attempts by the courts to crack down on IPV offenders are often negated because courts and the use of law enforcement failed to consider the increased volatility of the batterer caused by prosecution. The literature showed that successful *prosecution* will not necessarily stop

⁸ See Bouffard & Muftic (2007:353) for information on mandatory arrest and prosecution policies that claim that mandatory arrest policies require that police arrest the suspect when they are called to a reported IPV scene, if they have sufficient legal justification or ‘probable cause’ to do so. See also Weisz et al. (1998) and Salazar et al. (2007).

⁹ See also Bouffard & Muftic (2007:353) for information on preferred arrest policies that claims that preferred arrest policies have also been introduced, and are similar to mandatory arrest policies in that they are based on the principle of probable cause which allows the police officer to arrest a suspect when there is probable cause that an incident of IPV has occurred. However unlike with mandatory arrest, police discretion is central to a preferred arrest policy.

¹⁰ See Bouffard & Muftic (2007); Weisz et al. (1998) and Salazar et al. (2007).

abusive behaviour, and various prosecution strategies may empower or disempower victims. (Danis 2003:242; Artz 2008: i). Various authors have highlighted the concept of victim non-cooperation with the criminal justice system (Artz 2008: i; Erez 2002; Weisz et al. 1998; Castleton et al. 2005). Regarding strategies of mandatory prosecution resulting from victim-non cooperation, it is argued that the construct of victim non-cooperation excludes a consideration of the cumulative impact of the victim's interactions with the CJS, and argues that such policies serve to further disempower victims (Artz 2008). On the other hand, research studies of the Office for Victims of Crime (1999) and by Crowe et al. (2009:24), demonstrate that mandatory arrest laws, in conjunction with increased sanctions, stricter probation monitoring and group intervention programmes, have the potential to decrease repeated abuse. Further, an earlier study of Kruttschnitt et al. (2004, as cited in Kruttschnitt 2008:630) suggested that there are conditions under which the mandatory arrest and prosecution policies are likely to work, given the characteristics of the perpetrators, their stake in conformity, and even neighbourhood characteristics, and that past studies had failed to adequately specify these conditions.

While some have stated that protection orders¹¹ are a secondary way of protecting the victim from the offender, and should be used as a proactive first step by the victim to ensure their safety (Bouffard & Muftic` 2007:354; Danis 2003:242), the ineffectiveness of protection orders is also raised (Bouffard & Muftic` 2007:354; Danis 2003:242; Development Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:13; Castleton et al. 2005). Despite findings of high levels of compliance with protection orders by some batterers, leading to victims high satisfaction with protection orders (Research Africa and CSIR Defence, Peace, Safety and Security Unit 2008:13; Fischer 1992 as cited in Weisz et al. 1998), research has found that the majority of protection orders is violated, and may result in further danger to victims (Danis 2003:242). Therefore, the literature shows that protection orders should not be used as a 'one size fits all' response and must be combined with other strategies that safeguard victims. Babcock & Steiner (1999:46) point out that research is needed to evaluate the efficacy of the current legal response to domestic violence. The literature shows that, in response to the dissatisfaction with the traditional criminal justice response to IPV, particularly by feminist activists, the proliferation of court-mandated BIPs

¹¹ See also Bouffard & Muftic (2007:354) and Wallace (1996, as cited in Danis 2003:240) for further information on civil protection orders, also referred to as restraining orders, used to restrict the offender from having further contact with the victim for a specific period of time.

appear to have increased in most parts of North America, Canada, Australia and parts of Europe. Various studies have failed to find significant reductions in IPV re-offending resulting from stand-alone BIPs that is without the additional criminal justice, monitoring, supervision and advocacy components (Bouffard & Muftic` 2007:365; Harrell 1991; Jackson et al. 2003; Healey et al 1998:79; Crowe et al. 2009).

The literature shows that an increasing number of batterers are sent to BIPs, through pre-trial or diversion programmes or as part of sentencing (Healey & Smith 1998:1). Research has also shown that the use of diversion is controversial (Healey et al. 1998). Healey et al. (1998:90) stated that “in the 1970’s the United States Civil Rights Commission drew attention to the negative symbolism evoked by diverting battering cases”. Klein (1996 in Healey et al. 1998:90) cautions that “diversion says that battering is trivial.”

Hence, there is adequate support that the use of both BIPs and criminal justice intervention is necessary to hold batterers accountable and to take responsibility for their behaviour change. Despite the criticisms lodged against mandated participation in BIPs (Kavemann 2001), there appears to be wide support in the literature for it as an appropriate intervention (Babcock & Steiner 1999:46; Murphy et al. 1998).

3 COORDINATED COMMUNITY RESPONSE (CCR) IN INTIMATE PARTNER VIOLENCE

Both local and international studies present various perspectives on CCRs, of which central features are evident. International trends show interventions with survivors or batterers in isolation are ineffective, affirming the significance of the development of comprehensive and coordinated responses (Londt 2004:6; Salazar et al. 2007; Babcock & Steiner 1999:46). Further, the literature and findings highlight that implementation of a coordinated community response has been effective in helping women by moving the focus away from victim blaming to increasing the accountability of batterers (Bledsoe et al. 2006;124). There is consensus in the literature that ‘cooperative efforts’ not only among CJS agencies, but BIPs, victim advocates, battered women agencies, and the community are likely to produce more significant reductions in battering than any single programme (Tolman & Edleson 1995:3; Londt 2004:6).

CCRs are described as a comprehensive strategy that usually combines criminal justice intervention, batterer intervention, and victim advocacy (Londt 2004:6, 231A; Bennett & Williams 2001b:8; Rothman et al. 2003:24; Visher et al. 2008:498; Pence & Paymar 1993:18; Castleton 2005:31; Boonzaier 2008:46). CCRs are said to have greater impact on broader advocacy efforts for wider societal and system changes (Salazar et al. 2007:632; Pence & McMahon 1997:1; Wilson 2003). Shepard et al. (2002, as cited in Bouffard & Muftic` 2007:354) contends that the basis for launching a CCR is that, through coordination, the incidence of IPV can be more effectively reduced. Most authors agree that the purpose of coordination is to protect abused women, hold abusers accountable, defer future abuse, and coordinate the flow of information so that neither party gets lost in the cracks of a multi-faceted system (Hart 1995; Pence & McMahon 1997). Despite wide consensus about the benefits of CCRs, there are debates about its impact on recidivism (Babcock & Steiner 1999:46). There is no 'one size fits all' approach and there is considerable variation in what coordinated responses look like in different localities (Bouffard & Muftic` 2007:354; Holder 2001:19).

A significant number of authors have argued that the shift in public policies towards CCRs stem from the failures of the CJS to ensure victim safety and batterer accountability (Bouffard & Muftic`2007:353, 354; Slaght & Hamilton 2005; Pence & McMahon 1997; Salazar et al. 2007). Supporting CJS reform, criticism has been levelled at the CJS for its 'hands off approach', a poor understanding of the phenomenon, and failure to hold all except a minority of abusers accountable (Aynsley et al. 2002:16). The locus of attention of CCRs - focused on improving the criminal justice response - appears disproportionate in relation to other possible CCR goals, like changing social norms and working with a wider service delivery network. This motivates for the involvement of other key role-players. Danis (2003:237) reminds us that research over the past 25 years shows success rates in CCRs. In Healey et al. (1998:94) the authors refer to the important role of BIPs in facilitating cooperation among CJS and community service networks to reduce IPV.

Beside the traditional involvement of criminal justice and social welfare agencies in CCR intervention, some models include stakeholders such as mental health workers, educational, media, or health professions or institutions (Londt 2004:8; Erez 2002; Danis 2003:242; Slaght & Hamilton 2005:45). The faith-based communities, medical personnel and child welfare are

criticised for being absent players (Slaght & Hamilton 2005:58). Yet, there are many children that are negatively impacted by IPV (Bledsoe et al. 2006; Bancroft & Silverman 2002). Bledsoe et al. (2006:112-113), highlight that children who witness IPV often experience cognitive and emotional problems, as well as symptoms of post traumatic stress syndrome. The inclusion of agencies working with children impacted upon by IPV is given attention by various authors (Salazar et al. 2007; Bledsoe et al. 2006; Slaght & Hamilton 2005). Slaght & Hamilton (2005:45) also support the value of coordinated responses and the involvement of a range of key actors.¹² A significant contribution of the Slaght & Hamilton (2005) study is that multi-modal treatment services are needed and must be supported by law enforcement. They highlight the importance of collaboration between the CJS and treatment communities in meeting the specialised needs of batterers and victims. Further, Slaght & Hamilton (2005:58) caution that participants must bear in mind that coordination is not necessarily a product of the mere existence of a coordinating body, but results from a unified philosophy that integrates law enforcement and treatment responses. According to Bennett & Williams (2001b:8), “the most effective reduction in IPV will occur in the communities with the strongest combinations of coordinated, accountable elements.”

The literature suggest gaps in service delivery are likely to emerge if key organizations, or even individuals within organizations, do not participate in local networks or coordinated efforts. Mornington (2002:24) explains coordination and collaboration as a process with solutions for IPV. The author argues that through coordination our knowledge of IPV increases and better equips us to develop effective responses.

While some CCRs are developed by creating a stand-alone project (e.g. Duluth-USA and Hamilton-New Zealand), others have attempted to develop coordinating processes, linkages and procedures onto the normal functioning of the justice system. Efforts were also made to influence the content of case handling and prosecution (Holder 2001:19). The literature shows that some CCRs are initiated by informal community-based organizations, while others by formalised government initiated IPV task forces, local law enforcement agencies or even a public figure (Stark 2001, as cited in Salazar et al. 2007:631).

¹² In Slaght & Hamilton (2005:45) the key actors involved in coordination were the judiciary, the State Attorney's Office, probation, treatment programmes, the medical community, the child welfare agency, and the clergy.

There appears to be no standardized intervention protocol for CCRs when implementing specific activities, and meeting its objectives requires an approach that is tailored for the specific needs of the community. Yet, the literature corroborates that CCRs have similar objectives, operating principles and share common goals (Holder 2001:20; Shepard & Pence 1999).

The common goals of a CCR are to increase perpetrator accountability, enhance victim safety, coordinate and evaluate existing services, develop new services, and to change the social climate of tolerance for intimate partner violence (Shepard & Pence 1999; Holder 2001:20 Shepard 1999; Salazar et al. 2007:631-632; Bledsoe et al. 2006). CCR advocates support the macro goal of societal level changes to norms that support IPV (Shepherd 1999; Salazar et al. 2007:632). Increased attention to victims by the CJS ensures that victim participation and support as additional goals are not ignored (Keilitz 2001:29; Danis 2003:242; Visher et al. 2008:519). Similarly, in SA we have seen the CJS assign attention to victim's rights and support, as a result of a burgeoning victim empowerment movement. This contributed to the development of victim empowerment policies in the country. The literature shows that the role of the victim in taking proactive steps to involve the CJS is an important issue. The literature also reports that during prosecution, accompaniment through the court system is a tool that seeks to empower abused women (Danis 2003:243). Child safety goals are seen as an additional component of victim safety (Mullender & Burton 2000; Carter 2002:6). According to Danis (2003:242) the linkage between deterrence, victim empowerment and legal intervention is, however, not known.

According to Adler (2002, as cited in Bouffard & Muftic` 2007:354), specific objectives of a coordinated response include:

- improved system effectiveness;
- delineation of services across agencies;
- delivery of appropriate services to the victim with minimal distress;
- protection of the victim; and
- successful sanctioning of the offender.

According to Salazar et al. (2007:631) CCR interventions focus on protection and support, while advocacy and appropriate interventions for batterers follow. Both batterer

accountability and victim safety may appear to be compatible goals of CCRs, but there are many instances when the programmatic goals may compete (Castleton et al. 2005). Castleton et al. (2005) refer to many instances when victims are killed after applying for a protection order. A few of the competing areas are discussed in the findings (Chapter 4) of this study. Magistrates and other justice personnel developing specialised expertise to better handle DV provide further positive outcomes of CCR intervention (Seaborn 2002:31). Moreover, whilst Visher et al. (2008:519) and Babcock & Steiner (1999:46) provide suggestive evidence that coordinated DV intervention may have a statistically significant but small impact on reducing DV, according to Saunders & Hamill (2003, as cited in Crowe et al. 2009:4), research has found positive benefits for reducing IPV through CCRs. Further, a joint philosophy adopted by key actors, ongoing training, and evaluation is among the key findings considered crucial for effective coordination (Slaght & Hamilton 2005; Babcock & Steiner 1999:58).

Slaght & Hamilton (2005:45) highlight the value of evaluation and argue that data documenting the effectiveness of a coordinated response must be collected routinely and assessed. What follows are two international evaluation studies where implementation of CCRs have played themselves out. Their value lies in that they present the challenges and key features of success in the use of CCR approaches. While each of these studies contributes various unique insights, there are common challenges and findings.

One such study was that of Visher et al. (2008:519), who conducted an evaluation of a CCR model called the 'Judicial Oversight Demonstration Project' (JOD), which is run in several states in the USA. The authors found substantial changes in the response to IPV, particularly enhanced collaboration among justice agencies. Data from their study showed JOD initiatives led to court and probation improvements, increased court specialization, improved compliance review procedures and increased coordination with victim service agencies (Visher et al. 2008:519). The authors reported significant gains in offender accountability. However, this did not always translate into significantly lower rates of repeat violence. The benefits of a CCR for victims of IPV were less obvious (Visher et al. 2008:520). The authors found that while victims benefitted from improved victim support services, JOD did not achieve gains in victim participation in the court process or in victim's perception of her safety or well-being (Visher et al. 2008:519). There were mixed results regarding repeat victimization. At some sites victims continued to report repeat victimization, including

intimidation, threats and assaults. Hence, Visher et al, (2008:521) proposed further research on how to build stronger links between courts and non-governmental victim service providers, how to motivate offender compliance using sanctions and BIPs, how to change offenders' perceptions of risks for future violence, and how to engage victims in services that will assist in their staying safe. The authors' findings here are relevant to the SA context, particularly the suggestions for further research on how to build stronger links and partnerships between courts and non-governmental agencies.

Bouffard & Muftic` (2007) examined outcomes of various components of a coordinated community response in a mid-size city in the USA Mid-West, and found significant findings regarding the impact of CCRs. Specifically, recidivism was examined, using officially recorded information on re-arrests for 131 offenders involved in a CCR-type intervention. The study posed several questions related to the effectiveness of a CCR-type approach to dealing with IPV committed by male offenders. Key results of their study were firstly, that more serious offenders (with prior domestic violence arrests and protection orders against them) were more likely to recidivate. However, the researchers prompt that a combined intervention approach impacts positively on the role of the coordinating committee in increasing the intensity of monitoring and supervision of the offender. Secondly, results show comprehensive, community-based intervention could be improved by adding substance abuse treatment components targeting co-occurring substance abuse, which otherwise seemed to reduce the effectiveness of the intervention. Despite the positive outcomes noted by the study, Bouffard & Muftic` (2007), like Visher et al. (2008), point out that the current study failed to demonstrate that the overall combined community-based intervention that follows conviction in the respective jurisdictions was effective in reducing re-offending.

The criticism of Salazar et al. (2007:632) is that few studies have focused on the broader impact of CCRs in evaluating system changes and wider societal change, particular CCR intervention on influencing social norms that support IPV. Yet, Danis (2003:242) argued that CCRs have been successful in delivering the community-wide message that IPV should be taken seriously. Could it be possible that some CCRs set out with the objective of changing social norms that often receives disproportionate attention because of the demand of criminal justice reform, and victim and batterer services? Or , as raised by Salazar et al. (2007:632), is it that measuring social norms is a complex and arduous task and many stay clear from it.

In summary, despite the debate as to whether or not CCRs have minimal impact on recidivism, the literature seems to strongly support that the benefits of CCRs are sufficient to motivate its implementation, and support further study aimed at improving its impact on recidivism. Applicable to the South African context, there is still a need for further study on how to change social norms, children and IPV, and building stronger links between courts and non-governmental agencies.

4 BATTERER INTERVENTION

4.1 Batterer Intervention Programmes (BIPs)

Batterer Intervention Programmes were defined and the term clarified in Chapter 1. According to Crowe et al. (2009: 184) BIPs are typically group counselling or educational programmes designed to intervene in a very specific way to address patterns of violence and abusive behaviour and issues of power and control exerted by IPV offenders. There have been various studies that have measured the effectiveness and impact of BIPs (Babcock & Steiner 1999; Bouffard & Muftic` 2007:365), which are discussed here and are useful in pointing out challenges, successes, and key features of BIPs.

BIPs continue to face controversy, as the literature fails to show consistent findings that BIPs work to reduce the reoccurrence of IPV. According to Crowe et al. (2009:184), BIPs may help some batterers change their behaviour, and are helpful in providing ongoing support, supervision, and monitoring to maintain behaviour changes. Offenders can continue their involvement with the programme beyond the programmes' set number of sessions. On the other hand, Visher et al. (2008:520) state that referrals to a BIP 'does not have a powerful effect in reducing IPV' and much progress still needs to be made in changing offender beliefs and behaviour. Babcock & Steiner (1999:46) argued that there was a correlation between longer batterer programmes and reduced recidivism. However, there is consensus in the literature that the rehabilitation of batterers cannot occur in isolation and needs the support and cooperation of the CJS (Healey et al. 1998:81; Londt 2004:8; Visher et al. 2008:520). Further, Visher et al. (2008:520), argue that implications are for a robust response from the CJS, with respect to protecting victims, using the authority of the CJS agencies to monitor offenders more closely and to respond promptly with penalties for violations of court orders.

In addition victim service providers should work closely with victims on taking responsibility for their own safety, which includes having a safety plan, and strengthening social support networks (Visher et al. 2008:520-521). Further coordinated efforts are strongly supported in the literature (Tolman & Edleson 1995; Londt 2004:8; Castleton et al. 2005:28; Healey et al. 1998:81). Both Castleton et al. (2005:28) and Healey et al. (1998:81) agree that supportive, integrated system responses include coordination among agencies, both within and outside of the CJS. Londt states that BIPs “must be based on empirical knowledge and does demand collaboration from mental health workers, the CJS as well as police services” (Londt 2004:8). Richard Tolman in a telephonic interview with Healey et al. (1998: 94) has argued that the greatest contribution batterer programmes make may not be their work with individual offenders, but rather their ability to bring together major actors in the criminal justice and community service sectors so as to work cooperatively to reduce domestic violence. According to Jackson et al. (2003: 3) BIPs may be effective in the context of broader criminal justice innovations, and rather than asking whether BIPs work, a more productive question may be “which programmes work for which batterers under which circumstances”. Further she raised the point that BIPs vary in how they define success, which, I believe, complicates the generalisation of findings

BIPs as a component of a CCR emphasise that BIPs should not be allowed to develop in isolation from the development and strengthening of a wider range of other current community responses to IPV (Laing 2002:10; Londt 2004:8). It was encouraging to note that the goals of BIPs are similar to the CCR goals, emphasising victim safety, and batterer accountability (Bennett & Williams 2001b:1; Crowe et al. 2009:182; Healey et al. 1998). The literature suggested that differences between BIPs is less significant if there is a strong service delivery network working to agreed service delivery standards. There has been consensus in the literature that the CJS is an important mechanism in the protection of victims and the accountability of the perpetrator, which civil society agencies, offering these programmes, cannot achieve on their own (Londt, 2004; Gondolf 2004, as cited in Castleton et al. 2005:51; Visher et al. 2003; Klein & Tobin 2008, together with Healey & Smith 1998:1). Yet the literature suggests that there are many BIPs, including court-referred programmes that do not have clear and integrated links to the CJS.

Richard Cohen, in a telephonic interview with Healey et al. (1998:94) suggested that, in communities where there are no BIPs, a CCR be developed first, so that a focus on changing individual men does not become the primary focus, which he believes so many BIPs do. Although the author supports that individual change in batterers is a legitimate and important goal, he argues that it is crucial to ensure the realization that battering can be better deterred through establishment of a CCR, and believes strongly at this level that men's violence can be changed or stopped, rather than through a sole investment in changing individual men.

Interestingly, Crowe et al. (2009:182) argues that rehabilitative benefits for offenders are secondary to the primary focus of offender accountability and victim safety. According to Healey et al. (1998:79), there are actions that criminal justice personnel can take at all points in the CJS to reinforce the message that IPV is a serious issue, and in support of the goals of BIPs. Despite the support for BIPs, there is limited resourcing of such interventions. Further, BIPs with limited organizational capacity to offer appropriate levels of partner contact and safety, limiting their capacity to evaluate programme effectiveness and ultimately negatively impacts the success of such programmes.

Local and international studies point out a number of key features and trends of BIPs. For instance, according to Bennett & Williams (2001a:261) BIPs are usually offered by non-profit or private agencies or practitioners, and less frequently by the CJS. The various existing programmes for male abusers differ on numerous aspects, such as length of programme, the underlying philosophy of the intervention, the type of treatment modality (individual, couple or group) and whether men enter the programme voluntarily or by court order (Boonzaier 2008:5).

It is apparent that efforts to change offender behaviour and reduce the reoccurrence of IPV is challenging. The question of how best to intervene with batterers remains unanswered (Londt 2004:257). Yet, there appears to be an increasing consensus that the most credible, accountable and effective programmes share a number of features (Mullender & Burton, 2000; Wilson 2003:3; Scourfield & Dobash 1999), which are discussed further in the next section.

According to Bennett & Williams (2001a:264), as much as there are variations in batterer programmes around the world, six key elements are present in most batterer programmes, being:

1. assessment/evaluation,¹³
2. participation contracts,
3. contact with victims,
4. an orientation process,
5. group-based programming, and
6. programme-completion criteria, and post complete maintenance.

Regarding evaluation, or screening and assessment as it is better understood in the SA context, the use of risk based assessment is supported (Danis 2003:242; Londt 2004:231A; Bouffard & Muftic` 2007:364). According to Danis (2003:242) the use of risk based assessment tools examine severity and frequency of abuse, access to firearms and use of alcohol and is central to victims safety. Further, Crowe et al. (2009:182) argues that contact with victims, and networking, consultation, and accountability to victim agencies are necessary. Additionally the purpose and limitation of BIPs must be discussed with victims (Crowe et al. 2009:182). Bouffard & Muftic` (2007:364) also point out that assessment is key to identify offender risk factors, important in determining subsequent treatment needs of the batterers. Assessment is also used to address the needs of specific communities and people with special needs. Other sources of referral should be made if necessary, in the case of alcohol treatment, psychiatric treatment or psychopathology.

For instance, Babcock & Steiner (1999:46) found that the number of BIP sessions attended was negatively correlated with recidivism. Therefore, although lengths of programmes vary, the trend is toward longer treatment (Dalton 2007:61; Boonzaier 2008:86; Wilson 2003:4). Gondolf (2002) refers to the length of treatment as the dosage of treatment, and describes it as how much intervention is needed to effect long-term attitude and behaviour change in participants. This is likely to differ from one batterer to the next, but assessing for appropriate length of treatment appears not to be consistent. Gondolf (2002) found that men in the two longer programmes he studied were more likely to demonstrate changes in underlying

¹³ See further Bancroft & Silverman (2002: 11-13) who propose that assessment of change in batterers should draw on multiple sources of information and not just the batterer's self report.

attitudes to women, which support men's abusive behaviour. He suggests that "batterer programs may need to be longer and perhaps more therapeutic to affect ...underlying resistance" (Gondolf 2002:150). Boonzaier (2008:58-60) found that BIPs in her study ranged from eight to 48 sessions, spanning from three to 12 months. She found most BIPs range from 20-24 weeks and ideally should be run over 36 weeks. Slaght & Hamilton (2005) also confirmed that typical BIPs are 36 hours and run over 24 sessions. Boonzaier (2008:86) stated that most men prefer longer programmes, finding the use of group experiences as learning and supportive opportunities.

Literature supports the strengths of structured group treatment as the preferred methodology in working with perpetrators of IPV (Edleson 1984:240; Mullender & Barton 2000; Hanson & Wallace-Capretta 2002; Londt 2004; Boonzaier 2008:86). In motivating group counselling as a preferred modality, Londt (2004) identified a number of impediments to changing an abusive man's attitudes within an individual context, one of which is the failure to confront. Boonzaier (2008:86) study found support for individual approaches as supplementary to group treatment, used during intake and assessment phases of interventions, and in substance abuse and psychological treatment. Group sessions that are co-facilitated by men and women, who can model respectful, egalitarian ways of working is supported (Gondolf 1999; Boonzaier 2008:73). Perpetrators in most programmes are charged a fee for their participation (Dalton 2007:70; Boonzaier 2008; Crowe et al. 2009:189).¹⁴

The literature shows group size to vary from 3-18 men in a group. According to Edleson (1984:240) the group size should include between four to ten men. In a study by Boonzaier (2008:24-57) findings showed that group size ranged from six to 13 men. Gondolf (2008:175) found the group size of the Domestic Abuse Counselling Centre (DACC) in Pittsburgh, Pennsylvania to include 13-18 men in a group.

The literature shows support for both the use of open and closed groups. Boonzaier (2008:48-49) found that open group therapy is advocated based on the strengths of group work, such as its practicality and efficiency, the use of group experiences as learning and supportive

¹⁴ See Boonzaier (2008:5) who found slightly more than one-third of programmes in her study charged men for their participation, even in low-income countries, as it was felt that this would ensure that men would value the service.

opportunities, because older group members may act as role models, and the fact that a single therapist can intervene with a number of different men over time. However, Boonzaier (2008:49) also cited disadvantages of open groups that present difficulties around bonding in the group, and informs us that a significant number of programmes support closed-group approaches. One can conclude that the benefits of both approaches calls for discretion of practitioners to determine which approach would be appropriate in any given situation.

The qualities, competencies,¹⁵ commitment, supervision and ongoing training of staff that facilitate these programmes are crucial to positive programmes outcomes (Mearns & Thorne 1988; Wampold 2001; Saunders 1997:2; Hanson & Wallace-Capretta 2002:2-3; Londt 2004:231A). Most facilitators had Masters or Bachelor's degrees in Social Sciences, and received on-site training. Students and less experienced therapists were paired with senior staff members (Hanson & Wallace-Capretta 2002:2-3). In SA, the competencies and skills required of staff are problematic and have resource implications.

- Intervention topics include: an analysis of violent or abusive incidents,¹⁶ the recognition and tracking of moods and emotions, the examination of masculinity (Rothman et al. 2003:15), male socialization and attitudes to women, developing empathy with others and the development of a range of cognitive¹⁷ (and life) skills, and techniques for increasing control over one's own well-being and behaviour (Gondolf 1999). According to Gondolf (1999), abusive men's skills in coping with stress in their daily lives can be strengthened if they can learn to resolve conflicts non-violently. Both the benefits and the costs of using violence should be acknowledged and men should be challenged to weigh the costs against the benefits. According to

¹⁵ See Saunders (1997:2) for further information on the competency of practitioners working with BIPs. Here it is explained that competency involves both background knowledge and therapy skills. Background knowledge must include a high level of awareness of the causes of domestic violence and the impact it has on the victim. Competency also involves knowledge of the many ways in which offenders minimize and rationalise their behaviour is crucial

¹⁶ See Pence & Paymar (1993, cited in Hamberger 1997) for further information about the Power and Control Wheel and the Equality Wheel, popular tools developed by the Duluth model used to identify abusive behaviours and to work towards ending violence.

¹⁷ See Rothman et al. (2003:15) for further Evidence that suggests that abusive men have particular cognitions that support violence against their partners. Intervention should focus on false cognitions. There are a number of cognitions common to abusive men, which should be challenged. Self-talk and thought-switching/stopping exercises are introduced through group discussions and lectures.

Eddleson (1984:239), relaxation, inter-personal skills training, and responsible assertiveness training are also critical areas of life skills taught through the programme. Rothman et al. (2003:15) analysis of the proportion of providers that covered topics during intervention of BIPs, were as follows:

- 90% -masculinity,
- 88%-the intimate partnership,
- 86%-conflict resolution,
- 78%-cultural traditions;
- 76%-management; 76%-fatherhood skills;
- 64%-local IPV laws;
- 58%-alcohol and drug use;
- 50%-trauma;
- 50%-stress;
- 44%-sexual health;
- 44%-oppression;
- 22%-spirituality;
- 14%-community organizing.

In addition some providers indicated that self-esteem, debt relief, job skills training, employment assistance and other practical support can be offered to participants (Rothman et al. 2003:15).

According to Crowe et al. (2009:183), IPV offenders gradually improve their behaviour through BIPs, drug and alcohol counselling, and encouragement from probation officers and others. Further, Slaght & Hamilton (2005:58) argue that concurrent chemical dependency treatment is rarely available, and should supplement BIP treatment. According to the John Howard Alberta Society (2001:1), these programmes work most effectively when there are clear and serious consequences for perpetrators who do not successfully complete the programme. According to Syers & Edleson (1992) men arrested and ordered by the court to attend treatment were less likely to repeat their violence, followed by those who were not arrested, and then by those who were arrested but not ordered to treatment. Court-mandated BIPs are reported to be as high as 50-85% (Kavemann et al. 2001:15 and16; Rothman et al. 2003:11, 23; Boonzaier 2008:3; Healey & Smith 1998:1). Criminal justice agencies have

responded by referring an increasing number of batterers to these programmes, through pre-trial or diversion programmes or as part of sentencing (Healey & Smith 1998:1). However, despite the high incidence of batterers mandated to participation, there appears to be an ideological and conceptual debate in the literature regarding voluntary and court-mandated referrals (Kavemann et al. 2001:9). According to Kavemann et al. (2001:9) those in support of voluntary referrals reject the work emanating from court orders, referring to this type of work as 'forced counselling'. They are of the opinion that it impacts negatively on the perpetrators motivation to change and cannot be successful. On the other hand, legal sanctions are crucial to ensure accountability and improve the safety of victims (Kavemann et al. 2001:19). Further international studies show that BIPs, with largely mandated participants, tend to have a longer duration and had relatively higher retention rates. In addition, BIPs are seen to provide the judiciary with a viable alternative to imposing a jail sentence (Salazar et al. 2007:640). Another view in support of court mandates reported by facilitators of programmes in Australia stated that mandating reduces a man's options, and can actually reduce resistance to participation.

Ongoing evaluation of the effectiveness and impact of BIPs are necessary (Slight & Hamilton 2005). The literature shows that measuring the impact of BIPs is not easy, as the specific nature of IPV provides a range of practical and ethical problems in determining the effectiveness of programmes over the long term, particularly if researchers are attempting to incorporate the perspective of partners/ex partners.

Trends support CCR participation. Levesque & Gelles (1998, as cited in Babcock & Steiner 1999:58) point out that well-established treatment programmes on their own appear to have a small effect on IPV and recommend the need for experimentation with diverse interventions within a coordinated framework of community and legal action. Supporting this, a major conclusion in Gondolf's (2002:23) study of four longstanding BIP sites over seven years in the USA was that *the system* matters: "program outcomes appear to be substantially influenced by how well the police, the courts, probation, women's services and other community services all work together." Regarding this, the impact of a criminal justice response on its own, however, without a corresponding emphasis on a wide range of other supports for women and interventions with men, may also be somewhat limited.

Court-mandated BIPs imply increased collaboration between courts and BIPs. Various approaches have been used. Healey et al. (1998:94) state that in the USA collaboration can range from formal and informal collaborations between criminal justice agencies programme staff and community partners, which can include informal monthly meetings between BIP providers and probation staff; local task forces that coordinate and monitor citywide or regional IPV policies, including BIP operation; and state-wide committees to formulate state-level standards for BIPs and other DV policies.

In summary, key components of effective BIP intervention appear to be longer court-mandated treatment within a coordinated community response and the use of an eclectic, integrated combination of treatment approaches with:

- cognitive behavioural intervention,
- group-based treatment,
- risk based assessment,
- competent and skilled staff, and
- a variety of topics, ranging from masculinity, socialization and attitudes toward women, anger management, various life skills, sexual health, child-hood trauma, intimate partnership, local IPV laws, fatherhood and parenting skills, and spirituality.

The following section will deal more specifically with key criminal justice issues affecting court-mandated BIPs.

4.2 Key Criminal Justice Issues Affecting Court-Mandated Batterer Intervention Programmes (BIPs)

This section discusses key criminal justice issues that impact on the efficacy of BIPs. The values and principles alluded to in the previous section are embedded within these issues. Five key issues are covered: prompt enrolment in BIPs; screening for risk and suitability for perpetrator programme intervention; and monitoring, supervision and non-compliance. In addition the researcher will also focus on the specialised nature of IPV and implications for courts, and a focus on implications for Social Work Practice.

4.2.1 Enrolment in Batterer Interventions should occur quickly

Gondolf (1996, as cited in Healey et al. 1998:86) speculated that speed of enrolment in batterer intervention programmes might, upon further evaluation, predict recidivism better than the type of criminal justice referral (pre-trial diversion versus conviction), programme length, or programme content. Other authors have agreed that policies adopted to expedite trial dates, sentencing, probation contact, and BIP intake are likely to impact positively on the criminal justice system's response to IPV (Healey et al. 1998:79; Gondolf 2002; Castleton 2005; Field 2002). Yet, the literature shows that there are often delays in batterers entering intervention programmes. Regarding this, Gondolf (1996, as cited in Healey et al. 1998:84) found that some men entered programmes two years after arrest. According to Gondolf, while many offenders are slow to enrol in court-mandated BIPs, many others never show up at all. According to Healey et al. (1998:85) probation officers notify the court of the violation and a bench warrant is issued. However, arrests are rare because of staffing shortages (Healey et al. 1998:85). While concerns are expressed about the role of the CJS and its general lack of capacity, other reasons cited for delays appear to rest with the agencies that run the court-mandated BIPs, and uncooperative, unmotivated offenders.

Healey et al. (1998:88) provides further reasons for slow enrolment: the limited referrals that programme's can accommodate - if there is no space, IPV offenders have to wait for a space to open up; programmes have fixed programme intake dates; client resistance to entering or participating in a BIP; inability to pay for programmes; and additional hearings to re-order uncooperative offenders to programmes or to extend the period allowed for compliance. For Healey et al. (1998:86), whatever the causes, by allowing slow compliance and non-compliance with court-mandated batterer intervention, the CJS not only creates an appearance of unconcern for the crime, but also contradicts programme messages that battering is a crime and socially unacceptable, and, more so, may also endanger the victim. Furthermore, research shows that delays in programme participation may also limit the deterrent benefit of participating in batterer programmes.

4.2.2 Screening for risk and suitability for perpetrator programme intervention

The literature is consistent that screening and risk based assessment is critical to victim safety, and effective intervention demands accurate assessment of the type and level of violence and abuse in order to determine both immediate and long-term risk, the victim's safety needs, and adequate rehabilitation measures for or sanction of the offender (Field 2002:7; Londt 2004:260). Yet, Londt (2004:5) points out that, in South Africa, there are gaps in risk based assessment protocol. Monitoring, supervision and sanctioning non-compliance are part of the ongoing risk based assessment process and will be discussed in 4.2.3 below.

Further, Teft (2002:19), in considering interventions with perpetrators, provides valuable information on risk based assessment reports. Firstly, he suggests that courts considering a report should look at a man's attitudes, behaviour and risk. Risk based assessment reports aim to provide courts with the most definite information possible regarding the applicant's history of behaviour and attitudes, an analysis of risk and how that risk may be affected by particular interventions. Secondly, the report must be sought from an acceptable, superior source, which focuses on risk and risk management, and good quality reports should be sought from a range of mental health practitioners. Findings of fact on IPV should be shared with the CJS.

4.2.3 Monitoring, supervision and sanctioning non-compliance

According to Duffy et al. (2003:50), the particularly volatile and unpredictable nature of IPV, and its subsequent risk to victims, requires the CJS to closely monitor compliance to BIPs and the supervision of the offender. Further, monitoring and supervision is needed because of the high attrition rate in batterer intervention (Buttell & Carney 2002, as cited in Boonzaier 2008:72; ¹⁸Artz 2008) Lower recidivism rates are associated with the degree of sanctions levied by the court and compliance with those sanctions (Murphy et al. 1998).

A wide range of authors have purported that the most effective justice system responses to IPV involve prompt responses with penalties when violations of court-mandated conditions are detected (Labriola et al. 2005; Visher et al. 2003; Healey & Smith 1998; Gondolf 2004, as

¹⁸ See Boonzaier (2008:72) for further information about batterer attrition rates, which has been cited as being as high as 40-60%.

cited in Castleton 2005:51; Visher et al. 2003:496; Duffy et al. 2003:50; Taxman, Soule & Gelb 1999, as cited in Crowe et al. 2009:24). However, as much as sanctioning for non-compliance is a role for the CJS, it remains a contentious issue in the literature, citing the CJS failure in this area (Babcock & Steiner 1999:57; Labriola et al. 2005: v; Visher et al. 2003: 496).

Babcock & Steiner (1999:57) found that in their study “few men suffered any legal consequence for non-compliance with the court mandate”. It is argued that failure to sanction men for treatment non-compliance implicitly excuses intimate partner violence and reinforces batterer’s tendency to minimize the seriousness of the crime (Babcock & Steiner 1999:57; Labriola et al. 2005: v).

Labriola et al. (2005: v) argues that sanctioning for non-compliance has not been rigorously examined and that the courts’ failure has allowed the perpetrator to fall through the gaps, and victims to face further risk. The author believes that monitoring can deter recidivism by sending a message that the court is closely watching the offender and will detect and sanction any non-compliance. In addition, Visher et al. (2003: 496) reminds us that a failure to promptly sanction violations, negatively impacts the courts role in protecting victims.

Therefore, more intensive involvement and sanctioning are sought from the CJS to make treatment outcomes more favourable. Regarding mechanisms for close monitoring and supervision, Gondolf (2004, as cited in Castleton 2005:51) proposes *periodic court reviews* or specialized probations surveillance. In addition Crowe et al. (2009:182) propose regular communication between BIPs and those CJS agencies supervising offenders regarding attendance and participation in BIPs, followed by prompt CJS sanctioning for non-compliance. Further, penalties for non-attendance may need to be clarified in advance. Taxman, Soule & Gelb (1999:6, as cited in Crowe et al. 2009:24) argued that, to be effective, court sanctions must be immediate and should further restrict the offender’s freedom and redirect his behaviour. The authors accentuate that immediate response is essential for offenders to clearly understand that they are being closely supervised, that non-compliance has serious consequences, and that further abusive behaviours will not be tolerated. Babcock & Steiner (1999:57) conclude that a more intensive treatment programme, in conjunction with a stronger legal response in sanctioning men who fail to comply with treatment, may be

required to have a meaningful impact on reducing further domestic assault. Further, there is wide support in the literature that courts have to take special measures when processing cases of domestic violence through the court system (Field 2002:11; Slaght & Hamilton 2005:58; Danis 2003:243; Healey et al. 1998; Keilitz 2001:29; Artz 2003:49; Wolf 2008¹⁹).

Field (2002:11) alludes to the specialized nature of IPV and the opportunities it presents for the courts. The author states: *“once a court or a professional identifies that domestic violence is a factor, and then the court must shift its usual way of thinking about, and processing, a family law case. Without that paradigm shift, the court may be creating greater problems”*. Supporting this, Londt (2006:257) found that IPV is a serious and persistent problem and requires specialized intervention.

4.2.4 Training and education of judicial officers, other relevant court personnel and social workers

Convincing evidence that has practical application in our context is that, besides judicial education, it is important for all relevant court staff working with BIPs to learn more about the nature and content of BIPs; how they operate; how individual programmes measure success; what contact the programme has with the victim; criteria for programme completion; programme length; and the ability of the programmes and its staff to implement culturally sensitive programmes (Danis 2003:243; Slaght & Hamilton 2005:45). According to Healey et al. (1998) such strategies provide judges, prosecutors, and probation officers with the information they need to better understand batterer intervention and make appropriate decisions regarding programming.

On the other hand, Danis (2003) highlights that there are challenges with regard to social workers, as well as a number of managers and facilitators of BIPs, who seem to lack basic knowledge of the legal processes impinging on perpetrators, and thus need education.

¹⁹ See Wolf (2008) for further information regarding problem solving courts, such as drug courts, community courts, and domestic violence courts.

4.2.5 Inter-agency collaboration and coordination

Courts increasingly have to deal with the social context of the crimes they encounter on a daily basis. The problem of domestic violence calls for the collaboration of not only court personnel, but an interface with police, prosecution, probation, lawyers, correctional services, and non-governmental organizations, as well as mental health practitioners working with victims and offenders (Castleton et al. 2005:31; Healey et al. 1998; Duffy 2003). The authors argue that the ability of each of these parties to work with the others in large part determines the success of the courts' efforts in intimate partner violence cases. Lack of communication between the parties will likely lead to cases "slipping between the cracks—and that means that battering will continue, sometimes with tragic results" (Castleton et al. 2005: 28). Yet, these interactions have been shown to be fraught with challenges, and demands further investigation. The literature shows that mental health issues present significant challenges for the CJS (Healey et al. 1998; Grudzinskas 2005; Danis 2003; Madden & Wayne 2003; Brooks 2006; Winick & Wexler 2006).

The literature discusses a range of responses of the CJS to deal with the issue of mental health. Healey et al. (1998) propose that criminal justice and mental health systems ought to develop institutionalized partnerships. Regarding this, several studies have shown the development of specialist domestic violence courts (Keilitz 2001:29; Artz 2003:49; Stewart 2005:4; Erez 2002) or problem-solving courts, as they are also referred to (Wolf, 2008), as well as the application of therapeutic jurisprudence (Brooks 2006; Winick & Wexler 2006; Tomkins & Carson 1999; Winick 2006; Birgden 2004 and 2006), mental health courts (Stefan & Winick 2005) and other initiatives to integrate CJS into mental health service delivery (Grudzinskas 2005). Therapeutic jurisprudence is understood as an interdisciplinary movement that embodies a psychological approach to the law (Brooks 2006). Therapeutic Jurisprudence aims to maximise the therapeutic effects of the law and minimise anti-therapeutic consequences of the law. The aim is to apply a therapeutic jurisprudence framework for thinking about law competencies, focusing on the extent to which the law may enhance or inhibit the well being of those who are affected by it (Winick 2006; Brooks 2006:213). Brooks (2006) suggests that therapeutic jurisprudence with social work as its normative framework has a great deal to offer clinical legal education.

5 A MODEL OF A BIP WITHIN A CCR IN PRACTICE: THE DULUTH MODEL

The Duluth Abuse Intervention Programme (hereafter DAIP), or the ‘Duluth model,’ as it is commonly referred to, is one example of a BIP that operates within a CCR model. The Duluth model emphasises that BIPs feature as an important component of a CCR, and that BIPs work best embedded in a larger system of intervention (Gondolf 2007:2). The Duluth model is a pioneer in BIPs and its success has resulted in widespread support for a CCR approach to IPV (Bouffard & Muftic` 2007:354; Holder 2001:19; Boonzaier, 2008:87; Pence & McMahon 1997; Gondolf 2007; Babcock & Steiner 1999; Shepard 1999). Gondolf (2007:3) stated that after a four year follow-up period, that tracked victim-reported assaults and arrest reports of batterer programme participants in four cities (N=854) his research team found substantiation for the utility and effectiveness of the Duluth model.

Gondolf (2007: 2) said, “the Duluth model has established some fundamentals for batterer intervention that do have research and practice support.” Drawing on previous research the statement most relevant to the Duluth model is that by Babcock & Steiner (1999:55) that contends that, “(batterer) treatment may be most effective when offered as one component in a well-orchestrated coordinated community response with consistent, legal consequences for noncompliance with treatment.” According to Pence & McMahon (1997:2), the significant contribution to the literature made by the DAIP has been that institutional practices in a CCR matter. The DAIP is described as a “system of networks, agreements, processes and applied principles” that were created by a local shelter movement, criminal justice agencies, and human service programmes in a small northern Minnesota city over a fifteen-year period (Pence & McMahon 1997:2; Shepard 1999:2). This section discusses the Duluth Model as a viable best practice CCR model that supports a unified philosophy and key mechanisms underlying CCR activity.

The Duluth model has often been misrepresented in the literature as a ‘batterer’s treatment model’, a ‘mandatory arrest project’, or a ‘no-drop prosecution programme’, when its actual success has been built on the nature of its CCR component (Pence & McMahon 1997:1; Gondolf 2007:2-3). Although the Duluth model has been criticized for promoting a narrow ideological assumption and gender-polarizing view that battering is only about male

dominance over women (Hoff 1999; Graves 1999:61; Dutton & Corvo 2007), it has nevertheless been acclaimed as a successful model, whose CCR mechanism is worth exploring further, and which has influenced other CCR and BIP initiatives worldwide. By the localization of the Duluth model in many parts of the world, many variations have emerged (Holder 2001:19).

According to Holder (2001), there have been a number of key factors that have influenced the success of the DAIP, which are presented and discussed here:

- It was developed by the same people who have been working in the small city of Duluth for nearly 20 years and who continue to refine and develop their work.
- The model advocated an inclusive approach that facilitated dialogue, was attentive to practitioner knowledge, research findings and experiences of victims, and the level of exchange of case information among the various agencies.
- Victim safety, offender accountability, and a reduction in the tolerance of IPV are the primary objectives to a CCR, not coordination ,
- Attention was given to the micro-level processing of cases, by looking at finer details of agencies operational practices and procedures.

According to Pence & McMahon (1997:1) the success of any CCR or any other batterer programme relies on the cohesiveness of agencies in the criminal and civil justice systems in monitoring offenders' progress, violation of court orders, failure to comply with the programme rules, and any further acts of violence, which must then be met with swift consistent consequences. Hence, the DAIP introduced ways for different agencies to cooperate and to improve the community's ability to hold offenders accountable for their violence.

Despite the criticisms lodged against the Duluth model (Graves 1999; Hoff 1999; Dutton & Corvo 2007), various authors (Bouffard & Muftic` 2007:354; Holder 2001:19; Boonzaier 2008:87; Pence & McMahon 1997; Pence & Paymar 1993; Gondolf 2007) have written about the model's viable CCR strategy, and seem to agree on key features. These include the primary goals, the coordinating and monitoring role of the DAIP, the participation of the judiciary, and procedures and communication mechanisms amongst the collaborating partners.

Common goals mentioned earlier of offender accountability and victim safety is central to the Duluth approach. In addition a significant contribution made by the model was that the onus for intervention lay with the community and not on the individual abused woman. This raises questions about whether the DVA in SA places too much burden on the victim. According to Pence & McMahon (1997:1), the central guiding goal was the safety of women who were beaten by their abusive partners. Further, DAIP adopted the goal of broader social change and challenged local organizations to think about their own collusion through their actions or inactions in supporting male violence against women. The DAIP also focused attention at the case processing level, changing the construct and content of everyday forms and procedures, in order that all information focused attention on victim safety and offender accountability, as necessary. (Holder 2001:20). Making victim safety the central goal, the community's legal and human service intervention was re-organized, which challenged conventional ways of responding to crime.

It appears that eight key activities of DAIP can be used as a central framework in any locality for any set of collaborating partners from various fields wanting to use a coordinated response, which are listed here (Pence & McMahon 1997; Holder 2001:20; Shepard 1999):

- Develop a coherent philosophical framework that centralizes victim safety and guides the intervention process;
- create consistent policies and procedures that coordinate and standardise the intervention actions of practitioners involved in a CCR;
- monitor/track cases from initial contact through case disposition to ensure practitioner and offender accountability;
- coordinate the exchange of information, interagency communication on a 'need to know' basis, and interagency decisions on individual cases;
- provide resources and services to victims and at risk family members to protect them from further abuse;
- utilize a combination of sanctions, restrictions and rehabilitation services to hold the perpetrator accountable and to protect victims from further abuse;
- work to undo harm to children; and

- evaluate the CCR from the standpoint of victim safety and the goals of the intervening agencies.

The coordinating and monitoring role of the DAIP model attracted interest. According to Pence & McMahon (1997:1), the DAIP was an interagency team consisting of nine Duluth agencies established in 1981. Of particular interest is that DAIP was registered as an independent, non-profit agency, and a small coordinating staff was dedicated exclusively to the work of coordinating the project. DAIP then became the monitoring agency of all nine participating Duluth agencies working with IPV (Pence & Paymar 1993:17). The DAIP was successful in negotiating key agreements with intervening agencies, by meeting with representatives from each participating agency separately and holding inter-agency meetings to discuss policy and programmatic issues. Multiple inter-agency agreements, which linked all the intervening agencies in a community to a common philosophical approach, were developed (Pence & McMahon 1997:1).

The primary function of the DAIP was to monitor the compliance of agencies in the community to agreed upon guidelines, policies and procedures, and to monitor individual batterer's compliance with court orders. The response of police, prosecutors and other agencies involved occurred through a system of continuous review of records and periodic interviews with victims. Further, the DAIP monitored individual batterers through a continual review of the records of counselling agencies and of groups, conducted by DAIP, and through frequent contacts and interviews with the individual's partner (Pence & Paymar 1993:19).

The support of the judicial system played a significant part in the success of the DAIP, as did perpetrators being court-mandated to community-based BIPs. To illustrate this, Pence & Paymar (1993:18) showed that, following the implementation of the CCR, only 12% of abusers served jail time as a consequence of the abuse; 92% of abusers convicted in Duluth for assaulting their partners were court-mandated to the DAIP (Pence & Paymar 1993:18); and 97% of all civil protection orders granted in cases where minor children were involved also carried a mandate to attend BIPs conducted by DAIP. Communication and the exchange of information appeared to be central to accountability.

The literature pointed to the importance of accountability and effective communication in the Duluth model (Gondolf 2007:2; Pence & Paymar 1993). Of significance were its systems of communication and the accountability of all agencies and practitioners involved. According to Pence & Paymar (1993:17-19) actions and mechanisms that appear to have helped facilitate effective communication, the exchange of information, and accountability are as follows:

- A system of accountability agreements adopted and signed by cooperating agencies that focus on batterer accountability, appropriate rehabilitation approaches, and victim safety and services;
- DAIP acts as monitoring (justice system, BIPs and victim services) and coordinating agency;
- inter-agency release forms and contracts with batterers’;
- follow-up contacts with victims; and
- bi-monthly interagency meetings that allow for open discussion about daily operation of intervention process and about ways of improving the collective response.

Further a series of decisions and agreements were reached by the DAIP participants in the first year, which is believed to have contributed to the CCR success. The most notable decisions taken were:

- an “act of violence must be the sole responsibility of the person using it” and consequences must be in place. Batterers should not be seen as victims (Pence & Paymar 1993:17);
- victim safety needs to be monitored at every stage of the criminal justice process (Pence & Paymar 1993:17-18), including when a court order is in place;
- limited use of couple and marriage counselling (Pence & Paymar 1993:18);
- BIPs must be tied to a much larger community system of controls and accountability (Pence & Paymar 1993:18);
- services for battered women and police and court reforms must be in place prior to a BIP being established (Pence & Paymar 1993:18).

The content of these decisions reflect key principles and insights into a shared understanding of the complexity of IPV, which no doubt contributed to changing mindsets and most likely increased the knowledge and understanding of agencies and practitioners, particularly CJS personnel working with IPV.

In closing: the Duluth model offers valuable insights and procedures to guide CCR development in SA. Key contributions are:

- the development of a coherent philosophical framework that centralizes victim safety;
- consistent policies and procedures that coordinate and standardize intervention actions and facilitate and monitor accountability of all participating agencies;
- the level of detail applied to monitoring and tracking of cases;
- accountability mechanisms for perpetrators;
- resources and services to victims;
- a focus on children; and
- evaluation of CCR efforts.

The coordinating mechanism is impressive, however, the resource implications and sustainability of such a structure may be difficult to replicate. Criminal justice reform appeared to receive the majority of attention, and gaps in how social norms in the community were addressed became evident. It was interesting to note that, although changing social norms was highlighted as a goal, the key activities of DAIP did not feature specific initiatives to change social norms. The assumption was that all the above activities, collectively, would challenge the social norms.

This notwithstanding, the Duluth model leaves us with two major concerns for its replicability. First, that CJS reform received the majority of attention. Secondly, who is best placed to organize the CCR is often a contentious question. Further study is needed to look at the feasibility of a coordinated response in South Africa.

In the next section DAIP's coordinating and monitoring role is discussed.

6 SUMMARY

Although Babcock & Steiner's (1999:46) study found that CCRs had a minimal impact on recidivism, they together with others concurred that a collective and coordinated response produces a reduction in battering (Slaght & Hamilton 2005:58; Pence & Paymar 1993). Castleton (2005:26) recognized that the disjointed approach with which courts have traditionally approached domestic violence cases has proven ineffective at stopping violence and protecting victims from repeated violence. There appears to be sufficient evidence that CCRs have many benefits, and that the complex and recurring nature of domestic violence required a coordinated, systemic response. There seems to be no 'one size fits all' approach or unified model, but a range of perspectives regarding what makes CCRs in IPV work.

Slaght & Hamilton's (2005:58) provide convincing evidence that effective coordination is more likely to result from a unified philosophy that integrates various responses as a valuable contribution, which was also strongly supported by the Duluth model. Significant contributions of the Duluth model are: institutional practices, monitoring the accountability of all agencies and practitioners, which included a listing of subsequent decisions, agreements and procedures that facilitated an effective exchange of information, and finally an effective dedicated mechanism to facilitate coordination.

Although there was no conclusive evidence about which BIP works best, there was consensus that BIPs as a 'stand alone' strategy is ineffective, and works most effectively when it is one component of a coordinated effort (Bennett & Williams, 2001a; Londt, 2004; Boonzaier, 2008; Visher et al. 2008:496). For courts and BIPs who wish to work together, screening and risk based assessment, monitoring, supervision and sanctioning, prompt referrals to BIPs and the specialised nature of IPV must be considered. Further, sanctioning for non-compliance appears to be crucial, providing ample motivation for such practices. Victim safety and protection were stated as a central goal of both BIPs and CCRs, and the belief that this is closely linked to batterer accountability. I found the additional goals of victim participation and victim support, raised by a few authors, to be an important consideration. Although child safety and contact issues were raised, I believe that in South Africa, given the emphasis on the 'best interests' of the child as made mandatory by the South African Constitution of 1996, it can be assumed that these issues will receive the necessary attention, but from my

experience the impact of IPV on children is another marginalised area in SA and needs prompt further investigation.

The involvement of victim advocacy agencies in BIP development appears to be valuable for the credibility of these programme interventions. It became apparent that CCRs commonly included the CJS, batterer intervention and victim advocacy. However, solutions to IPV cannot be confined to the legal system, and requires that participation from all social and community networks working with IPV are included in the CCR. An exhaustive list of who could participate in a CCR provides a glimpse of the wider service delivery network involved in IPV, and supports the inclusions of health, media, and faith communities as important role-players.

Although CJS reform is necessary, this resulted in a disproportionate focus, ignoring other important strategies, such as changing social norms. Although the goal of wider social change was discussed in the literature, not much of it alluded to how changing social norms in communities can be addressed. Further, a reflection of the debates regarding mandatory laws was significant and has implications for criminalizing DV as a separate offence, and the subsequent adoption of such polices in SA. This deserves careful consideration. The discussion of the Duluth CCR model provided some useful insight, tools and mechanisms motivating CCR approaches in IPV. The framework can also be generalised to other fields, such as crime prevention, child protection, and environmental planning.

This literature review raises many questions regarding the implementation of IPV intervention strategies in SA, including the role of the CJS, the limited availability of BIPs, poor monitoring and sanctioning of non-compliance, the consideration of CCRs and whether we are doing enough to address victim safety and batterer accountability. These gaps, unless urgently addressed, could further endanger abused women, and generate inadequate and inappropriate sanctions for perpetrators that do very little to hold them accountable or to change their abusive behaviour. Overall, I support the policy developments that recognize CCRs and BIPs as viable IPV interventions, and that recognize that they are linked. I support findings that suggest that pulling together resources and coordinating efforts, coupled with strong criminal justice support, may well improve our response to IPV. Both these

intervention strategies are new to the SA context, and are relevant for further IPV reform efforts in SA.

CHAPTER THREE: RESEARCH METHODOLOGY

1 INTRODUCTION

Chapter one identified the main goal of this study to explore whether collaboration between the courts and practitioners who provide BIPs can provide better outcomes for IPV intervention and prevention? With that goal in mind, I proposed to capture the views and experiences of a sample of professionals involved in such programmes.

This chapter outlines the research design in terms of which the research was structured and reports on various matters relating to methodological decisions in the terrain of inter alia negotiating access, the sampling and interviewing of participants as well as data analysis. Ethical considerations are discussed and the limitations of the study are considered in this chapter.

2 THE RESEARCH DESIGN AND METHODOLOGY

2.1 Introduction

According to Mouton (2001:55) the 'research design' is a plan or blueprint of how a researcher intends to conduct the research, while the research methodology focuses on the research process and the kinds of tools and procedures used in implementing the research design. Therefore outlining the research methodology is critical to the proper documentation of my thinking as a researcher, the decisions taken during the research process, and even more importantly the logic of the research (Mouton 2001:113).

In my professional capacity as someone who has been actively involved in the field of violence against women, I held certain ideas about BIPs and the challenges confronting such programmes. As the research progressed I found myself refining and fine-tuning the research question, for the field research exposed me to a deeper understanding of the complexity of the issues I had set out to explore. De Vos & Van Zyl (1998:267) refer to the importance of a clear formulation of the key research question and the impact thereof on decisions relating to

research methods. The research question sets the boundaries of what will be studied and helps to narrow down the research problem.

2.2 Research Design: Opting for a Qualitative Approach

In choosing the most appropriate research design I opted for a qualitative approach where researchers collect data in the form of written or spoken language, or in the form of observations that are recorded in language, and analyse the data by identifying and categorising themes. The advantage of this method is that it allows for the gathering of information from the participants themselves, i.e. from those who have first-hand knowledge and experience of the subject matter at hand. The qualitative approach is well-suited to this task as it allows one to capture the textured experiences (Ivankova et al, 2007: 259) and perceptions of the research participants. Another advantage of the qualitative approach is that it allows for more flexibility and interaction with participants, unfolding the meaning of their ‘real experiences,’ that are not commonly spoken or easily available.

2.3 Research Population and Sampling

The term research *population* refers to “individuals in the universe who possess specific characteristics” important to a particular study (Arkava & Lane 1983:27, cited in Strydom & De Vos 1998: 190). Babbie (2005:112-113) again notes that the population for a study “is that group (usually people) about whom we want to draw conclusions”. Based on these definitions, the population for my study could be described as court personnel and civil society practitioners working with court-mandated batterers.

Specific sampling techniques were used to select a portion of the population for study (Nieuwenhuis 2007:79). Firstly in the selection of court participants, non-probability sampling - specifically *purposeful* sampling - was used (Strydom & Delpont 2005:328). As Nieuwenhuis (2007:79) puts it “(p)urposeful sampling simply means that the participants are selected because of some defining characteristic that makes them holders of the data needed for the study”. According to Strydom & Delpont (2005:328-329), “in purposeful sampling the researcher must still think critically about the parameters of the population and then choose the sample case accordingly”. This requires of the researcher to have a particular

understanding of the wider 'universe', in order to obtain an accurate representation of that particular population (Berg 2004, in Rump 2007:37). Purposive sampling includes a number of sampling strategies. The strategies I made use of in this study were a combination of *criterion*, and *snowball* sampling (Patton 1990, as cited in Nieuwenhuis 2007:79, 8).

Criterion sampling, involved the development of a set of criteria, in selecting "those participants most likely to possess the experience, or know about, or have insights into the research topic" (Nieuwenhuis 2007:80).

The selection criteria for participants used in this study were:

- practical involvement with a court-mandated BIP;
- experience in working with domestic violence more generally;
- a mix of BIP participants, magistrates, domestic violence clerks, court managers and prosecutors
- to be based in Cape Town and surrounding areas.

These criteria provided the parameters for choosing participants for this study.

In generating court personnel contact lists from the BIPs interviewed, snowball sampling was used. Regarding this, Nieuwenhuis (2007:80) describes snowball sampling as a method whereby participants with whom contact has already been made are used to access their social networks to identify other participants who could potentially take part in the study. Through this method, groups who are not easily accessible to the researcher, which Nieuwenhuis terms as "hidden populations," or as Strydom & Delport (2005:330) put it "hard-to-reach" individuals, are found.

Permission for access to the courts was granted by the DOJCD: Western Cape Region. A master list of all contacts was generated through the sampling process. The total sample generated was 27 participants. Of the 27 participants generated, 18 agreed to be interviewed. The table that follows lists the 18 respondents. All participants were assured of anonymity, and that their decision to participate or to decline participation would be respected. They were told that they were invited to share their views and experiences, and

that the length of the interview would vary, but not be longer than 2 hours. The participants included were from various race groups and aged between 30 and 68. The number of males were seven and females eight. Thirteen court and five BIP participants were interviewed.

2.4 The Pilot Study

A pilot study was conducted to consider the feasibility of the study, to focus and narrow the research questions, and more specifically test certain questions in the interview schedule. The pilot study provided a useful orientation to the study and allowed me to plan more adequately for the main investigation (Strydom 2005:205). In reading Cilliers' (1973, in Strydom 2005:206) view of a pilot study, I chose to follow the four aspects of a pilot study discussed, which included: a scan of the literature; consulting the experience of experts; investigating the feasibility of the study; and testing the measuring instrument.

For the purpose of this study I interviewed a sample of seven pilot participants and consulted the experience of nine experts, which are listed in Appendix 2.

Using selective sampling, three court and four BIP participants were interviewed in the pilot study, five of whom were female and two male. The experts consulted were four magistrates, one domestic violence clerk and four experts from civil society.

The initial scan of literature contextualized and helped focus the study (Strydom 2005:207). The utilisation of these experts broadened my knowledge of the field, helped define the problem more precisely and allowed me to gather valuable information on theoretical, technical and practical aspects of the prospective research endeavour (Cilliers 1973, as cited in Strydom 2005:208; Hofmeyer 1995:5, in Smit 2002:9). The pilot study enabled me to assess the feasibility of the aim and objectives of the study, the resources available, the nature of the research population, the interview schedule, the data gathering process, and to explore and prepare for possible challenges (Moser & Kalton 1973:43-47, Polansky 1975: 146, in Strydom 2005:208). The pilot study was especially important with a view to the practical planning of the research project, which included considering matters relating to transport, finance and time.

The pilot also enabled me to test the measuring instrument. Moser & Kalton (1973:49, in Strydom 2005:210) consider testing the suitability of the interview schedule or questionnaire as being the most valuable function of the pilot study. Lastly, I was able to test if the procedures I would use in my study were valid and reliable. (Sarantakos 2000:291, in Strydom 2005:205).

The following key outcomes were achieved from the pilot study:

- It contributed to the establishment of relationships and served as a motivation as participants indicated support for the objectives of the study;
- It allowed me to identify weak and strong points of the investigation (Strydom 1998b: 181);
- It allowed me to identify gaps which informed modifications to the research proposal and the research instrument (Strydom 2008:209);

2.5 Data Collection

The research goal was to capture and analyse the views of the participants. This was done so that it would not just be an anecdotal account of findings (Struwig & Stead 2001:12). All interviews were taped, utilising a Dictaphone and transcribed. Each interview took between 1.5 to 2 hours. I wanted to collect the necessary data, but also to have a depth of (Greef 2002:299) focus. In order to collect the data, I made use of a semi-structured interview schedule in face-to-face interviews.

In qualitative field research, the semi-structured one-to-one interview is the most appropriate, as it gains “a detailed picture of a participant’s beliefs about, or perceptions or accounts of a particular topic” (Greef 2002:302). The semi-structured interview schedule incorporated both structured and less structured questions, which guided and helped structure the interview, facilitating a focused research enquiry. The interview schedule was designed, tested in the pilot study and then refined. The semi-structured interviews were organized around areas of particular interest, while still allowing considerable flexibility in scope and depth (May, in Morse, 1991:189, as cited in Greef, 2005:292). Further, this type of interviewing allows for probing and clarification of answers (Nieuwenhuis 2007:87). Attention to the responses of

the participants were critical to learning of any new emerging lines of inquiry directly related to the research topic that I could then explore further.

The purpose of the research study together with the interview schedule was circulated via email to the majority of participants prior to the interviews. For those participants that were not able to receive it via email, they received the information at the start of the interview. This process allowed most participants to reflect and prepare for the interview.

The researcher also took cognisance of and tried her best to minimize the following interviewer distortions as described by Grinnell (1986: 311, as cited in Solomon 2000:10). He writes as follows:

“There are four common interviewer distortions based on various types of errors:

- 1) **Asking errors** - may change the wording of the questionnaire or fail to ask particular items.
- 2) **Probing errors** - interviewers may negatively affect respondents' answers by asking follow-up questions or probes, which are unnecessarily challenging, hostile, biased or irrelevant.
- 3) **Recording errors** - unless interviewers use tape recorders or have excellent memories, they must record respondent answers by either the cumbersome and time consuming process of writing exactly what their participants say or by summarizing the responses. Such a process has a high potential for error.
- 4) **Cheating** - interviewers are subject to the same temptation as any other employed mortal. An interviewer may deliberately fill in gaps in interviews or even record a response for an item which was never asked.”

In order to deal with some of the above the following strategies were put in place:

- The error of probing was minimised as far as possible. As stated previously, I used my skills as a trained and experienced social worker of many years to probe sensitively.
- Problems were encountered with recording the data on two occasions when I experienced challenges in utilising the Dictaphone. Consequently the two interviews had to be manually recorded, which could have resulted in some errors.
- With regards to cheating, this was not an option. All questions were posed and those that some participants did not want to answer in detail were not amended in any way.

- Audio recording or the use of a Dictaphone is useful to minimize recording errors and capture data of the proceedings. I also took reflective field notes on what was observed which assisted in clarifying the non-verbal responses (Nieuwenhuis, 2007:92).

The interview schedule mostly relied on open-ended questions. Leading questions were avoided. The interviews were quite long, yet participants were enthusiastic. Encouragement, as a specific communication technique was valuable in this regard and involved me encouraging participants to pursue a line of thought, by saying: “I find that fascinating! Tell me more” (Greef 2005:290). I also tried to keep the participants interested and asked if they needed a break every now and again. Initially I found it difficult to hold back my own remarks, because of my active involvement as a practitioner in the field. I was mindful of this and attempted to be a good listener, bearing in mind, the tips I read about the participant doing 90% of the talking, allowing the participant to tell their story (Greef 2005:288).

2.6 Data Analysis

2.6.1

Introduction

Qualitative data analysis, according to Nieuwenhuis (2007:99), “is usually based on an interpretive philosophy that is aimed at examining meaningful and symbolic content of qualitative data”. Stated differently, it tries to establish how participants make meaning of a specific phenomenon by analysing their perceptions, attitudes, knowledge, feelings and experiences in an attempt to construct their interpretation of the phenomenon. I understood inductive analyses to mean that significant and frequent themes emerge as the researcher analyses the raw data generated, instead of a deductive approach, where categories or themes are formulated in advance, and prior to analysis. In this study the semi-structured interview schedule had already begun to intimate key subject areas and during the subsequent process of analysis new themes also emerged from the raw data.

2.6.2 *Data transcription*

As noted by Kelly (2006, as cited in Rump 2007:38), “the meaning elicited later when analyzing the data is usually contextual so it is imperative that the interviews are transcribed verbatim”. Therefore, each of the 18 interviews, were digitally taped and transcribed verbatim by myself. This proved time consuming and laborious. Each transcription took an average of eight hours to complete. A total number of 152 hours were used for transcribing interviews.

2.6.3 *Data coding*

I used the technique of data coding to understand the data. These codes acted as collection points for significant data (themes or issues), which later could be categorised. According to Nieuwenhuis (2007:105) “codes act as markers or pointers to the way the researcher rationalises what it is they think is happening, and enables the researcher to continue to make discoveries about deeper realities in the data.” Through the coding methodology, I divided my transcripts line by line into analytical units (themes or issues). Whenever I found a particular theme or issue relevant to the study in a transcript, I assigned a code or label to signify that particular segment. I used the initials of specific pieces of significant information, e.g. referral of victims for counselling (RVC). Once the data was coded I moved onto the next phase of the data-analysis process, where I organized or combined related themes or issues into categories, and sub- categories.

2.6.4 *Emerging themes*

The coding process therefore enabled me to group the data under a particular thematic idea, so that the sorted bits could be examined together and different cases compared in that manner. Themes or issues that recur in the data became the categories. Grouped into categories, data was sorted into new, or smaller or more refined sub-categories. Nieuwenhuis (2007:105) describes this process as *open coding*. He also refers to this process as an inductive approach as new categories, sub-categories and dominant themes emerged. Various authors describe this type of inductive analyses as *content analysis*, in which the researcher is able to find themes within each data transcription that can then be matched to each other in

ways in which they appear similar or different and eventually related to the relevant literature (Berg 1989, as cited in Rump 2007:38) Regarding this, Nieuwenhuis (2007:101) agrees that content analysis, which is a process of looking at data from different angles with a view to identifying keys in the text that will help us understand and interpret raw data, is appropriate in the analysis of transcripts.

The verification of codes involved going back to the transcripts, to check if all the essential insights, emerged through the coding process, had been captured, and whether I captured the ideas correctly. Data that does not fit into any category are called 'orphaned codes'. These pieces of information were not discarded but kept separate, and some of them were later represented as relevant perceptions of certain participants.

Qualitative data analysis is ongoing and a dynamic process. Data collection, processing, analysis and reporting are intertwined and not merely a number of successive steps. From the process of data analysis undertaken here, three key thematic areas emerged namely, "Civil and Sentencing Remedies," "The Use of Batterer Intervention" and "Court Referral Networks and the Ad Hoc Use of Counselling Interventions."

The themes, categories and sub-categories were incorporated into the detailed framework of analysis.²⁰ In interpreting the data I had to search for emerging patterns, associations, concepts and explanations in the data. This was written up as the "Research Findings and Discussion" (Chapters 4). The second to last step in the analysis involved comparing, categorising, and discussing the themes in relation to the literature (Kvale 1996, in Rump 2007:39). Regarding this the analysed data was brought into context with existing theory to reveal how it corroborates or contradicts existing knowledge or brings new understanding to the body of knowledge.

Drawing conclusions from the findings is the final step in the data analysis process (Chapter 5). Once the collected data was in a suitable form, I was able to interpret them for the purpose of drawing conclusions that reflect the interests, ideas, questions and theories that initiated the inquiry.

²⁰ Adapted from Naude (2008:39-40).

3 THE ROLE OF THE RESEARCHER

3.1 Definition of the Role of the Researcher

Kelly (2006:296, as cited in Volkwyn 2008:39), states that when the researcher is attempting to find out how people really feel about or experience something, they need to create an environment of trust and openness, within which the participants are authentically able to express themselves. It was the role of the researcher to gain access, inform the participants of voluntary consent, anonymity and logistics of the research interview.

I entered the field respectful of the busy schedules of the participants, and ready to be flexible. It was important for the participants to think the topic was of value and that they could trust me. Further, in setting up the interview it is important for participants to have given consent to the interview, set aside the required time, and that there were no disturbances while recording the interview.

Several communication techniques were utilised during interviewing: minimal verbal responses, paraphrasing, clarification, reflection, encouragement, reflective summaries, and comments to stimulate further thought, listening and probing (Greef 2005: 290). Paraphrasing, clarification, and reflective summaries were useful techniques in verifying the accuracy of the information recorded in my field notes.

At several points during the interview process I found myself having to play a gate-keeping function and guide participants back to the focus of the study, when necessary, which the interview schedule helped me to do. Further during the interviewing process, I had to develop the ability to distinguish between content and process during interviewing. Greef (2005:291), comments that the content of the interview is what the participant is saying, while the process involves reading between the lines of what the participant says, and noticing the non-verbal's-how the participant talks and behaves during the interview. This had an important bearing on contextualising the findings of the study. Therefore, being a social worker was advantageous for the research process, as social workers are trained in many of the interview skills, mentioned above. Further I conducted, transcribed, and analysed all the interviews myself, which allowed very close observation of all stages of the research process.

3.2 Difficulties

Gaining access and entry into the courts went smoothly. A sample of 22 participants was generated through purposive sampling techniques. However, only 18 of the 22 participants agreed to be interviewed. Reasons for non-participation were that some participants in the sample had moved to another section or court; others felt that they were not the appropriate persons to speak to, and others were not keen to be interviewed, and referred the researcher to other court personnel. Busy schedules caused delays in scheduling interviews, and keeping to appointment times. Some participants cancelled appointments at the last moment. The interviews were administered at participant's places of work and there were particular difficulty with court participants in controlling interruptions and disturbances.

3.3 Ethical Guidelines

An ethics clearance application was submitted and approved by the Ethics Committee of the Faculty of Law at the University of Cape Town. The ethical guidelines prescribed by the university as well as those I am obligated by with my registration to the South African Council for Social Service Profession (SACSSP) governed this study.

I was aware of the importance of ethics for my study and I remained mindful that the researcher's own moral code is crucial for the integrity of the research.

Key ethical considerations were:

- the informed and voluntary consent of participants be obtained and participants to be informed of the nature and scope of this study. The participants were emailed a one-pager outlining the title of the research topic, name of student, name of university, and introduction to the study. The structured interview schedule (See Appendix C) was also attached. The introduction outlined the aim and purpose of the study, permission for access by the DOJCD: Western Cape Region, the right to voluntary participation, and the duration of the interview. Participants were also informed that they could withdraw their participation at any time.

- As a researcher a sensitivity to the well-being of participants is required (Artz & Themba Lesizwe 2005:3). Participants were informed that they can stop the interview at any point, should they require a body break or for any other reason they see fit. Given the court participants hectic schedules, I did my best to minimise any inconvenience to them. Interviews were done at a time and place that were convenient for the research participants. In some instances I agreed to their requests to answer telephone calls or see other personnel if there was no way to avoid it. Although this proved disruptive to the data-gathering process, it took the research participants' well-being into consideration.
- The researcher has an obligation to ensure that personal information is protected. This is done to ensure the integrity of the research, the privacy of the research participants, and to protect sensitive information obtained through the research. Issues of confidentiality and anonymity were addressed with participants, as well as permission sought to record the interview. It was agreed that names of the participants would not be used in the final research document. The participants were informed that the findings of the study might be published and would definitely be reported in a thesis.

3.4 Reflexivity

Various authors state that the process of reflexive awareness on the part of the researcher of his or her own subjectivity is an essential component of honest qualitative research. Reflexivity urges us to explore the ways in which a researcher's involvement with a particular study influences, acts upon and informs such research (Nightingale & Cromby 1999:228, as cited in Volkwyn 2008:44).

The researcher, who has worked at NICRO as a social worker for over fifteen years, has developed specialist knowledge in IPV and BIPs. Therefore as much as her specialist knowledge in this area was useful in generating the questions, and her social work skills allowed quality interviewing, the researcher had to be aware of biases, pre-conceived ideas and notions that could constitute errors in the data collection process. Peer debriefing aided the researcher in maintaining a critical awareness.

3.5 Limitations of the Study

The time for the study in terms of cost and duration placed limitations on the number of interviews and participants that could be accommodated. The data collection method, of using face to face interviews only, could be considered a limitation, as some participants may be more truthful in questionnaires, rather than during interviews. Further, the challenges I experienced with participants cancelling and in some instances hesitancy to participate, supported Greef's (2002:305) explanation of the limitation of interviewing as a data collection tool which depends on personal interaction and cooperation. Due to problems on two occasions with the Dictaphone, that involved a manual recording of the interview, recording errors could have occurred. In addition a limitation of analysis in the qualitative research design is that a high level of interpretation is involved: "Due to the subjective nature of such research, multiple meanings could be derived from the data and cannot be exactly duplicated" (Strydom & De Vos 1998).

My role as practitioner might have influenced the outcome in spite of assurances of ethical care and responsibilities. This study was explorative and looked at perceptions of stakeholders at the coal face of collaboration, around what works and what doesn't. It by no means guaranteed any official guidelines around the matter, or changes in legislation and policy. It does however raise awareness around the issues, and encourages participants to then take on the recommendations made through the study. Despite its limitations the qualitative research approach provided depth and rich detail of the research participants' perceptions and understanding of the phenomenon under investigation.

3.6 Reliability, Validity and Generalization

Issues relating to reliability and validity are central to sound empirical research. Qualitative research too has to find ways of addressing such issues.

Van Der Riet & Durrheim (2006:90), describe different types of validity.²¹ "In its broadest sense, validity refers to the degree to which the research conclusions are sound" (Van Der

²¹ See Van der Riet & Durrheim (2006:90) for a description of various types of validity. Internal validity-the extent to which causal conclusions can be drawn; External validity-the extent to which it is possible to

Riet & Durrheim 2006:90). The authors suggest that in qualitative research validity is equal to credibility. Credible research produces findings that are convincing and believable. Regarding this study each conclusion is based on substantiated findings from my data that are reported in relation to what is already known, so as to reveal possible new insights or corroboration of existing knowledge. All conclusions are therefore based on verifiable data. As mentioned earlier, paraphrasing, clarification, and reflective summaries were useful techniques in verifying the accuracy of the information recorded. I understood that the stronger the supporting evidence that has emerged from the data the stronger the conclusion and the resulting interpretation. It is also argued that because no conclusion can be generalised to a broader audience, because of its applicability to participants in their own context, we refer to the conclusions in the study as 'bounded conclusions' (Nieuwenhuis 2007:113)

Van der Riet & Durrheim (2006:92), define reliability as, "the degree to which the results are repeatable". In this study it was important that the procedures be valid and reliable (Sarantakos 2000:291, in Strydom 2005:205). In a qualitative piece of research, like this one, it was recognized that individuals, groups, and organizations will behave differently and express different opinions in changing contexts. For Van der Riet & Durrheim (2006: 93) what is important in qualitative research is that in place of the term reliability, findings should be dependable. Therefore the authors suggest in place of reliability that findings be dependable. They argue that "dependability refers to the degree to which the reader can be convinced that the findings did indeed occur as the researcher said it did" (Van der Riet & Durheim 2006:93). Dependability is also addressed by statements of the methods used to collect and analyse data. Supporting this is the detailed description of the data collection and analysis discussed earlier in this chapter. This research provides valid insights, yet, the findings cannot be generalised, as the sample is not sufficiently representative of the population.

generalise from the data and context of the research study to the broader populations and settings; measurement validity-the extent to which the constructs in the research question are successfully operationalised; Interpretative validity- the extent to which the appropriate conclusions are drawn from the data; Statistical validity-the extent to which the study has used an appropriate design and statistical methods of analysis.

4 SUMMARY

This chapter described the research design and the research methods utilised. Using qualitative methodology, the research sample was generated using purposive sampling techniques. A pilot study was used, and experts consulted. The data was collected using a semi-structured interview schedule and face to face interviews with eighteen research participants in order to explore their views and experiences regarding the collaboration between courts and BIPs. The data was transcribed, coded, and analysed using a Thematic Content Analysis approach. The three thematic areas defined were ‘Civil and Sentencing Remedies,’ ‘The Use of Batterer Intervention’ and ‘Court Referral Networks and the ad hoc use of counselling interventions.’ The role of the researcher and the researcher as practitioner were discussed. Ethical considerations were adhered to in the form of informed consent, participation was voluntary, the well-being of the participants were considered, anonymity addressed, and reflexivity observed. Lastly the limitations of the study and issues of reliability and validity were briefly considered. The next chapter (Chapter 4) will present and discuss the key findings of this study.

CHAPTER FOUR: RESEARCH FINDINGS AND DISCUSSION

1 INTRODUCTION

This chapter presents the key findings which have emerged from this empirical enquiry. In doing so this chapter draws on the views of the eighteen participants who participated. The discussion is arranged around central themes and sub- themes that emerged from the data and is interspersed with quotes from the interviews.

Three central themes have emerged from the research. These themes were common in the interviews with participants, as well as being some of the central features presented in the literature. In some respect the findings forced some themes. Section 2 documents key findings relating to the respondents' views on civil remedies and sentencing options for perpetrators of intimate partner violence. Section 3 reports on the current use of Batterer Intervention Programmes (BIPs). The third theme which focuses on court referral networks and the ad hoc use of counselling interventions is discussed in Section 4 of this chapter. Although there is some reflection on international research in this chapter, it is largely descriptive. The substance of discussion will be found in Chapter 5.

2 CIVIL REMEDIES AND SENTENCING OPTIONS

A review of the literature shows that batterers need to take responsibility for their violence and that both legal intervention and BIPs constitute integral parts of how batterers are managed (Castleton et al. 2005; Healey et al 1998; Londt 2004). Research findings illustrate that men arrested and court-mandated to treatment were less likely to repeat their violence than those who were arrested but not ordered to treatment (Syers & Edleson 1992 and Healey & Smith 1998).

The researcher asked the question, "what remedies does the court use in dealing with perpetrators of IPV?" Participants indicated that batterers are held accountable in a number of ways through the court system, using civil and criminal court remedies. It was interesting to note that the majority of participants working within the envelope of BIPs were not always

certain about all the civil and sentencing options used by the court. A number of responses regarding civil and sentencing remedies were generated.

The following table structures the findings related to sentencing options and civil court remedies, illustrating the number of responses.

Table 1: Participants' views on the use of sentencing options and civil court remedies for domestic violence related offences

Civil court	Criminal court
Protection orders (18)	Imprisonment (9)
Family court service (11)	Suspended sentence (7)
DV parties advised to attend counselling and support (18)	Fines (6)
	Diversion (4)
	Plea-bargaining (2)
	Non-custodial sentencing (5)
	Weekend imprisonment (3)

According to the DVA victims of domestic violence have recourse to open a criminal charge or apply for a protection order [S2(c) of the DVA 116 of 1998]. In this study, all 18 participants reported the application for protection orders was the common recourse chosen by victims. Magistrates in particular expressed concern that the option to open a criminal case [S2(c) of the DVA 116 of 1998] was not frequently used by victims as the police, in their view, did not routinely advise victims of this option.

Statements made by magistrates demonstrated an ardent interest in the protection of victims. The protection order is a tool to which attached conditions are meant to offer further protection to the victim. However, magistrates appeared concerned that some of their colleagues were not creative in their 'interpretation' and 'application' of the DVA, and did not consistently attach the necessary conditions. All five (M2, M3 and M5, M7, M8) of the magistrates in the sample, for example, elaborated on conditions attached to the protection order, meant to offer further protection to the victim, such as provision of "*monetary relief*

for the wife and the children”; the need for ‘seizing a fire-arm’ (M2) or the need for *separating parties”* (M5) and *“offering child protection”*, as some of the conditions used (M3). Expanding on the need to separate IPV parties, three magistrates reported that a condition can be attached to the order that separates the parties for the protection of the children and for the victims’ safety (M3, M7, and M8).

One of the civil court magistrates reported further, that the condition of ‘seizing the firearm,’ implies that the firearm can be removed from the possession of a respondent in order to keep the woman and family safe (M2). The literature reviewed shows that a heavy reliance on the protection order does not necessarily translate into effective protection for victims (Castleton et al. 2005:30). Findings, reported by three of the five magistrates (M1, M3, M4 and M5), two domestic violence clerks (D1 and D2), and BIP participants concurred with the literature of the failure of the protection order per se to protect victims.

The civil court magistrates reported having to spend long hours with DV parties in chambers, and professed the difficulties in evading advising and counselling parties. The Family Court Magistrates interviewed in the study were keen to collaborate with BIPs in the referrals of ‘alleged’ batterers. Some of the participants stated that civil courts can play a crucial preventative role. It was argued in this instance that “if domestic violence can be stopped here (at a civil court level through BIPs) it is less likely to result in criminal cases” (M5).

In explaining the sanctions for the breach of a protection order, six (D1, P3, P1, M6, B1, B2) of the eighteen participants reported that it was their impression that contravention of the protection order was treated as a serious violation by the court, often resulting in criminal prosecution and conviction. It should be noted, that a third of the participants referred to Section 17 of the DVA which deals with offences and offers the use of fines and imprisonment, not exceeding five years, as remedies for DV offenders found in breach of the protection order.

A number of participants mentioned that imprisonment, the use of a suspended sentence, fines, diversion, plea-bargaining, non-custodial sentencing and weekend imprisonment have been used in sanctioning. Regarding sentencing options, as captured in Table 1 more than half of the court participants mentioned that imprisonment was definitely a likely option

considered by magistrates and that its use depended on the merits of the case and the level of danger to which victims were exposed. Not all participants (B1 and M4) were particularly in favour of imprisonment as a first option, however it did appear that public sentiment that IPV needs to be taken seriously by the courts was a concern. The viability of weekend imprisonment was suggested by three respondents, who petitioned that this option allows the perpetrator to work during the week and hence continue to financially support his family. A stark disparity to the use of these two types of imprisonment was that a third of the participants drew attention to the reality that the majority of victims do not want their perpetrators to be imprisoned. This concurs with literature findings that “victims have various motivations for seeking criminal justice intervention, most of which are not related to punishing their batterers” (Erez 2002). The use of plea-bargaining in IPV matters were pointed out by two prosecutors (P1 and P3). Further overcrowded prison conditions motivate the increasing use of diversion and non-custodial options in cases of low to medium risk.

All the prosecutors in the sample, and two BIP participants (B1 and B2) in this study mentioned the use of non-custodial sentencing. Half of the participants also mentioned the use of fines and close to fifty percent of the sample highlighted the use of a suspended sentence.

The literature showed that the use of diversion is controversial and authors have pointed out that diverting batterers could send the wrong message that IPV is not a serious criminal matter (Healey et al. 1998). Yet, a third of the court participants (mostly prosecutors) stated that diversion was a popular option used by the South African courts, particularly for first time domestic violence offenders. They argued that this option was commonly utilised by prosecutors when victims desired to withdraw a criminal case often after the batterer is found in breach of conditions of the protection order. In one instance a magistrate (M4) expressed concern for perpetrators getting a criminal record and stated: *“Instead of letting the gentlemen have a criminal record, we can consider a diversion option.”* In the process of considering a diversion option, an encouraging finding was that prosecutors in this study consulted victims in the consideration of a diversion option (B1). This concurred with findings of Visher et al. (2008) on expanding victim participation in the court process, as well as the views of other authors that increased attention is being given to victims by the CJS in recent years (Keilitz 2001; Danis 2003; Visher et al. 2008). The prosecutors in the study

explained that if the victim was not open to the diversion option, the criminal matter would proceed. A third of court participants pointed out that rights of victims are considered by the courts. The effectiveness and impact of these remedies is important but further discussion of this is beyond the scope of this study.

Research confirms that screening and risk based assessment is critical to victim safety and in determining appropriate court system responses (Healey et al. 1998; Field 2002; Londt 2004). As part of the research enquiry I was keen to establish the nature of, and extent to which, screening and risk based assessment are being undertaken by the courts in collaboration with service organisations involved in intervention programmes. A third of respondents, which specifically included both prosecutors and BIP respondents, reported that assessment and screening of batterers are undertaken at various levels. According to the participants prosecutors and magistrates were involved in initial screening before referring to the BIP for further assessment and suitability for the intervention. Four of the thirteen court participants further explained that BIPs are requested by the courts to screen perpetrators and submit a report on such suitability to the courts.

3 THE USE OF BATTERER INTERVENTION PROGRAMMES

3.1 Support for Batterer Intervention Programmes (BIPs)

All of the court participants confirmed the *desirability* of perpetrator referrals to BIP, and saw the value of working together. By far the majority of the participants whose opinions were canvassed in this study indicated court-mandated interventions for batterers as a necessity. In this study by far the majority of the court participants believed that most offenders can change through BIPs. In acknowledging the value of such intervention, two participants indicated that perpetrators can be educated to make better choices (P1 and M4). Further, other responses (B2; P2; M3 and M4) were that perpetrators learn new skills of dealing with anger and conflict. Participants agreed that working with victims alone does not break the cycle of violence and that holding the perpetrator accountable through intervention is necessary to change the cycle of violence between intimate partners (P1, B2, and B3). These findings concur with the literature that both victim support and batterer accountability are crucial for

the prevention of IPV (Keilitz 2001; Danis 2003; Visher et al. 2008; Londt 2004; Pence & McMahon 1997 and Holder 2001).

A large number of participants were of the opinion that in most domestic violence matters, additional services than the court could offer were needed. Regarding this, court participants alluded to the complexity of IPV, which often require interventions beyond the scope of the court. According to a domestic violence clerk (D2) in all domestic violence matters the parties need assistance. This particular domestic violence clerk's concern was for the children affected. The negative impact of IPV on children is highlighted also in the literature (Bledsoe et al. 2006). The statement made by the domestic violence clerk, in particular, illustrates a 'cry for help' from the courts for assistance in DV matters, with many court personnel feeling ill-prepared to handle the complex social problems associated with such cases, and many who felt helpless that they cannot help. Despite efforts to refer and seek assistance, awareness of the potential threat of danger for victims is imminent.

Participants supported referrals of batterers to BIPs can be made by both the civil or criminal court. There were various responses on civil and criminal remedies. A number of participants in this study mentioned that court referrals to BIPs could be attached to conditions of a suspended sentence, as an alternative sentence or as a diversion option. A third of magistrates were confident that batterers can also be referred to BIPs as a condition of the protection order. One participant was certain that it be attached to the interim order while another stated that it is attached to the final order. On the other hand, contrary to this view two thirds of magistrates stated that batterers cannot be mandated from the civil court to attend interventions. The following quote illustrates this point: "*magistrates are not in the position to recommend that batterers attend programmes, because we cannot enforce recommendations*" (M5). These findings are an important recognition by civil court magistrates of possible challenges in holding batterers accountable. The contrary views however illustrate the apparent inconsistencies and differences in interpretations to the DVA, which can be problematic. The option to attach conditions to the protection order for batterers to attend BIPs was not common, and needs to be explored further.

3.2 FAMSA and NICRO Batterer Intervention Programmes (BIPs)

As part of the enquiry the research explored interventions for batterers available by civil society organisations. The sample included BIP staff from FAMSA and NICRO. The participants acknowledged the limited number of BIP interventions available in SA. Emerging from the findings, court participants were only aware of BIPs run by NICRO or Families South Africa (hereafter FAMSA), that were available to courts. In addition, BIP participants referred to Mosaic's involvement in piloting a BIP. One BIP participant mentioned that the South African Faith and Family Institute (hereafter SAFFI) are planning to run a residential BIP. For the purposes of this study, this section will focus on a brief description of the intervention programmes offered by NICRO and FAMSA.

It was anticipated that BIPs in this study would report vast differences in theoretical models, methodology and curriculum. In fact little variation was found. Both the NICRO and FAMSA BIPs met international norms and standards on implementation of such programmes. Despite minor differences, in essence there was a common underlying philosophy and treatment modalities (individual, couple or group). Both BIPs centralised victim safety as a key principle and group-work was considered the preferred treatment modality (Edleson 1984; Mullender & Barton 2000; Hanson & Wallace-Capretta 2002; Londt 2004; Boonzaier 2008). Four of the five BIP participants reported that partner safety was a key consideration in respective procedures and protocol. In this study both BIP participants explained that their respective programmes maintained contact with victims throughout the duration of the batterer intervention programme, in order to monitor the safety of the victim and the progress of the offender. Concurring with the literature, both BIPs offered information to victims regarding the purpose of the interventions and associated limitations (Crowe et al. 2009; Danis 2003:242). It was also conveyed that the BIPs interviewed in the study offered safety planning (Danis 2003:242) and counselling and support services to victims. This concurs with the literature where it is widely acknowledged that BIPs should not be run in isolation of interventions for victims (Londt 2004:231A; Pence & McMahon 1997; Holder 2001:20). The latter suggests that BIPs in SA are victim-centred in prioritising victim safety and support as a key goal of perpetrator programme interventions. Both NICRO and FAMSA also offered supplementary individual counselling sessions to batterers.

Although both BIPs showed more commonalities, a few slight differences were noted. It emerged that at FAMSA more men entered the programme voluntarily (60%) than by court order (40%), while in contrast the majority of NICRO intake into the BIP was via court order. Another difference between the two programmes was that whilst the FAMSA BIP made contact with magistrates, the NICRO BIPs contact person at the court is the control prosecutor. This finding reflects differences in the approaches used by the two agencies in cooperating with the court, more specifically the particular stage of the criminal justice process the BIPs are intervening at. Corresponding to findings in the literature supporting longer treatment (Babcock & Steiner 1999; Dalton 2007; Gondolf 2002; Boonzaier 2008; Wilson 2003), both programmes reported to have increased the length of their respective programmes over the years based on evaluation of the programmes. In this study the FAMSA BIP reported that participants are required to complete 24 sessions, once a week over a period of 6 months. The NICRO BIP was reported to run over 24 to-32 sessions attended either once or twice a week, over a period of 3 to 8 months. Other differences were in the specific group methodology used. According to FAMSA BIP participants the programme uses *open groups* where old and new members are mixed whilst the NICRO BIP used a *closed group* philosophy.

In this study, both the BIPs concurred that there is value in group-based treatment as this allowed an opportunity for group members to challenge and confront each other in the group. Various authors show support for group sessions that are co-facilitated by men and women who can model respectful and egalitarian ways of working together (Gondolf 1999; Boonzaier 2008).

Both BIPs expressed an interest in the use of co-facilitation but experienced difficulties in implementing it. FAMSA more than NICRO were able to secure male and female co-facilitators. NICRO participants agreed that whilst male and female co-facilitation worked best, it is difficult to secure male co-facilitators.

Numerous responses were generated concerning topics and content of the BIP intervention. BIPs reported very similar topics covered during sessions. Gondolf (1999) lists male socialization and attitudes to women, developing empathy with others, the development of a

range of cognitive²² (and life) skills, and techniques for increasing control over one's own behaviour as important. Concurring with the literature, both programmes covered educational and cognitive behavioural aspects in their respective interventions. Key topics reported by BIPs in the study included issues of inter alia: masculinity and socialization, patriarchy, power and control, victim empathy, cognitive and life-skills. In the case of the latter, skills with regards to conflict and anger management and problem solving were emphasised. The NICRO BIP participants also included sessions on accountability and safety plans, the cycle of violence, the Domestic Violence Act 116 of 1998. NICRO BIP participants reported that developing victim empathy, in particular, was one of the most important sessions in the programme. Alcohol and drug use were covered in both programmes; however both programmes cited referrals to chemical dependency programmes as problematic due to poor access and availability of such services. This confirms Slaght & Hamilton's (2005) finding that concurrent chemical dependency treatment is rarely available. The literature also supported that chemical dependency programmes should supplement BIP treatment (Slaght & Hamilton 2005; Crowe et al. 2009). Additionally, some of the NICRO BIP staff also reported including topics such as job skills training and employment opportunities and spirituality. It remains possible that what is actually taught in the content of these topics may differ, which was not assessed by this current study.

One of the resource and capacity issues shared by one of the BIP participants was that of being unable to cater for men with respect to various cultural and language groups. The participant stated that limited budgets places constraints on the programme's ability to innovate and cater for the diverse needs of this particular target group.

Post-completion maintenance or after-care as referred to in this study, were problematic for both programmes. Participants in the study agreed on the need for post intervention support for batterers and their families, which concurred with literature findings (Bennett & Williams 2001a). Both the NICRO and FAMSA BIPs covered an element of post maintenance work. In the NICRO programme for example batterers were invited to come back into the

²² See Rothman et al. (2003:15) for further evidence that suggests that abusive men have particular cognitions that support violence against their partners. Intervention should focus on false cognitions. There are a number of cognitions common to abusive men, which should be challenged. Self-talk and thought-switching/stopping exercises are introduced through group discussions and lectures.

programme. Home visits were reported to be used by the NICRO BIP, although it were reported that this were not consistently applied due to overall resource and capacity constraints. Both programmes stated that internal and external evaluations of the respective programmes are conducted, but reported gaps in regular impact and longitudinal studies.

The participants concurred that the qualities, competencies,²³ commitment, supervision and ongoing training of staff that facilitate these programmes are considered crucial to positive programmes outcomes (Hanson & Wallace-Capretta 2002; Londt 2004). It was their belief that qualified, professional and skilled staff that are supported through supervision appear to be key factors to facilitate effective BIP outcomes. A statement made by a BIP participant (B1) was that BIPs need to focus on “providing clinically excellent programmes”. He attributed this type of excellence to the value of good planning, and programmes based on evidence-based practice, and having the correct, scientifically sound, theoretical knowledge. Concurring with the literature, this study found, the majority of the NICRO and FAMSA staff facilitating BIPs had Masters or Bachelor’s degrees in social sciences, and received on-site training. BIP participants appeared to enjoy working with the groups, and articulated deep satisfaction in the challenge of facilitating change among abusive men.

3.3 Barriers to the effective use of court-mandated BIPs

An important aspect of the study was to determine the barriers confronting court-mandated BIPs. From the interviews a range of challenges emerged.

3.3.1 Court System initial reluctance to cooperate and formalise the cooperation

The literature reviewed supported the development of a coherent philosophical framework (Pence & McMahon 1997; Holder 2001), institutionalised coordination of procedures and services and accountability of all participating agencies as well as a series of joint decisions and agreements (Pence & Paymar 1993). Numerous authors have highlighted the importance

²³ See Saunders (1997:2) for further information on the competency of practitioners working with BIPs. Here it is explained that competency involves both background knowledge and therapy skills. Background knowledge must include a high level of awareness of the causes of domestic violence and the impact it has on the victim. Competency also involves knowledge of the many ways in which offenders minimize and rationalise their behaviour is crucial

of communication among participating agencies (Crowe et al. 2009; Pence & McMahon 1997; Pence & Paymar 1993; Gondolf 2007). In this study, as anticipated, with the exception of one court site, there were no structured signed working agreements that established a framework for cooperation among the participating agencies. It was suggested that informal networking and loose working arrangements are common place, and that outcomes for collaboration were dependent on relationships with respective individuals. This is clearly illustrated in the statement of a BIP participant (B3) who pointed out that, “collaboration relies heavily on networking and informal relationships.”

Given the burden on the CJS in SA it was not surprising that BIPs faced difficulties. The stark realities of the consequences of an overburdened system were evident in the difficulties reported by BIPs. So, for example, participants commented on initial resistance by the courts to cooperate which resulted in poor referrals. Second, the high turnover and rotation of court staff also bedevilled cooperation and limited capacity at court level in decision-making regarding partnerships. The frustration experienced by BIPs with the high staff turnover due to staff rotation, and staff leave, was articulated by one BIP participant as follows:

“This is the 3rd clerk of the court in Wynberg that we have had to deal with. They rotate, and this also happens with the magistrates. At Wynberg the DV Magistrate has been off for some time, and we were not informed who else we could speak to regarding the referrals. Poor communication makes working with the court problematic and referrals poor.”(B1)

This example illustrates that staff turnover and rotation if not properly managed impacts poorly on communication, resulting in much frustration on the part of BIP staff. The same participant also stated that there is *“some court staff that are dedicated but burnt out,”* and that courts need to take care of their personnel.

Further, BIPs were concerned that establishing cooperation with courts at a court level was problematic as in most instances *“courts want a directive from their regional or head office”* (B2). This statement made by the BIP participant illustrates the point that cooperation with a local court must involve initial or parallel negotiation with the Regional Office of the Department of Justice in establishing a partnership. Further, the initial hesitancy by courts to

cooperate is understandable given that BIPs are fairly new developments in SA. BIP participants reported, needless to say with much frustration that in these initial stages of cooperation much time was spent on networking, re-orientating and re-training of staff and building new relationships. Their frustration alluded to their own general capacity constraints and limitations.

As much as prior research has provided evidence of the value of formalised, structured working relationships for court-mandated BIPs (Pence & Paymar 1993), it was surprising that in the current study, the majority (fourteen) of the BIP and court participants had not taken action towards establishing a formal agreement, and some court participants were not even aware of the policies of their respective departments. However, in most instances the working relationship was functional despite the absence of a formal, written up partnership agreement. On the other hand potential conflict in court and BIP goals, as well as role confusion to a lesser extent, are important issues that motivate a more structured working relationship, which are raised in the sections below. Nonetheless, by far the majority of participants (16 of 18) agreed that the development of formalized signed working agreements would enable a more structured working agreement between the courts and BIPs. The use of service level agreements by the Department of Justice is not a new concept and seven of the eighteen court participants (C1; C2; D1; D2; B4; M6 and P3) reported two instances of its use with non-governmental organisations, viz NICRO and MOSAIC that they were aware of. The NICRO agreement however was with respect to non-custodial sentencing at the Bellville court, and did not cover the relationship with the courts regarding the BIPs in general. Mosaic has a memorandum of agreement in place with the DOJCD-Western Cape Region, regarding their court support programme, supporting victims of domestic violence in protection order applications and counselling. The Mosaic court support programme was launched in 1999. The courts further supported the development of a policy document outlining the relationship between civil society and the Department of Justice and Constitutional Development (hereafter DOJCD). Whilst all of the participants were keen to improve the relationships and strengthen collaboration, many were hesitant to over-regulate this relationship that could stifle creativity and autonomy.

3.3.2 Poor role clarification and nature of relationships

In asking the question about roles, the intention was to explore whether participants were clear about their respective roles in the cooperation. Most court participants saw their role as very specific in terms of the duties imposed on them by the DVA and other relevant pieces of legislation,²⁴ as well as specific departmental policy. BIP participants on the other hand were less clear about the boundaries of their role. Further, BIPs were not too familiar with the various roles and responsibilities of court personnel. BIPs echoed that courts did not fully comprehend the challenges civil society organisations (hereafter CSOs) faced. On the whole a range of responses were elicited. The table below presents most frequent responses regarding roles.

Table 2: Responses of Participants regarding roles of courts and BIPs

Courts	BIPs
1. Administration of protection orders (12)	
2. Protection of victims (11)	1. Individual and group interventions for batterer (11)
3. Prosecution and Sentencing (10)	2. Victim Support (11)
4. Coordination (9)	3. Prepare court reports (9)
5. Screening and Referrals (10)	4. Training and capacity building (8)
6. Protection of rights (9)	5. Screening and Assessment (8)
7. Communicating legislation to public (6)	
8. Sanctioning non-compliance (5)	
9. Case Flow Management (5)	
10. Information Management (2)	

The role of the courts in the administration of protection orders was reported by a majority of participants. In particular, domestic violence clerks stated their role as:

“responsible in processing the administration of protection orders and assisting with information and referrals” (D1).

²⁴ The Criminal Procedure Act 55 of 1967; the Maintenance Act 99 of 1998.

This statement revealed that domestic violence clerks were clear about their role.

A range of responses were generated around magistrates' roles and responsibilities. Balancing the rights of victims, the accused and the community interests, are a high priority for magistrates. In this study, the most frequent responses from civil court magistrates (M1; M5; M3) was their role concerning the protection of the rights of victims first and foremost as well as the rights of the batterers. From their statements it did appear that magistrates found this task to be challenging. Four of the six magistrates in this study concurred that it is the duty of the magistrate to consider the potential lethality of IPV and protect victims, in which screening and risk based assessment is crucial. Similarly, the criminal court magistrates' role in sentencing is to consider protection and rights of victims, rights of accused and benefits to the community. In addition, BIP participants saw the role of the magistrates in strictly using and enforcing threats of further sanction for non-compliance. However according to BIP participants the sanctioning of non-compliance appears to be problematic.

Screening and referral was identified as a key role of a diverse number of court personnel and BIPs. All of the prosecutors in this study referred to their role in ensuring effective case flow management, as acting in the capacity of contact persons between courts and BIPs, and in screening and referral of IPV parties. Over a third (P1, M1, M2, M3, M5) of the court participants alluded to the court's role in screening, in which prosecutors and magistrates played a particular role. The prosecutors in the study stated that establishing suitability criteria for referral was done in collaboration with those involved in the delivery of batterer intervention programmes. In most instances however, personnel involved in BIPs took responsibility for developing such criteria. Four of the thirteen court participants further explained that BIPs are requested by the courts to screen perpetrators and submit a report on such suitability to the courts. A quarter (B1, M5, and P2) of the participants emphasised the court's role in referrals of domestic violence parties to counselling services. In one instance, a civil court magistrate stated, "*this is what we would refer to as post-maintenance work, which is the duty of the domestic violence clerk*" (M3). This example also clarifies the role of the domestic violence clerk in the very important task of ensuring that parties are referred to appropriate resources, and that some follow-up is done, which I am not sure is always done as it should be.

The role of the courts in outreach activities was met with some resistance from BIP staff. The court's role in communicating legislation to communities through outreach activities were confirmed by both courts and BIPs (C1, C2, and B2). In response to this particular role of the courts, which were generally supported by BIPs, a criticism expressed by one of the BIP participants is that "government focuses too much on awareness raising in domestic violence, and not enough on service delivery" (B1). This statement articulates CSOs frustration with government not playing their role in direct service delivery, which is elaborated on later in this chapter. Overall the research findings reiterated the fact that government clearly does not have the capacity to render direct services to victims and perpetrators, and remain dependant on civil society organisations to assist. The funding of CSOs as a government role was raised more by BIPs than court respondents. One BIP participant highlighted the funding role of government and put the issue as follows:

"Until government has sufficient services, resources and social workers, they should provide funding for at least the salaries, of those NGOs offering the services. It is in government's interest to fund these posts." (B1)

This statement also illustrates the frustrations of BIPs and many CSOs struggling to survive and not being supported by the state in providing much needed interventions. This participant was also of the opinion that civil society organisations must be compensated for the work they do. This participant stated that as a result of the overall lack of capacity of government, "government can purchase services from NGOs." Although the relationships between courts and BIPs were reported as good, the underlying tension among CSOs that government should fund civil society for the services they offer to the court were noted.

While information management did not feature as one of the most frequent roles, a small number of respondents, particularly the court managers, talked about mechanisms for collecting information through court reports, transcripts of minutes of meetings, registers, referral lists, domestic violence bench books and e-schedulers. On the other hand a BIP participant criticized the CJS's information management system, arguing that: *"There is poor information management about DV, particularly poor statistics of the actual problem"* (B2). This statement reflects on the important issue of effective information management, and its impact on batterer intervention more specifically. How the information is analysed and

reported is not discussed further in this study, but competency in analytical skills and how data gets transformed into information that can be used, is an area for further investigation.

A range of responses were elicited about the role of BIPs. Emerging from the findings, BIPs play a significant role in providing interventions for victims and batterers. The participants indicated that in practice, civil society participants provide a wide range of services to victims, while a small number of agencies provided intervention programmes for batterers. Further BIPs had to prepare court reports and were involved in training and capacity building initiatives associated with IPV intervention and BIPs. One BIP participant voiced their concern about BIPs not having the capacity to present reports in court as expert witnesses. According to this participant (B1): *“Government should do the statutory work as they have the relevant experience. NGOs just don’t have the time for it.”*

Half of all participants indicated that coordination and collaboration is a role that government should play. Additionally the role of the police in the collaboration was emphasised. Both the court and BIP participants saw the role of the police in inter alia in protecting victims of intimate partner violence, in responding to complaints and in the monitoring of batterers referred to intervention programmes. BIPs were of the opinion that police records often provide the history of the violence and would be an excellent source of information for assessment purposes. Further participants argued that the police role in advising victims about their option to open a criminal case needed to improve. Emerging from the findings, it was apparent that courts and the respective BIPs enjoyed separate relationships with the police, and it was reported that they have never met as a collective. The findings suggest opportunities for expanding cooperation to include the police, as a key partner.

Regarding the nature of the relationship, despite initial challenges and the lack of a structured cooperation mechanism, the majority of participants reported good working relationships. According to participants various factors contribute to this positive state of affairs such as the existence of ‘mutual respect,’ ‘trust,’ ‘commitment to the collaboration’ and ‘having a positive attitude’. Long-standing and close working relationships were reported by five (P1; B2; B3; P2; B4) of the eighteen respondents. Being accessible to each other was regarded as crucial by over a quarter of respondents. Positive experiences with magistrates were reported

by all BIP respondents. Two BIP participants (B1 & B5) however were of the view that interest in the programme had not filtered down to all the domestic violence clerks.

3.3.3 *Capacity and resource constraints*

The findings showed that consistently most participants reported general capacity and resource constraints as the most frequent response to challenges experienced. International studies also confirm poorly resourced criminal justice systems (Healey et al. 1998:85). This study explored in particular the impact of those constraints on IPV prevention and the collaboration between courts and BIPs. Many of the criminal justice practitioners spoke of the job stress they experience on a daily basis. The following observation illustrates the situation at hand:

We are often thrown in the deep end. We are not always adequately trained for what is required of us. Sometimes we have to do job functions that we are not specialised to do. (C1)

One Domestic Violence Court is insufficient. There is only one domestic violence clerk and one domestic violence magistrate. (C1)

As much as these statements give recognition to how under-resourced the criminal justice system is, it also exemplifies that the problem is not just an issue of capacity constraints but that court participants are actually ill prepared and don't know how to deal with the problem of intimate partner violence. Thus, the issue of court personnel not having formal training to deal with the specialized nature of IPV presents many challenges. In addition the findings suggest that IPV presents complex social problems that the courts can do very little about, that is often beyond the scope of the courts, and that the criminal justice response cannot be the end all to dealing with IPV.

As one prosecutor (P3) explained,

Domestic violence is one of the biggest areas you deal with. Sometimes there are problems that are beyond the scope of the courts. Penalties such as fines and

imprisonment do not have the desired effect. Courts need help with domestic violence. The criminal justice response alone is insufficient.

In 100% of domestic violence cases people need assistance, especially when there-are children involved.” (B1 & M4).

In other words the results indicate that further social and psychological service are needed for many parties of IPV, that the courts recognize that legal remedies alone are inadequate to deal with the problem of IPV, alluding to the need for wider collaboration with those agencies offering such interventions.

Another problem impacting on capacity and resource constraints is that of the high turnover and rotation of court staff, which BIP participants reported to impact ongoing training demands of the court on BIPs. This point is articulated as follows by one participant:

“Rotation of court staff impacts the relationship and resources NGOs have to do ongoing training and networking.”(B3)

This statement is important because, in general, ongoing training demands of courts in the specialised area of IPV and BIPs is a stark reality, which is discussed further in this chapter. Subsequently, courts have turned to BIPs to meet that need, the challenge of which is that this has put an added strain on resources of BIPs who primarily render interventions to victims and batterers.

Further, the shortage of mental health practitioners was reported in a number of the responses. Court personnel in particular indicated the need for more social workers to service the courts. Others indicated the shortage of psychologists. As described by one BIP participant (B1), *“like all NGOs we are feeling the pinch of the challenge around the shortage of social workers and psychologists.”* These statements are important and allude to the general crisis following the shortage of social workers and other mental health practitioners in the country. For the purposes of this study, and more specifically for IPV prevention, mental health services are crucial, and such resource constraints are a serious concern that must be further investigated.

Again, recognizing that civil society is equally under-resourced and under-capacitated, three of the five BIPs and one court participant argued that CSOs are unable to access adequate funding which affects sustainability. Of the five BIP participants three expressed the desire for government to pay them for the services they provide. There appeared to be a tension between BIP and court participants when it came to a discussion on funding issues. In other words, an underlying frustration of BIPs with government is that they (as non-governmental organisations) deliver specialist services and do not always feel valued by government as a vital resource or respected as a partner. To illustrate this one BIP participant said:

Government should outsource to NGOs who are specialists in their fields. Government in any event does not have the capacity to deliver all services and should therefore pay respects to what they have, in the form of the knowledge, skills, experience of civil society, and should look after this valuable resource. They need to respect what they have and look after it. It is in government's interest to fund the posts. (B1)

This statement is important in highlighting again the general capacity constraints of both civil society and government, prompting that working together and pooling resources is a necessary and important matter, of which respect appears to be a key principle. This statement constitutes an important illustration that not all may be well in relationships between government and civil society in South Africa. In this study BIPs did not feel respected, as a partner, by government, and there clearly appears to be underlying funding frustrations. As much as this dynamic is inevitable to impact on the collaboration between courts and BIPs, it is not an issue which is analyzed in greater detail in this study. It is also a stark contradiction to the earlier comments by BIPs on the good working relationships with the courts. On the other hand, one magistrate was mindful of the resource limitations of CSOs, but emphasised the financial constraints confronting the state: *The state relies on NGOs to assist, but just don't have the budgets to fund many NGOs*" (M3). Further, court participants reported that the Department of Justice does get separate funding for DV. Such funding, they argued, did not get used for funding BIP interventions, but focused instead on outreach education and awareness efforts. However court managers, more specifically, recognized the important opportunity to also include BIPs in the consultation with CSOs in the determination of such funding priorities.

Other important concerns, by a quarter of the participants was of the limited availability of BIP interventions, with many recognizing that poor cooperation among BIPs further contributed to the problem. Given these caveats, the current findings provide reasons for concerns, given that the literature shows compelling evidence that the positive effect completion of BIPs has on reducing re-offence (Babcock & Steiner's 1999:46). According to some of the participants there was a small number of intervention programmes currently available and limited capacity to accommodate batterers. Interestingly, a few were of the view that there were sufficient services, while some did not know what the status of availability was. A majority of the research participants believed that another dimension to the general capacity problem of the civil society sector is that the sector is fragmented, uncoordinated and competitive, and that more needed to be done to work together. As one BIP participant put it:

I think we have been working independently in the field for too long. We should not be competing, we should not be secretive and we should look to work together. We should be sharing at an industry level when it comes to perpetrators. We (NICRO and FAMSA) need to get together and standardise the field. (B1)

There was consensus amongst court and civil court participants that BIP service providers, particularly FAMSA and NICRO, need to improve their cooperation. The study found FAMSA and NICRO participants keen to collaborate before approaching the courts. Seven of the eighteen participants reported that staff capacity issues of BIPs resulted in a slow response to the demand from courts. NICRO more than FAMSA appeared not to be able to cope with the demand of referrals from courts.

The literature found that slow enrolment of batterers into BIPs may be perceived as a lack of concern for the seriousness of IPV and may contradict programme messages that battering is socially unacceptable (Healey et al. 1998). For example, Gondolf's study (1996) shows that delays in programme participation may also limit the deterrent benefit of participating in batterer intervention programs. In this study much controversy surrounded this matter, and additional concerns were raised. Court participants were frustrated that delays with assessments and accommodation of batterers in BIPs were clogging up the court rolls. BIP participants confirmed that there are delays in appointments for assessments and,

corresponding with findings of Healey (1998), that this was due to limited space available to accommodate batterers. Further, BIPs were frustrated and overwhelmed by demands from the courts, and were of the opinion that courts were not sympathetic to their resource constraints, and further that court actions impacted important therapeutic goals. Most importantly, the current results suggest that BIPs failed to see the rights of the offender for swift justice, and the consequences of slow enrolment on reoffending. Further, the court also failed to recognise the consequences of slow enrolment for these batterers in respect of deterrence, and appeared more concerned about the rights of the accused to speedy justice. Firstly these findings reveal the negative impact of the limited availability of BIPs on the administration of justice. Secondly it exemplifies a likely conflict between criminal justice and therapeutic goals of BIPs, and illustrates communication problems, which needs further investigation. Thirdly, it is clear that both BIPs and courts were not familiar with the consequences of slow enrolment, which indicated gaps in theoretical knowledge of BIPs. Lastly, issues highlighted motivate requirements for the setting of inter-agency goals and protocols (Pence & McMahon 1997; Holder 2001). Structured working agreements, and regular meetings could help to address these problem areas and facilitate joint problem solving.

Other capacity issues mentioned by two thirds of the participants related to the ongoing demand for training and capacity building. The interviews with participants indicate that court staff knowledge of the content and methodology of BIPs and the theory underlying such interventions is limited. Subsequently the causes of IPV and its subsequent treatment were not always clearly understood by court respondents. Various perceptions of the underlying problems and resulting referrals were discussed. BIP participants on the other hand were well trained in IPV and BIPs and could be regarded as specialists in their field. By far the majority of (11 of 13) court participants indicated that that they would like to have more information about DV and BIPs.

Besides judicial education, evidence points to the importance for all relevant court staff working with BIPs to learn more about the nature and content of BIPs; how they operate; how individual programmes measure success; what contact the programme has with the victim; criteria for programme completion; programme length and the ability of the programmes and its staff to implement culturally sensitive programmes (Danis 200; Slaght & Hamilton 2005). According to Healey et al. (1998) such strategies provide judges,

prosecutors, and probation officers with the information they need to better understand batterer intervention and make appropriate decisions regarding programming. Unfortunately, it emerged from the findings that the majority of the relevant court officials working with IPV, had not received formal training. It appeared that the knowledge and skills of the majority was acquired from on the job experience. One court participant said: *“My experience in DV comes from being based at the court”* (C1).

In order to attend to the gaps in knowledge of court respondents, BIPs had invited relevant personnel to sit in on BIP sessions. Both prosecutors (all) and magistrates (four) in the study were keen to sit in on these sessions. The majority felt that this kind of exposure would help court participants understand the programme better. One notable exception was a BIP participant who was hesitant about court personnel attending sessions. She spoke of DV offenders having particular problems with authority, which could threaten their motivation if court personnel attended too early in the intervention. Once again the issue of a clash of criminal justice with therapeutic goals, discussed earlier, is evident.

In addition to the ongoing training demands of courts, it was also indicated by one magistrate and two BIP participants that BIPs also need a basic understanding of criminal procedure, relevant legislation and IPV court remedies. The magistrate defended this position as follows: *“I can see they (BIPs) work with the courts for many years, but they cannot fully understand how criminal procedure works.”* (M3)

The response of a BIP participant squared well with this observation:

“I had always thought that they needed to know about the programmes and services we ran, but had not given much thought that we need to take the time to understand court procedures and systems.” (B4)

In particular, compelling evidence in the literature elevates the issue of challenges with social workers and a number of managers and facilitators of BIPs who seem to lack basic knowledge of the legal processes impinging on perpetrators and need education (Danis 2003). Danis (2003) raises the issue that social workers interfacing with the courts also need knowledge about criminal justice tools used in IPV cases that work best in specific situations,

and the potentially dangerous consequences resulting from the use of these tools (Danis 2003). One would assume that additional knowledge of civil justice tools, like protection orders would also be necessary. The question of whether courts are adequately orientated to the extensive role that social workers and awareness of the ethical dilemmas faced by social workers needs further investigation.

Lastly, the issue of relevant training methodology was discussed. One BIP participant (B3) voiced that there is a huge emphasis and heavy reliance on informal training in the field of DV and proposed that training should be more formalised and structured. She further indicated that there were no structured orientation of court staff regarding DV and BIPs. Further she argued that ongoing training demands of courts were in general not the primary focus of BIP, yet due to the demand it needed to be done. The participant noted that the training needs of the courts regarding DV and BIPs then, “becomes a gap in the system”. Taking the courts general capacity constraints into account, one BIP participant proposed more regular and on-site training sessions as opposed to spending a number of consecutive days away from the court. She further recommended using staff rotations to facilitate the training process and the need for training small groups at a time. An overwhelming majority of the prosecutors and magistrates proposed using their separate meetings as days for information sharing.

Court participants were keen to share information, although specific mechanisms for how this ought to be done were not explored further. The majority of BIP participants agreed to meet with criminal justice personnel to discuss creative solutions around information and knowledge –sharing. They suggested they be taught in basic layman terms.

3.3.4 Non-compliance

International findings argue that CJSs often fail to sanction batterers for non-compliance, which result in “few men suffering any legal consequence for non-compliance with the court mandate.”(Babcock & Steiner 1999:57; Labriola et al. 2005: v; Visher et al. 2003: 496). Disparate beliefs were expressed by BIPs and courts regarding the matter of sanctioning for non-compliance. While court participants indicated that batterers are sanctioned for non-compliance, concurring with the literature, half of BIP participants reported dissatisfaction

with the courts regarding non-compliance on the part of offenders. Moreover, in sanctioning for non-compliance, BIP participants were of the opinion that some cases are dropped or never re-opened. Other BIP participants were not entirely sure if the court provided a sanction. There was one BIP participant who thought that a fine, and in some instances imprisonment is used in the case of a non-compliant offender. One BIP participant expressed a belief that fines are not a useful sanction for non-compliance. Over a quarter of respondents, which included three of five magistrates interviewed stated that, magistrates should be strict and use threats of further sanction with the perpetrator. Over a third of court participants confirmed that if a perpetrator does not comply, the outcome would be that the judicial process would have to continue, and the case would be re-opened. Nonetheless penalties for non-compliance deserve more attention than is currently the case.

The literature shows that not sanctioning non-compliance appears to have serious consequences and implicitly excuses intimate partner violence and reinforces batterers' tendency to minimise the seriousness of the crime (Babcock & Steiner 1999:57; Labriola et al. 2005: v). Hence perpetrators are likely to fall through the gaps, and victims to face further risk. Regarding this, Visher et al. (2003: 496) reminds us that a failure to promptly sanction violations negatively impacts the courts role in protecting victims. Therefore more intensive involvement and sanctioning are sought from the CJS to make treatment outcomes more favourable. In this study one BIP participant illustrated this point:

“Magistrates and prosecutors should be a lot stricter and ‘really hurl the book at’ DV offenders - more so than they are doing at present. Domestic violence offenders should be warned of the consequences of further violations of court orders, which include attendance and compliance with the court-referred programme” (B1).

While writers have suggested that monitoring can deter recidivism by sending a message that the court is closely watching the offender and will detect and sanction any non-compliance (Babcock & Steiner 1999:57; Labriola et al. 2005: v), two BIP participants voiced their concerns that the courts gave very little attention to monitoring the parties during the intervention. BIP participants argued that all the courts required were a report once the batterer had completed the programme. According to Pence & McMahon (1997) monitoring progress, violation of court orders, failure to comply with the programme rules, and any

further acts of violence, is a joint responsibility of the participating agencies and must be met with swift responses.

Relevant here is Visher et al.'s (2008) study that motivated for further research on how to motivate offender compliance using sanctions and BIPs. Emerging out of the study it seemed necessary that courts improve their monitoring and supervision of the offender. Despite concerns of BIPs, the findings show that court participants were unaware of the challenges experienced with the poor monitoring of non-compliance. This once again suggests problems in communication between courts and BIPs. Regarding mechanisms for close monitoring and supervision, Gondolf (2004, as cited in Castleton 2005) proposes periodic court reviews or specialised probations surveillance. One BIP participant reported the use of an offender contract and batterers appearing before the magistrate every three months. This mechanism was not however widely used.

3.3.5 Lack of uniform protocols

Contrary to what is regarded as important in the literature (Holder 2001:20), there were no standardised forms, procedures, regulations or a data base that assisted the courts and BIPs with the requirement of ensuring victim safety and offender accountability as observed in this study. The lack of standardised forms and clear protocols were elicited by less than a quarter of the respondents. From the findings it emerged that standardised protocols for screening, assessment or referral of perpetrators and victims, could be useful to facilitate consistency, but were found to be lacking. Courts did not have an electronic data base of services offered by BIP organisations, or even lists of resources that they could use. No uniform templates existed for court reports.

Pence & Paymar (1993) states that inter-agency release forms and contracts with batterers help facilitate effective communication as well as establish a degree of accountability. Offender contracts seem to hold some potential as a monitoring device to be utilised by the courts. Only one BIP participant made explicit reference to the use of an offender contract, where a case is assessed and a suitability letter is then sent back to court, together with an offender contract, which requires an offender attending a BIP to appear in court to have the contract stamped by the court every six months. The offender contract was accompanied with

a progress report from the BIP treatment provider. In practice however, offender contracts are not widely utilised by BIPs in SA, despite their accountability benefit

The lack of structure and standardisation can account for what I found to be a lack of uniformity in service delivery and collaboration. Closer working relationships between the courts and CSOs as a means to foster improved collaboration were suggested by both BIP and court respondents. In correspondence with findings by Pence & McMahon (1997:1) and Pence & Paymar (1993:19), accountability was identified as a key principle by all respondents. Further, the literature showed that it is important to have a mechanism in place that monitored the actions of participating agencies (Pence & Paymar 1993:19). Communication and the exchange of information appeared to be central to accountability. There were support from both prosecutors and magistrates for separate workshops at their monthly meetings.

3.3.6 Communication

From this research enquiry it became clear that communication problems stalk the interaction between role-players. Two of the three BIP participants reported frustrations over missing court reports and court officials not responding to emails or returning telephone calls. One of the two participants said:

“We are frustrated that the court system does not work properly. A system that does not work properly does not have impact. If we write a report and it disappears, it affects the accountability of the court and wastes our time.” (B1).

Additional communication challenges included the issue of referrals and regular meetings. According to one magistrate, ‘written referrals’ may be necessary and that the procedures for referral are worked out with the BIP. She described further:

“..I think the role-players must meet. Certainly the role-players must have a meeting. They could have a meeting with those who are going to be facilitating the programme. I see no issues with it. Obviously we need to get permission. You would need to have some screening.”

This statement recognizes the problems of poor communication and accountability between courts and BIPs. There are several possibilities as to why communication is a problem. One such reason was possible court management issues, which need further attention. More plausible is that there is a lack of regular meetings to discuss challenges and explore solutions.

In this research enquiry the participants were asked to elaborate on the mechanisms used in communication. Here a range of responses emerged. The methods of communication differed according to type and frequency, with the most frequent responses reported as telephonic contact, email correspondence, ad hoc face-to-face meetings, and the submission of completion reports. The frequency of face-to-face contacts ranged from monthly, annually, to every two to three years. As Participant 10 explained: *"I probably get invited once every two years or once every three years to come and talk about what I do."*

Solutions to addressing some of these communication problems were generated by participants. Firstly, regular contact and face-to-face meetings that looked at problems and progress were supported by a third of all respondents. Some indicated at least once a month, while a few others preferred bi-monthly meetings. Secondly, with regard to accountability, BIP participants (B2 and B4) agreed that having one contact person who would be accountable for the relationship and collaboration on either side, worked well. Control prosecutors appeared to be the contact person in the collaboration with NICRO, whilst magistrates were identified as key contact people in the collaboration with FAMSA. The findings point to gaps in the sharing of information between courts and BIPs. It emerged from this study that at times FAMSA and NICRO would be working at the same court, but because one worked with prosecutors and the other the magistrates, the one party was not aware of the other. It is also possible that as a result a significant number of magistrates were not aware of the NICRO BIP and prosecutors not aware of the FAMSA programme. Therefore, it was strongly voiced by a large contingent of court participants that BIPs must approach both magistrates (particularly the Cluster Heads) and prosecutors to inform them of the availability of BIPs. The need for further regular meetings and improving communication were noted by a quarter of the respondents.

A third strategy, expressed by two BIP respondents, related to having a good understanding of each other's area of work and processes in order to cement professional relationships. This shows the importance of relationship building in the coordination and collaboration process.

Four of the five BIP participants indicated their respect for court staff for their support and cooperation. Likewise BIPs were highly valued by the courts for their contribution.

Additionally a number of principles that could facilitate effective communication were intimated. A considerable number (six of thirteen) of court participants prefer CSOs to be court-based so as to allow for easier access and more regular communication. Flexibility referred to the ability of the court and BIP participants to avail themselves for ad hoc meetings and consultations, while accessibility referred to the convenience, openness and ease of access of parties in relation to working together. Both flexibility and accessibility were expressed as important aspects of communication. Most prosecutors and some of the magistrates reported being involved in the initial screening and referral of perpetrators. One significant finding of the research was the use of case discussions held between the prosecutor and the batterer intervention programme. The case discussions looked at a range of issues such as suitability criteria and risk of referral; suitable interventions for the perpetrator; feedback of consultation with victims, as well as problem areas needing attention. Regular case discussions appeared to be an excellent tool to facilitate discussion between courts and BIPs regarding victim safety and offender accountability. Yet, this tool was only evident at two courts, with only one court using it consistently with each case referred. The courts request for suitability, completion reports, and to a lesser extent assessment and progress reports and case discussions was also reported as a means of communication regarding the case referred.

Lastly, participants were of the view that improved coordination among participating agencies could improve communication. The findings reveal that coordination between BIPs and other agencies is poor. No interagency protocols appeared to be in place. The view that the scope of the collaboration should be expanded to other stakeholders working with DV was shared by a quarter of the respondents. Improving the collaboration with the police and the training of police were also supported by nearly a quarter of respondents. For Londt (2006:8) key role-players are mental health workers, the CJS (hereafter CJS) as well as police

services. Yet in this study, the cooperation was limited to the courts and BIPs and ad hoc interaction with the police.

3.3.7 Poor networking and coordination

Various authors have recognized the value of a coordinated response (Wilson 2003; Bennett & Williams 2001a; Boonzaier 2008; Visher et al. 2008). Further there has been criticism of the disjointed approach with which courts have traditionally approached DV cases, which has proven ineffective at stopping violence and protecting victims from repeated violence. Concurring with the literature, in this study, it emerged that the courts are working in a disjointed way and that coordination around DV is poor.

The table below (Table 3) sets out the internal court structures identified by participants in this study used within the courts to communicate internally, and with other stakeholders, including CSOs, and notes those structures where DV is considered. The information in this table is important in clarifying that communication is happening among stakeholders, but that not enough is being done to systematically address IPV, which could merit the need for a separate DV forum. Additionally identifying the communication structures is important to point to the opportunities that could facilitate joint discussion of IPV.

Table 3: Most frequent responses regarding general court communication & coordination routines

	Mechanism	Stakeholders	Frequency	DV issues discussed
1	<i>Court Managers meetings</i>	Court managers and area court managers	Daily, weekly, monthly	<i>Ad hoc</i>
2	<i>Management meetings</i>	Supervisors of each of the sections of a specific court	Weekly	<i>Ad hoc</i>
3	<i>Magistrates meetings</i>	Magistrates	<i>Monthly</i>	<i>Ad hoc</i>
4	<i>Prosecutor meetings</i>	Prosecutors	Monthly	<i>Ad hoc</i>
5	<i>Case flow management meetings</i>	Key criminal justice and social service agencies-court, police, social development. CSOs working with the court can be invited.	Monthly	<i>Ad hoc</i>
6	<i>Maintenance Forum</i>	The judiciary, prosecution, court managers, and external stakeholders, such as the police, social services and relevant civil society organizations.	Monthly	<i>YES</i>
7	<i>Local Steering Committee</i>	Relevant court and other stakeholders working together on a pilot project e.g. Sexual offences project, non-custodial project	Monthly	<i>NO</i>

The interviews with participants suggest that although regular communication was reported between the court managers, court administration, judiciary, prosecution, and external stakeholders such as the police, department of social services and a range of non-governmental organizations at a range of meetings listed in Table 3, DV is not a regular item on the agenda. The only forum that discussed DV regularly was the Maintenance Forum. No dedicated separate DV forum was noted. As one participant put it: *“there is no separate DV forum, but issues of DV come up in the Maintenance forum meetings.”* (C2). The fact that DV is raised in other forum meetings means it is relevant to a whole lot of other issues and needs its own forum.

Showing support for court coordination of IPV cases two court participants (C1 and C2) proposed that a possible solution could be for the Maintenance forum to be called the “Maintenance and Domestic Violence Forum,” given that DV issues were already deliberated at the forum. Participants reported however that the viability of this modification at other courts is uncertain, as coordination mechanisms could be different elsewhere, and may not be the same for all courts.

Case flow management, as indicated in the *Practical Guide Court and Case Flow Management for South African Lower Courts*, are meant to improve and maintain the effective and efficient operation of criminal courts (Justice College). The interviews indicated that both internal court and external key stakeholders working with the court met at a case flow management meeting, which is often chaired by the magistrate. Contrary to initial expectations, participants reported that BIPs were only invited on an ad hoc basis, while some BIPs reported that they had never been invited. Given that the BIPs work with the court, they should be an integral part of these proceedings, and issues of IPV and batterer interventions should be on the agenda. The findings confirm that attendance of relevant CSOs at case flow management meetings need to be clarified and communicated.

There were also contradictory responses about civil and criminal courts collaborating about domestic violence. Two participants (C1 and C2) claimed that there is a relationship and coordination of information between the civil and criminal courts about domestic violence. One of the two said *“there is stats on the system and that they can indeed track cases from the civil to the criminal court”* (C2). On the other hand, one of the civil magistrates for

instance said that this relationship is poor (M5). The statements are important and demonstrate gaps in civil and criminal court coordination in DV. The implications of this on practice may be significant and should be explored further.

In this study poor networking and collaboration with the broader spectrum of DV service providers is noted. Further, the findings show that the present collaboration between courts and relevant BIPs is limited and did not include other stakeholders. Lack of joint cooperation with the police, is one such gap. Poor cooperation between government and other CSOs were reported more by BIPs than court respondents. These examples illustrate gaps in coordination which need further investigation. Three of the five BIPs acknowledged not always feeling respected and valued by government as a partner. As a result, underlying tension related to partnership dynamics between BIPs and government is noted.

Concerns by BIPs were that government strategies placed a lot of focus on awareness raising and education, and not enough on coordination, was another area of frustration. One might argue that one of the reasons for these gaps is because of the lack of comprehensive strategies for the prevention of IPV. Both court and BIP participants acknowledged the courts' efforts in community outreach. However they explained that such outreach is not necessarily linked to a wider platform of action around DV in the community. Outreach focused more on education and awareness raising, and general problems the community experienced with the courts. One BIP participant mentioned that organizations working with DV did meet, and the courts did attend, but there is no indication that a more comprehensive DV strategy is in place. Participants referred to the existence of a large number of informal networking forums. Yet, another BIP participant (B1) commented that he would like to see a "*Perpetrator programme network*". The general problems of networks may be best managed by keeping it small and being clear about the mission.

The literature suggested that gaps in service delivery are likely to emerge if key organizations, or even individuals within organizations, do not participate in local networks and coordinated responses, or do not support the development of perpetrator programmes. The findings show that there is an urgent need for IPV prevention efforts to be coordinated. No dedicated DV forum was reported by respondents. A few BIP participants described challenges in the lack of a provincial coordinating structure for CSOs working with IPV.

3.3.8 Fees for BIP services

According to international literature, perpetrators in most programmes are charged a fee for their participation (Dalton 2007; Boonzaier 2008; Crowe et al. 2009).²⁵ The results of these studies show that charging a fee for services supports holding offenders accountable. Further it was stated that “there is no funding stream for BIPs, forcing them to rely on fees collected from batterers” (Slaght & Hamilton 2005:56). Differing opinions about the value of a fee system emerged from this study. The findings of this study revealed that FAMSA charged the perpetrators a fee for services while NICRO did not. Further, the idea of payment for services, were not well received by four of the six magistrates, who raised concerns about DV offenders having to pay fees for services, or not having the transport money to get to services. Four of the participants were of the opinion that people do not have the money to pay for services.

“People coming to court don’t have the money to pay for services which makes it difficult for the courts to refer to NGOs that charge for services” (M6).

“We cannot punish a guy for not being able to afford to go to a perpetrator programme.” (M4)

“We can’t simply say the State is paying for counselling. It is something they would have to put into a budget or something.” (D2)

In line with international trends, a FAMSA participant explained that batterers are charged a fee of R25 per session, with the “specific purpose for batterers to take responsibility for the treatment and hold themselves accountable for the abuse” (B5). Participant B5 explained further that, “often this fee is reduced or a payment date negotiated as some of the men are unemployed and cannot afford the service.” The results show that FAMSA also offers a travel subsidy for men who make use of public transport to attend the group sessions. These examples illustrate the misunderstanding regarding fees and needs to be practically explored by the collaborating partners. It is obvious that many people coming to court don’t have

²⁵ See Boonzaier (2008:5) who found slightly more than one-third of programmes in her study charged men for their participation, even in low-income countries, as it was felt that this would ensure that men would value the service.

money, many of which come from absolute poverty. It also implies that mechanisms should be introduced were State imposed programme costs are covered by the State. I am sure it is not fair to criminalise people who cannot afford services imposed by the court. Magistrates appear to recognize this issue, and appear resistant to people paying for services.

4 COURT REFERRAL NETWORKS AND THE AD HOC USE OF COUNSELLING INTERVENTIONS

As discussed in an earlier chapter, the literature showed that interventions with both victims and perpetrators are crucial in an effective IPV strategy (Boonzaier 2008; Londt 2004). The participants in this study confirmed the availability of interventions for both victims and batterers, but noted the ad hoc nature of referrals by the court for individual, couple, marriage, family counselling and for restorative justice interventions, such as victim offender mediation, and family group conferencing.

Providing couples, family and marriage counselling for parties affected by intimate partner violence is a controversial practice (Pence & Paymar 1993; Rothman et al. 2003). In sharp contrast to these findings in this study participants referred to the frequent use of court referrals to couple counselling. On the other hand the perspective of BIP participants supported the views of the literature that couple counselling is not a viable option for IPV as it may exacerbate the risk of further victimisation, and may lead to victim blaming. These participants insisted that the parties to the conflict must be seen separately. One of the BIP participants (B1) very vehemently stated that if he gets a referral for couple counselling, he takes it up with the magistrate, informing the court that such referrals send the wrong message and that these parties will not be seen for couple counselling. Further, two of the eighteen participants mentioned referrals of the parties by the court for marriage counselling. Referrals to family counselling were also reported by a quarter of the participants in this study. These statements portray that referrals of DV parties to couple counselling by courts is not uncommon, and is considered controversial.

The study also found other responses regarding the nature of ad hoc referrals. In this study 3 of the 18 participants described the use of restorative justice interventions in cases of IPV. A third of the participants referred to the use of victim-offender mediation. Likewise concerns

about victim safety and victim blaming also seem to underlie the position of concern by only one participant (B3) regarding the use of victim-offender mediation in response to IPV. Two of the five courts reported referrals to community service for the management of batterers. The third most frequent response regarding victim referrals was a referral from the court for individual counselling. The use of referrals for anger management was mentioned by three court respondents. Only a small group of participants (3 of the 18) described that parties are referred for an assessment. Three of the five magistrates reported referrals for substance abuse. According to the majority of civil court magistrates DV parties cannot be forced to attend counselling by the civil court. In contrast to this account, two participants (M4 & M5) argued that batterers could be referred as a condition of the protection order. It remains possible that courts are making use of various available interventions to refer IPV parties to. However it is also clear that many of these interventions are controversial in terms of international good practices relating to IPV prevention and need further investigation.

An interesting finding raised by participants in this study was that in some cases victims showed reluctance to be counselled, which by implication can negatively impact their safety needs. Various reasons were proffered for such reluctance. In one instance a magistrate stated that, “victims feel embarrassed” (M1). Other reasons offered were that victims were not empowered sufficiently to access victim services. Additionally, civil court magistrates made it plain that victims cannot be ‘mandated’ to counselling by the court (M3 and M5). Given that the literature supports that both interventions for victims and batterers are crucial in IPV prevention, victims reluctance to be counselled needs to be further investigated.

The inclusion of agencies working with children impacted by IPV is given attention by Slaughter & Hamilton 2005; Bledsoe et al. 2006). In this study it became clear that referrals of children affected by IPV were not common practice, and children impacted by IPV emerge to be a marginalised group needing attention. In response to the question (Question 24c) about whether children affected by DV receive services, three of the five BIP participants (B1; M4 & B4) stated that in many instances these children do not receive services. Over two thirds of the participants were unsure as to whether children exposed to DV received intervention. One participant articulated the urgent need for intervention in the case of children as follows:

“Counselling should be given to children. Domestic violence happens in front of children. If it is a boy, he begins to learn that one day if my wife does not listen to me I can assault her, and young girls learn that they may take it if a man assaults them. This results in the circle of violence continuing” (P2).

Even though participants identified counselling of children as important, support and counselling services to children were reported by the majority to be ad hoc, with a few being unsure if children did indeed receive some form of intervention. The motivation for a comprehensive approach to IPV that includes the safety and counselling of children is imminent.

Further concerns expressed by the BIP participants were that juvenile offenders involved in domestic violence related offences were not taken seriously by the court. It appears that juveniles charged for a DV related offence were treated differently. One court participant mentioned the use of restorative justice interventions like family group conferencing for juveniles. Whilst in line with the principles alluded to in the new Child Justice Act,²⁶ children and juveniles be treated with more sensitivity by the court, the participants concerns regarding gaps for juveniles to receive specialised intervention is important, and needs further enquiry. Heckert & Gondolf (2000) in the literature write more about juveniles and domestic violence.

Various responses were generated regarding poor follow-ups by courts on referrals made. Further gaps in cooperation with CSOs were noted. It was explained by court participants themselves that courts often did not use a letter, and at times no further follow-up is done or feedback required from the agency referred to. One Domestic Violence Clerk (D1) said:

“Some court staff does not even know the contact details of the NGOs they work with.... courts phone the relevant agencies that they know about to enquire if they can send a client. No referral letter is used. No further follow-up is done or feedback required from the agency referred to”.

²⁶ See Child Justice Act 75 of 2008 for further information regarding sentencing of child offenders by the CJS.

“I phone the relevant agencies that they know about the client and to enquire if we can send the client. No referral letter is used. No further follow-up is done or feedback required from agency referred to.” (D1).

From these findings it emerged that there were no court data base of resources or standardized referral protocol in place, and that courts often made use of services presented to courts, which explains the ad hoc nature of referrals (M3). Hence, many court participants were not aware of the local resources available in their areas. Therefore as much as referrals of perpetrators and victims to interventions are taking place, it is not consistently applied, is not always the correct response and interventions for children are problematic. The option of referrals to CSOs for counselling of both victims and batterers are used in some instances, and referrals to BIPs are made where there is a programme available. In one instance a BIP participant reported that she “had some dealings with Family courts regarding the dynamics of perpetrators of IPV and looking at risk factors.” Such consultation however is not common at present and there are no clear protocols currently in place to structure inter-agency exchange. In the light of the courts’ poor knowledge of resources in the community, a Court-Community Liaison Office, based at the court, was proposed by a magistrate (M3), to negotiate and broker services to the court. An inconsistent quality of services by CSOs was also raised as an area of concern by court respondents.

5 SUMMARY

This chapter captured areas of agreement and disagreement amongst research participants with respect to the key themes around which the research findings was organized: Civil remedies and Sentencing; the Use of Batterer intervention and Court referral networks and the ad hoc use of counselling interventions. Generally, participants showed keen support for court-mandated BIPs. Although a limited availability of such interventions was noted, participants seemed more interested in just getting on with the collaboration. BIPs offered by FAMSA and NICRO were briefly explored, and differences and commonalities between the programmes were drawn. Challenges faced in the use of BIPs and the ad hoc nature of referrals by the court was also further discussed.

Three important points emerging from these findings are firstly that batterers are held accountable in a number of ways through the court system, using traditional options like imprisonment, suspended sentences, and fines. In recent years the use of diversion, plea-bargaining and non-custodial options have also become more common. There is an ad hoc approach to referrals of IPV parties for counselling, and referrals to BIPs were made where there is a programme available. The lack of a court data base of resources and a limited understanding of IPV and suitable interventions for victims and perpetrators suggests possible reasons for the ad hoc nature of court referrals. The two BIPs in the study shared a common philosophy and treatment methodology that is in line with international standards of the literature reviewed. Both BIPs centralize victim safety as a key principle and group-work is the preferred treatment modality in both cases. The programme content was similar, with both BIPs covering the core topics of masculinity and socialization, power and control, and life skills such as anger management. Slight differences were noted in the use of an open versus closed group methodology, the length of the programmes, and whether the batterer entered the programme voluntarily or by court order. An interesting finding was a variation in the points of interaction and entry with the courts at different stages of the criminal justice process. Whilst the FAMSA BIP made contact with magistrates, the NICRO BIPs contact person at the court is the control prosecutor. It is recognized that NICRO and FAMSA, needed to improve their collaboration. Through this study a consensus to collaborate was borne. Regarding the nature of the court-BIP cooperation, the working relationship is functional, but the cooperation is not structured, there are no formal agreements in place, no policy exists to guide the framework of such specialised collaboration, and there are no standardized protocols on screening, and referral. Lastly it emerged from this study that coordination around DV within the courts and in the sector is poor.

In the next chapter a summary of the main findings, conclusions and recommendations is presented.

CHAPTER 5: DISCUSSION AND CONCLUSIONS

1 INTRODUCTION

The key research question for this study is whether collaboration between the courts and practitioners who provide BIPs can provide better outcomes for IPV intervention and prevention? This study explored the experiences of, and views on, inter-agency cooperation amongst a sample of research participants who in their professional capacities were involved with both perpetrators and victims of IPV. The sample comprised of court personnel and staff attached to NGOs involved in BIPs.

For purposes of this research enquiry a qualitative research approach was used (Ivankova et al. 2007: 259). This research study utilized purposeful sampling to select specific court sites working with BIPs (Strydom & Delpont 2005:328). Data was collected through face-to-face semi-structured interviews with 18 research participants. The data was transcribed, and coded using open-coding methodology, and then analysed using a Thematic Content Analysis approach. The three key thematic areas around which the analysis were organised were: civil and sentencing remedies; the use of BIPs, and court referral networks and the ad hoc use of counselling interventions.

This chapter provides conclusions drawn by the researcher on the findings discussed in the previous chapter as well as some broad recommendations for practice. The chapter closes with some suggestions for future research.

2 CONCLUSIONS OF MAIN FINDINGS ACCORDING TO THEMES

2.1 Civil and sentencing remedies

2.1.1 Limitations of legal interventions motivate complementary psycho-social interventions

In SA, legal interventions with regards to perpetrators of IPV are more likely to punish the abusive man as opposed to rehabilitate him. Findings of this study suggest that punitive measures (e.g. arrest, prosecution, conviction and sentencing) and the use of protection orders

are by themselves not sufficient for purposes of protecting victims of IPV. The dynamics of IPV, stemming from the intricacies of human relationships, require that legal interventions be complemented with psycho-social interventions. Not surprisingly, the study confirmed that psycho-social problems associated with IPV are often beyond the scope of the courts. According to those involved in interventions (as interviewed in this study), the majority of victims do not want perpetrators convicted and imprisoned which is one of the possible explanations for the high attrition reported in IPV cases. Apart from such attitudinal issues, legal interventions also have to contend with infrastructural limitations. Domestic violence cases are being channelled through an overburdened and under-resourced legal system. As a result, civil and criminal justice processes become slow-moving or ineffective in helping women and children be safe, and can become barriers to women's ability to get their lives back on an even keel and to recover emotionally. Criminal justice practitioners have to contend with the emotional impact of working with IPV cases in a context of limited resources. Notwithstanding the difficult professional environment, this study found that court staff is motivated and willing to do what they can to assist IPV parties. In a context of limited resources, it is imperative that the courts engage with relevant IPV and BIP actors.

2.1.2 The feasibility of specialist domestic violence courts

International research emanating from Western jurisdictions emphasise the need for courts to take special measures when processing cases of IPV through the court system. Various court models, such as specialist domestic violence courts, mental health and problem-solving courts are relevant. There is varied support in the literature for specialist DV courts. The findings of this study revealed a number of participants who associated specialist domestic violence courts with producing specialised staff and assisting in enhanced collaboration between intervening agencies. However, despite obvious benefits, the results provide a basis for cautious optimism regarding the feasibility of the operation of such courts in SA. Present resource and capacity constraints, was cited as an obvious reason, although it is possibly not the only explanation. While specialist domestic violence courts may offer many benefits, research from other countries has suggested that these courts experience the same procedural and infrastructural problems as other courts (Artz 2003:49). Very little evaluation has been made available on the effectiveness of such courts in the South African context, and thus the question regarding the effectiveness and feasibility of such courts remains unanswered. The results show support to legislate the 'family court model,' as a civil remedy. Further, in some

major urban areas, sufficient numbers of IPV cases have warranted the setting aside of a dedicated criminal court or courts to deal with the matter. The existence of dedicated DV courts, comprise a dedicated magistrate and domestic violence clerk, however the findings show that the capacity of these courts are limited, and place immense strain on the existing small numbers of DV Magistrates and clerks. It is hoped that specialist domestic violence, mental health and problem solving courts can be further investigated, and that key features that could render a more effective response to IPV grafted into our current court processes be considered.

2.2 The use of batterer intervention

2.2.1 Dyadic approaches required

The need for dyadic approaches – involving both victims and perpetrators of IPV– were recognised amongst the research participants. In practice the difficulty is how best to match victims and perpetrators with appropriate interventions so as to offset the danger of a one size fits all approach to cases of IPV. A poor referral system, inconsistencies in assessment, and capacity and resource limitations appeared to be part of the problem. Whilst capacity and resource limitations is a general problem of the criminal justice system and affects the disposition of other civil and criminal matters, its relevance here is its impact on IPV more specifically. The findings reveal that as batterers are educated to yield healthier choices and learn new skills for managing anger and conflict, they are likely to change their abusive behaviour. Cognisant of the fact that interventions for perpetrators and victims are chiefly provided by non-governmental organizations, the study confirmed the limited availability of state interventions. BIPs suggested that government rethink its chief focus on awareness raising to also provide interventions to those affected by IPV. On the other hand, the issue of capacity constraints on government's side revealed heavy reliance on non-governmental agencies. Yet, it is suggested that the civil society sector is equally under-resourced and under capacitated, and does not receive sufficient state funding, which affects resource allocation and the sustainability of programme interventions. The funding issue generated some controversy and tension amongst those interviewed. The study highlighted that while the state does rely on CSOs to assist; insufficient budget is allocated to finance them. Furthermore, the shortage of mental health practitioners, particularly social workers and psychologists, could have negative implications on the availability of dyadic interventions. The issue of limited

capacity on the whole featured prominently in the interviews with respondents. It was suggested that BIPs attached as a condition of both the interim and final protection order be further explored. Further discussion among magistrates to ensure legal consistency and legal uniformity in terms of the implementation of such conditions is necessary. This research showed that children impacted by IPV receive little or no attention from service providers. Such gaps are likely to perpetuate the intergenerational cycle of violence. The role of the Department of Social Development and Child Welfare services with respect to interventions for children affected by IPV requires further investigation.

2.2.2 Rudimentary Assessment

Risk-based assessment is crucial to victim safety and the treatment needs of offenders. In this screening and assessment of perpetrators- is rudimentary. Case discussions, as observed between prosecutors and BIPs, are a laudable tool to assess risk and identify suitable interventions. Case discussions however were only used on an ad hoc basis. Risk-based assessment reports can provide courts with valuable information regarding the applicant's history of behaviour and how such may be affected by particular interventions. Findings of facts on specific IPV cases should be shared with the CJS. It emerged from this study that risk-based assessment reports were not consistently drafted nor routinely presented to the court in each case of IPV. Risk-based assessments should be undertaken by those who have the required qualifications in the mental health field. In this study BIPs appeared to have the necessary skills to conduct such assessments. The capacity for risk based assessment can be increased through training and repetition. Further integration of civil and criminal process information regarding IPV cases could be valuable to the information gathering process. In this study court participants alluded to frustrations about the length of time NICRO assessments for instance took. Yet, bypassing a thorough risk based assessment for each offender on the grounds of time constraints could be detrimental to victim safety.

2.2.3 Content and methodology of BIPs

Intervention programmes offered by NICRO and FAMSA met international trends in terms of most key features of effective BIPS. Both programmes, exhibited more similarities than differences with regard to philosophy, content, and methodology. It is encouraging that victim safety is a central feature of BIPs, with the aim not to escalate further risks for victims/survivors. The skills, competencies and supervision of facilitators were considered

crucial to positive programme outcomes. The shortage of social workers and psychologists in the country were reported to negatively impact on the prospectus for finding suitable facilitators. Further, capacity and resource limitations on the whole posed serious challenges for the expansion and sustainability of BIPs, as well as improving the effectiveness of the programmes. Additionally resource constraints of BIPs impacted post completion maintenance/after care, considered crucial to sustained behaviour change. The question of batterers paying for services needs further attention. More importantly views expressed suggested possible conflict in court performance objectives and therapeutic goals. While some form of evaluation was embarked on by BIPs, gaps were found in conducting regular impact assessments.

2.2.4 Scarcity of batterer intervention programmes and the shortage of social workers

Only a handful of BIPs were reported to be available in the country. As mentioned above the shortage of social workers, in particular, and other mental health practitioners further exacerbate the challenges. Part of the problem could be that marginal attention is paid to the development of BIPs in SA. At present the chances for widening the reach of such programmes seem limited. The findings intimated that BIPs in SA are offered by non-profit and private practitioners and not government service providers. The BIP sector is plagued generally by capacity and resource constraints and sufficient funds have not been allocated to BIPs. Representatives of the NGO sector also expressed an uncertainty as to whether funding will be forthcoming. This uncertainty is destabilising for BIPs and frustrates attempts to plan sustainable service delivery. The most common grievance relates to insufficient support from government for the services provided by CSOs. The findings suggest that further attention be given to budget allocations to fund BIPs. The limited capacity to accommodate batterers in existing programmes, results in the slow enrolment of batterers into programmes. Court participants argued that slow enrolment clogs the court roll. The literature showed that slow enrolment impacts negatively on deterrence. For these reasons, the gap between what is desirable and what is possible under the present circumstances looms large. Furthermore, while increased cooperation and communication among BIPs themselves may not necessarily solve the overall capacity limitations it could prevent duplication and facilitate joint planning and prioritization. The findings supported that FAMSA and NICRO, in particular, should work closer together. The absence of a government approved action plan, standards and guidelines for BIPs, or an accreditation system or expansion strategy to roll out these

programmes needs attention. From this enquiry it also became apparent that criminal justice professionals and service providers negotiate constraints in pragmatic ways.

2.2.5 Cooperation in policy versus practice

Notions of collaboration and partnerships are well entrenched in a variety of governmental policies. Memoranda of understanding and service level agreements are considered key tools to structure and provide partnerships with institutionalized levels of accountability. Whilst policy routinely professes the virtues of partnerships based on the principle of coordination, the research findings suggest that in actual practice collaboration continues to be less formalized and less structured. To put it differently, the informality of cooperation is a key theme which emerged from this field engagement. Despite evidence of a functional working relationship, parties failed to clarify a unified vision based on an articulation of goals and objectives. In part this could be why participants attached to BIPs suggested that therapeutic goals seem to clash with the court performance objectives. Notwithstanding duties imposed on court participants by the DVA, further clarification of roles and responsibilities of court and BIP staff is necessary. Whilst participants reported being clear generally about their roles, little existed in the way of a formal clarification of roles and responsibilities. In many instances this research tapped into a degree of role confusion. Court participants perceived their roles with respect to duties imposed on them by the DVA, whilst BIPs were less clear of their roles with respect to the collaboration. It is also possible, that since no agreement or plan outlining goals and key roles is evident, and each one just went about doing what they needed to. Urgent attention needs to be given to the establishment of clear roles and responsibilities. It is also important to clarify the duties of the DV clerk, in working with BIPs. On the other hand, concerns were raised that over-regulating the cooperation could stifle the flexibility of the arrangement. Nonetheless participants alluded to cooperation being operative and definitely contributed in most instances to establishing closer working relationships between courts and BIPs, espousing values of mutual respect, trust and commitment. Even though, in this study accountability is identified as a key principle in the collaborative relationship, no agreement, plan or mechanism was noted to be in place to monitor compliance of the courts and BIPs to stated outcomes and activities. Neither was there a system in place to evaluate the efficacy of the collaboration. A more consistent and robust response in monitoring court and BIP actions to promote victim safety and batterer accountability is required. Additionally, poor communication and resource limitations were commonplace resulting in frustrations for

both parties. It was proposed by participants that having a good understanding of each other's area of work and processes were necessary in order to cement professional relationships, but this is not always the case. High turnover and rotation of court staff bedevilled cooperation and limited capacity at court level in decision-making regarding partnerships. According to those interviewed part of the problem for the high turnover is burnout and stress of court officials. An inconsistency in protocols for risk-based assessment and referrals was also observed. BIPs designed and developed their own reports and this resulted in various different versions. In spite of the nature of the work, and the general resource and capacity challenges, the study found the majority of court participants motivated, passionate about helping others, and keen to learn more about BIPs and improve the levels of collaboration. However, the collaboration was limited to courts and BIPs, while the involvement of other stakeholders was absent. BIPs spent a great deal of time on networking, re-orienting and re-training of new court staff and building relationships, which is not their core function, and impacted their current strained capacity. The integration of civil and criminal aspects of domestic violence needs further consideration. An exchange of case information must take place between courts and BIPs. Case discussions were observed, but these happened on an ad hoc basis and were not structured. Whilst BIPs had invited court staff to observe BIPs sessions, some BIP participants expressed concern that the presence of court authority threatened client motivation, particularly during initial sessions, and that the practice needs to be reviewed. This finding once again demonstrates a conflict between court objectives and therapeutic outcomes for BIPs. The application of a therapeutic jurisprudence framework, which sets out to examine the extent to which the law may enhance or inhibit the well being of those affected by it (Brooks 2006; Winick & Wexler 2006; Tomkins & Carson 1999; Winick 2006; Birgden 2004 and 2006), could be theoretically useful to help further examine these conflicts. Maybe what is missing in the quest for partnerships and collaboration in South Africa is a unified philosophy that integrates a range of responses, and mechanisms to facilitate accountability.

2.2.6 Poor monitoring and sanctioning of non-compliance

The lack of, and the urgent need for, improved procedures for monitoring treatment progress of batterers and sanctioning non-compliance has been highlighted in this study. Literature reviewed confirms that BIPs are unlikely to change offender behaviour without the support and cooperation of the CJS. International studies also confirm the failure of criminal justice

systems in adequately monitoring and addressing non-compliance. Consequently, it is argued that a robust response is required from the CJS, to make treatment outcomes more favourable, and with respect to protecting victims, using the authority of criminal justice agencies to monitor offenders more closely, and to respond promptly with penalties for violations of court orders. Furthermore, the generally high attrition in batterer intervention demands increased monitoring and supervision. Failure allows the perpetrator to fall through the gaps, and victims to face further risk. Perhaps, part of the problem is that BIPs and courts do not plan and communicate regularly about these issues. According to the results of this study the diversion of batterers appeared to be problematic. Part of the problem could be that those being diverted may not receive the same threat of being incarcerated if they do not complete interventions as those who are not granted a diversion, even though one might expect compliance based on their less extensive criminal histories. This study sheds light that not sanctioning men for treatment non-compliance implicitly excuses IPV and minimizes the seriousness of the crime. Therefore, magistrates should be made aware of the need for rigorous monitoring and should consider consistently apply the use of regular progress reports. Such noticeable monitoring could deter recidivism by sending the message that courts are closely watching the offender and will detect and sanction non-compliance. The study concluded that better monitoring and sanctioning of non-compliance must be considered as a critical issue.

2.2.7 Poor multi--agency collaboration

Intimate partner violence is a complex phenomenon requiring a coordinated multi-agency response. Good multi-agency relationships and referral systems, and joint intervention among various agencies are likely to improve coordination and planning, as well as pool resources. In particular multi-agency links for courts and BIPs working with IPV is important. Furthermore improved collaboration and planning especially between government and civil society organizations is required. However the findings suggest that there are multiple challenges to those engaged in collaboration, despite the existence of a range of different forums. Communication, coordination and interface between actors in the sector are poor. Challenges currently being experienced by civil society are how to work with government and how to share existing resources. The findings also show an unequal, partnership between government and civil society. There is still a far way to travel in an attitude of respect for and acceptance of each other's roles and contributions. Overall the

cooperation between courts and BIPs does not involve joint cooperation with other relevant stakeholders. Role-players appeared so immersed in their daily routines, that very few of them were overly concerned about the need for broader inter-sectoral collaboration. Although some progress has been made in interaction and collaboration between courts, their partners in the CJS and the community in general, cooperation appears fragmented and uncoordinated. Whilst, both courts and BIPs reported working closely with the police, joint meetings were not evident. Establishing joint collaboration with the police as well as training of police is crucial. Limited networking and poor collaboration amongst DV providers is also revealed. The civil society sector too is fragmented and often riddled with competition. While international research found that successful BIP programmes have clear inter-agency protocols, the findings of this study found poor collaboration among BIPs and a lack of inter-agency protocols. There is an urgent need for BIPs to coordinate efforts. In order to obtain effective collaboration good multi-agency relationships and referral systems are necessary. Whilst the attitude of some BIPs is that government play a key role in facilitating coordination and cooperation among key stakeholders working with IPV, there is a need to clarify who should lead the coordinated efforts. One way of achieving this is to ensure that DV is established as an agenda point on existing forums, for example, at case flow management meetings and the maintenance forum. However there is enough evidence emerging from this study that suggests the consideration of a separate domestic violence forum merits further investigation.

2.2.8 Training

The importance of ongoing training for both court and BIPs were identified through this study. Most notably, training is needed to re-emphasise the special needs of batterers and victims of intimate partner violence (Slaght & Hamilton 2005). Trained court staff is more likely to know about the nature and content of BIPs; how they operate; how individual programmes measure success; what contact the programme has with the victim; criteria for programme completion; programme length and the ability of the programmes and its staff to implement culturally sensitive programmes. It is crucial that ongoing training be available, for example, to magistrates, prosecutors, and probation officers so that all parties in the criminal justice have the information they need to better understand batterer intervention and make appropriate decisions regarding programming. In this study, the vast majority of court participants did not receive formal training in DV. It is equally important that BIP facilitators

receive a basic knowledge of the legal processes impinging on perpetrators. Heavy reliance on informal and ad hoc training was evident. BIPs capacity to facilitate ongoing training for court staff, was limited as training is not their primary focus. Consequently, creative training methodologies need to be adopted which can take account of and negotiate resource constraints. Various training models were proposed, examples of which include use of a BIP that specialises in training, use of magistrates and prosecutors monthly meetings for information sharing, court staff to attend BIP sessions, more structured orientation, and regular on-site training sessions using staff rotations. In this study the police were criticized for not complying with Section 2 of the Domestic Violence Act that required police to inform victims of their right to open a criminal case. By far the majority of victims were advised to get a protection order. Consequently, police need to be adequately trained to deal with DV cases. Urgent action and attention is required to address and overcome resource constraints impeding training efforts.

2.3 Ad hoc nature of referrals

The ad hoc nature of court referrals with respect to victims and perpetrators of IPV were revealed through this study. It is plausible that part of the problem could be the lack of uniform referral protocols and poor information in terms of appropriate interventions available for victims and perpetrators. The use controversial practices of individual, couple, marriage and family counselling, as well as restorative interventions such as victim offender mediation and family group conferences must be revisited in light of the concerns with victim safety and blaming. Referring to the literature, the use of community service, individual counselling, anger management and substance abuse treatment, also need to be reviewed as stand-alone options for batterers. The findings suggest that the use of court-mandated BIPs may facilitate more appropriate referrals and interventions for victims and perpetrators.

3 RECOMMENDATIONS

3.1 Recommendations for practice

3.1.1 *Comprehensive interventions and approaches required that include referrals for children affected by intimate partner violence:* The complex problem of IPV requires

a comprehensive approach. Dyadic approaches that work with victims and perpetrators must be sought. The impact of IPV on children is also recognized, but few treatment interventions are evident. Concerted efforts to address gaps in interventions for children affected by IPV needs attention. The inclusion of prevention strategies that address systemic issues such as social norms, gender inequality, poverty and dysfunctional families are broader goals that must be considered in a comprehensive strategy. Government needs to give urgent consideration to the scarcity of BIPs in the country, and develop a comprehensive national plan of action. Key issues to be addressed include poor cooperation among BIPs, consideration of norms and guidelines and a tangible plan for the expansion of these programmes. Lastly the shortage of social workers and other mental health practitioners in the country demands attention. Criminal justice research has repeatedly acknowledged that every facet of the CJS is poorly resourced, and this study paid particular attention to the impact this on IPV interventions. However it has to be noted that not all of the issues cited in this study require additional resources.

3.1.2 Risk-based assessment: In considering the potential lethality of intimate partner violence, the need for identifying risk markers is important. We know that risk and dangerousness can vary, further emphasizing that not all perpetrators are suitable for community-based interventions. Risk-based assessment reports by relevant qualified service providers could be an effective method to increase accountability and victim safety. For example, BIPs could provide such a report.

3.1.3 Improve cooperation between courts and BIPs: Consideration of Service level agreements should be deliberated. A unified approach that incorporates: a clarification of roles, agreed upon values for cooperation, fundamental principles of the intervention, joint goals and objectives, and mechanisms for accountability and evaluation of the efficacy of the collaboration are key aspects that should be considered. Further the impact of court performance objectives on therapeutic goals and values must be clarified, analyzed and addressed. Courts and BIPs should be proactive in developing guidelines that address risk-based assessment, supervision, monitoring and sanctioning of non-compliance. By systematically working through the ‘nuts and bolts’ of the cooperation, great strides can be made in improving the collaboration. As far as possible, regular communication should be established to address challenges and engage in problem solving. A basic orientation

to the BIP programme for court staff, and an information session on IPV court remedies and criminal procedure for BIP staff, would constitute additional training and development opportunities for courts and BIPs. Existing monthly meetings of prosecutors and magistrates could be used to facilitate information sessions. On the whole, capacity and resource constraints should by no means stunt advocacy efforts to lobby for future Department of Justice budgets to consider allocating resources to training, and other IPV efforts, which would bolster implementation of the DVA. An effective referral protocol should be considered. In order to adequately adjudicate matters of DV, magistrates may want to consider, referrals to BIPs at various stages of the civil and criminal court process.

3.1.4 *Adopt a multi---agency approach and extend collaboration to other relevant stakeholders:*

Creating collaborative efforts between all systems within a community that have an impact on IPV prevention is necessary. The Duluth model discussed in the literature provided a number of important guidelines. It is recommended that courts and BIPs consider a coordinated approach and strengthen relationships with other key stakeholders. The development of an updated comprehensive list of IPV service providers and a subsequent referral protocol allows for improvements to the referral of IPV parties to appropriate interventions. Immediate attention can be given to cooperation between NICRO and FAMSA, and to strengthening cooperation with the police. Similarly, the importance of cooperation with agencies working with children and victims has been illustrated, and needs to be addressed. Probation officers play a key role in the integrated justice system, and further recognition should be given to their statutory role, as well as clarifying and strengthening the role of DV clerks in collaboration efforts between the courts and community organizations. The exclusion of the Health, Welfare, Education and Correctional Services sectors is seen as a major shortcoming of the DVA(Artz 2003:53), and should be remedied.

3.2 Recommendations for Future Research

The results of this study provide important suggestions for future research. Intervention with batterers should be an area of future and ongoing research to improve specialist knowledge and expertise. Future investigations are needed to determine what type of treatment or set of

interventions works best for different groups of batterers, improving risk based assessment as well as the development of guidelines and standards. It may also be important to explore best practice models of court-mandated BIPs. Further, it is recommended that the impact of legal rules and practices on therapeutic goals and values be analyzed, of which a therapeutic jurisprudence framework be further explored.

Further research should be directed towards understanding the impact of existing strategies and action plans which need to be monitored against requirements of a comprehensive approach to IPV prevention. My observation of gaps in current strategies, such as children impacted by IPV, interventions for perpetrators and building links between government and non-governmental agencies, must be addressed.

Lastly future research should also review progressive pieces of IPV legislation in countries, for example Moldova and Albania that have taken a more robust role in:

- regulating coordination of all relevant authorities working with IPV (Republic of Moldova’s draft Law on Preventing and Combating Violence in the Family, Chapter (11) (a-i); Albanian Law, “On Measures Against Violence in Family Relations” (No. 9669 of 18.12.2006), Objectives (Article 2(a));
- cooperation with NGOs and accreditation of NGOs services (Republic of Moldova’s draft Law on Preventing and Combating Violence in the Family 8(b));
- treatment options for perpetrators (Republic of Moldova’s draft Law on Preventing and Combating Violence in the Family 9(j); Albanian Law, “On Measures Against Violence in Family Relations” (No. 9669 of 18.12.2006), 6(c) and 7(4c));
- interventions for victims, monitoring, prevention (Republic of Moldova’s draft Law on Preventing and Combating Violence in the Family, 9(f))
- training (Albanian Law, “On Measures Against Violence in Family Relations” (No. 9669 of 18.12.2006), 6(c); and
- the development and implementation of national strategies and programmes (Albanian Law, “On Measures Against Violence in Family Relations” (No. 9669 of 18.12.2006), 6(a); Artz 2003:53; Republic of Moldova’s draft Law on Preventing and Combating Violence in the Family, Chapter (11) (a-i), 8(b), 9(f), 9(j); Albanian Law, “On Measures Against Violence in Family Relations” (No. 9669 of 18.12.2006), Objectives (Article 2(a),6(a), 6(c), 6(e), 7(4c)).

4 CONCLUDING REMARKS

The research was undertaken out of concern that poor cooperation between courts and BIPs are likely to impact victim safety and interventions for perpetrators. To support this, the key research question for this study is whether collaboration between the courts and practitioners who provide BIPs can provide better outcomes for IPV intervention and prevention? Subsequently, the experiences of five courts and two BIP's collaborating on court-referred batterer intervention were explored. One of the key objectives were to identify challenges and opportunities emerging from existing models of cooperation, and it was located in the broader context of research on intimate partner violence, batterer intervention programmes and a coordinated response to IPV.

Overall, the findings of this study have been observed, and are supported by empirical data in numerous national and international studies. Despite the small sample, the hope is that this research will contribute to an increased understanding of the nature, purpose and benefits of inter-agency collaboration regarding court-mandated batterer intervention, as well as highlight possible challenges that can be encountered. Further, it is hoped that information from this study would expand on previous literature and assist courts and BIPs who are already working together to improve their practice and direct future initiatives. The broader goal is to tackle the underlying causes of IPV, its roots and antecedents, which must be addressed in order to ensure a meaningful and sustained change in the extent of the problem. In conclusion, it is possible that giving increased attention to comprehensive strategies and structured efforts of coordination and partnership that establish the importance of institutional practices, a unified philosophy and key mechanisms for accountability may improve South Africa's response to IPV.

Babcock, J.C. & Steiner, R. 1999. The Relationship between Treatment, Incarceration and Recidivism of Battering: A Programme Evaluation of Seattle's Coordinated Community Response to DV. *Journal of Family Psychology*, 13(1): 46-59.

Bailey, K.D. 1987. *Methods of Social Research*. London: Collier Macmillan Publishers.

Baleta, A. 1999. Studies reveal the extent of DV in SA. *The Lancet*, 34: 580.

Bancroft, L. & Silverman, J. G. 2002. *Assessing Risk to Children from Batterers*. [Online]. Available: http://new.vawnet.org/Assoc_Files_VAWnet/RisktoChildren.pdf (22 October 2009).

Bennett, L.W. & Williams, O.J. 2001a. Intervention programs for men who batter. In Renzetti, C.M., Edleson, J.L. & Bergen, R.K. (eds.), *Sourcebook on Violence against Women*. Thousand Oaks, CA: Sage Publishers.

Bennett, L.W. & Williams, O.J. 2001b. *Controversies and recent studies of batterer intervention programme effectiveness*. [Online]. Available: http://new.vawnet.org/category/Main_Doc.php?docid=373 (18 August 2010).

Bevan, E. & Higgins, D.J. 2002. Is domestic violence learned? The contribution of five forms of maltreatment to men's violence and adjustment. *Journal of Family Violence*, 17(3): 223-245.

Birgden, A. 2004. Therapeutic jurisprudence and responsivity: finding the will and the way in offender rehabilitation. *Psychology, Crime and Law*, 10(3): 283-295.

Birgden, A. 2006. Applying Therapeutic Jurisprudence Principles in Sentencing: Courts, Corrections and Beyond. Paper presented at *Sentencing: Principles, Perspectives & Possibilities*, a conference hosted by the National Judicial College of Australia; ANU National Institute of Social Sciences & Law; and ANU College of Law, Canberra, 10-12 February 2006. [Online]. Available:

<http://njca.anu.edu.au/Professional%20Development/programs%20by%20year/2006/Sentencing%20Conference/Sen%20conf%20papers%202006/Birgden.pdf> (30 August 2011).

Bledsoe, L.K., Sar, B.K. & Barbee, A.P. 2006. Collaborative Efforts in Responding to Violence: Impact of Coordinated Response to Intimate Partner Violence on Offender Accountability. *Journal of Aggression, Maltreatment and Trauma*, 13(1): 109-129.

Bless, C. & Higson-Smith, C. 1995. *Fundamentals of Social Research Methods: An African Perspective*. Cape Town: Credo Press.

Bollen, S., Artz, L., Vetten, L. & Louw, A. 1999. Violence against Women in Metropolitan SA: A study on Impact and Service Delivery. *ISS Monograph Series No 41*. [Online] Available at <http://www.iss.co.za/pgcontent.php?UID=14801> (18 August 2010).

Boonzaier, F. 2008. *Global Review: Interventions to end men's violence against women partners*. Unpublished paper prepared for the World Population Foundation & Mosaic, Cape Town.

Bouffard, J.A. & Muftic, L.R. 2007. An Examination of the Outcomes of Various Components of a Coordinated Community Response to Domestic Violence by Male Offenders. *Journal of Family Violence*, 22:353-366.

Brayton, T.T., Perkins, D. & Dunham, K. 2003. *The Need for Intervention: The Effectiveness of Current Programs Designed to Deter Family Violence*. Unpublished partial fulfilment of the requirements for the degree Masters of Arts. Vermont College of the Union Institute, Vermont.

Brooks, S.L. 2006. Using therapeutic jurisprudence to build effective relationships with students, clients and communities. *Clinical Law Review*, 13: 213-230.

Carter, M. 2002. Introduction to Standing Together. In Hunter, N. & Seaborn, D. (eds.), *Effective Interventions in Domestic Violence: What Can Magistrates Do?* West London Magistrates Court, 29 September 2001. London: Home Office.

Castleton, D.L., Castleton, B.J., Bonney, M.M. & Moe, A.M. 2005. Ada County Family Violence Court: shaping the means to better the result. *Family Law Quarterly*, 39(1): 27-53.

Cilliers, C. 2003. *Perpetrator Programme Research Report*. Unpublished Paper, NICRO, Cape Town.

Constitution Act. 1996. (Act 108 of 1996).

Crowe, A. H., Syndey, L., DeMichele, M., Keilitz, S., Neal, C., Frohman, S., Schaefer, Jr. W.M. & Thomas, M. 2009. *Community Corrections Response to Domestic Violence: Guidelines for Practice of the American Probation and Parole Association*. [Online]. Available: <http://www.appa-net.org/eweb/docs/APPA/pubs/CCRDV.pdf> (18 August 2010).

Dalton, B. 2007. Intimate Partner Violence: What's going on out there? A Survey of Batterer Intervention Programs. *Journal of Aggression, Maltreatment & Trauma*, 15(1): 59-74.

Danis, F. 2003. The Criminalization of Domestic Violence: what social workers need to know. *National Association of Social Workers*, 48(2): 237-243.

Dankwort, J. & Austin, J. 2002. *Domestic Violence Offender Programme Standards in Canada and the USA: Current Trends and Controversies*. [Online]. Available: <http://www.vsi.net/pagefour.html> (26 October 2009).

Delpont, C.S.L. & Fouche, C.B. 2005. The place of theory and the literature review in the qualitative approach to research. In De Vos, A.S., Strydom, H., Fouche, C.B. & Delpont, C.S.L. (eds.), *Research at Grass Roots: For the Social Sciences and Human Services Professions*. Pretoria: Van Schaik.

Development Research Africa and CSIR Defence, Peace, Safety and Security Unit. (2008). *Consolidated Report on the Nature and Prevalence of Domestic Violence on South Africa*. December 2008. Johannesburg: Development Research Africa.

De Vos, A.S. & Fouche, C.B. 1998. General introduction to research design, data collection methods and data analysis. In De Vos, A.S. (ed.), *Research at Grass Roots: A primer for the caring professions*. Pretoria: Van Schaik.

De Vos, A.S. & Van Zyl, C.G. 1998. The grounded theory methodology. In De Vos, A.S. (ed.), *Research at Grass Roots: A primer for the caring professions*. Pretoria: Van Schaik.

De Vos, A.S. 2002. Qualitative Data Analysis and Interpretation. In De Vos, A.S., Strydom, H., Fouche, C.B. & Delpont, C.S.L. (eds.), *Research at Grass Roots: For the Social Sciences and Human Services Professions*. Pretoria: Van Schaik.

Domestic Violence Act 116 of 1998. Pretoria. South Africa: Government Printer.

Dobash, R.E., & Dobash, R.P. 2000. Evaluating Criminal Justice Interventions for DV. *Crime & Delinquency*, 46(2): 252-270.

Duffy, M., Nolan, A. & Scruggs, D. 2003. Addressing issues of domestic violence through community supervision of offenders. *Corrections Today*, February: 50-53.

Durrheim, K. 1999. Research Design. In Terre Blanche, M., Durrheim, K. & Painter, D. (eds.), *Research in Practice*. Pretoria: Van Schaik.

Durrheim, K. & Painter, D. 2006. Collecting Quantitative Data: sampling and measuring. In Terre Blanche, M., Durrheim, K. & Painter, D. (eds.), *Research in Practice*. Pretoria: Van Schaik.

Dutton, D.G. & Corvo, K. 2007. The Duluth Model: A data-impervious paradigm and a failed strategy. *Aggression and Violent Behaviour*, 12: 658-667.

Dutton, D.G. & Kropp, P.R. 2000. A review of domestic violence risk assessments. *Trauma, Violence and Abuse*, 1(2): 171.

Edleson, J.L. 1984. Working with men who batter. *National Association of Social Workers Inc.*, May-June: 237-242.

Edleson J.L. & Williams O. J. 2007. *Parenting by Men who Batter - New Directions for Assessment and Intervention*. New York: Oxford University Press.

Erez E. 2002. Domestic Violence and the Criminal Justice System: An overview. *Online Journal of Issues in Nursing*, 7(1). [Online]. Available: www.nursingworld.org/ojin/MainMenuCategories/ANAMarketplace/ANAPeriodicals/OJIN/TableofContents/Volume72002/No1Jan2002/DomesticViolenceandCriminalJustice.aspx (18 August 2010).

Field, J.K. 2002. Screening for Domestic Violence: Meeting the Challenge of Identifying Domestic Relations Cases involving Domestic Violence and Developing Strategies for those Cases. *Court Review - The Journal of the American Judges Association*, 19(2): 4-11.

Fouche, C.B. 2002. Research Strategies. In De Vos, A.S. (ed.), *Research at Grass Roots: For the Social Sciences and Human Service Professions*. Pretoria: Van Schaik.

Fouche, C.B. 2005. Qualitative Research Designs. In De Vos, A.S., Strydom, H., Fouche, C.B. & Delpont, C.S.L. (eds.), *Research at Grass Roots: For the Social Sciences and Human Services Professions*. Pretoria: Van Schaik.

Gerlock, A.A. 1999. Health Impact of Domestic Violence. *Issues in Mental Health Nursing*, 20: 373-385.

Gondolf, E.W. 1991. A victim-based assessment of court-mandated counselling for batterers. *Criminal Justice Review*, 16: 214-226.

Gondolf, E.W. 1996. *Characteristics of batterers in a multi-site evaluation of batterer intervention systems*. [Online]. Available: <http://www.mincava.umn.edu/documents/gondolf/batchar.html> (18 August 2010).

Gondolf, E.W. 1999. MCMI-III Results for Batterer Program Participants in Four Cities: Less “pathological” than expected. *Journal of Family Violence*, 14(1): 1-16.

Gondolf, E.W. 2002. *Batterer Intervention Systems: Issues and Outcomes, and recommendations*. California, USA: Sage Publications.

Gondolf, E.W. 2007. Theoretical and Research Support for the Duluth Model: A reply to Dutton and Corvo. [Online]. Available:

<http://www.theduluthmodel.org/pdf/Theoretical%20and%20Research%20Support.pdf> (17 August 2011).

Gondolf, E.W. 2008. Outcomes of Case Management for African-American Men in Batterer Counselling. *Journal of Family Violence*, 23:173-181.

Graves, T. 1999. The Duluth Wheel domestic violence re-education programme-a revised methodology for generic use. [Online]. Available:

<http://www.nuance.org.au/abuse/partner/duluth/index.html> (18 August 2010).

Greef, M. 2005. Information collection: Interviewing. In De Vos, A.S., Strydom, H., Fouche, C.B. & Delport, C.S.L. (eds.), *Research at Grass Roots: For the Social Sciences and Human Service Professions*. Pretoria: Van Schaik.

Greef, M. 2002. Information collection: Interviewing. In De Vos, A.S., Strydom, H., Fouche, C.B. & Delport, C.S.L. (eds.), *Research at Grass Roots: For the Social Sciences and Human Service Professions*. 2nd ed. Pretoria: Van Schaik.

Grudzinskas, A. J., Clayfield, J.C., Roy-Bujnowski, K., Fisher, W.H. & Richardson, M.H. 2005. Integrating the Criminal Justice System into Mental Health Service Delivery: The Worcester Diversion Experience. *Behavioural Sciences and the Law*, 23: 277-293.

Gupta, J., Silverman, J.G., Hemenway, D., Acevedo-Garcia, D., Stein, D.J., Williams D.R. 2008. Physical violence against intimate partners and related exposures to violence among South African men. *Canadian Medical Association Journal*, 179(6): 535-541.

Hanson, R.K. & Wallace-Capretta, S. 2002. *A multi-site study of treatment for abusive men*. User Report 2000-05. Ottawa: Department of the Solicitor General of Canada.

Hart, B.J. 1995. Coordinated Community Approaches to Domestic Violence. [Online]. Available: <http://www.mincava.umn.edu/documents/hart/cca/cca.pdf>. (26 August 2011).

Healey, K. M. & Smith, C. 1998. Batterer Programs: What Criminal Justice Agencies Need To Know? *National Institute of Justice Research in Action*, July.

Healey, K., Smith, C. & O'Sullivan, C. 1998. *Batterer Intervention: Program Approaches and Criminal Justice Strategies, Issues and Practices*. Washington, DC: U.S. Department of Justice, National Institute of Justice.

Heckert, D.A. & Gondolf, E. 2000. The Effect of Perceptions of Sanctions on Batterer Program Outcomes. *Journal of Research in Crime and Delinquency*, 37(4): 369-391.

Henderson, J. 2001. Spotlight on Juvenile Perpetrators of Domestic Violence. *The Prosecutor*, 4(3).

Hoff, B. H. 1999. Battered Men-The Hidden Side of Domestic Violence Batterer Treatment Programs. The Faulty Duluth model. What's wrong with the "Duluth model"? [Online]. Available: <http://www.menweb.org/battered/batdulut.htm>. (19 August 2010).

Holder, R. 2001. Critiques of criminal justice responses to domestic violence. *Australian Domestic and Family Violence Clearing House*, 3: 1-36.

Ivankova, N.V., Creswell, J.W. & Plano Clark, V.L. 2007. Foundations and approaches to mixed methods research. In Maree, K. (ed.), *First Steps in Research*. Pretoria: Van Schaik.

Jackson, S., Feder, L., Forde, D.R., Davis, R.C., Maxwell, C.D. & Taylor, B.G. 2003. *Batterer intervention programs. Where do we go from here?* National Institute of Justice, Special Report. Washington: USA Department of Justice. [Online]. Available: http://www.popcenter.org/problems/domestic_violence/PDFs/WhereDoWeGo_2003.pdf. (3 September 2011).

Johnson, M.P. 2009. Langhinrichsen-Rolling's Confirmation of the Feminist Analysis of Intimate Partner Violence: Comment on Controversies involving Gender and IPV in the USA. *Sex Roles* (2010), 62:212-219.

Johnson, R. R. 2008. Correlates of re-arrest among felony domestic violence probationers. *Federal Probation*, 72(3): 42-47.

Kalichman, S.C., Simbayi, L.C., Cloete, A., Cherry, C., Strelbel, A., Kalichman, M.O., Shefer, T., Crawford, M., Thabalala, M., Henda, N. & Cain, D. 2008. HIV/AIDS Risk Reduction and Domestic Violence Prevention Intervention for South African Men. *International Journal of Men's Health*, 7(3): 255-273.

Kavemann, B., Beckmann, S. & Rabe, H. 2001. *An Overview of Work with Perpetrators of Domestic Violence in Germany*. [Online]. Available: <http://webapps01.un.org/vawdatabase/uploads/Germany%20%20overview%20of%20work%20with%20perpetrators.pdf> (19 August 2010).

Keilitz, S. 2001. *Specialisation of Domestic Violence Cases: Management in the Courts-A National Survey*. [Online]. Available: <http://www.ncjrs.gov/pdffiles1/nij/grants/186192.pdf> (19 August 2010).

Klein, A.R. & Tobin, T. 2008. A Longitudinal Study of Arrested Batterers, 1995-2005. *Violence against Women*, 14(2):136-157.

Klevens, J. & Cox, P. 2008. Coordinated Community Responses to Intimate Partner Violence: Where do we go from here? *Criminology & Public Policy*, 7(4):547-556.

Koss, M. P. & White, J.W. 2008. National and global agenda's on violence against women: historical perspectives and consensus. *American Psychological Association*, 78(4): 386-393.

Kruttschnitt, C. 2008. The effect of "no-drop" prosecution policies on perpetrators of intimate partner violence. *Criminology and Public Policy*, 7(4): 629-631.

Labriola, M., Rempel, M. & Davis, R.C. 2005. *Testing the effectiveness of Batterer Programs and Judicial Monitoring*. [Online]. Available:

http://www.courtinnovation.org/_uploads/documents/battererprogramseffectiveness.pdf

(19 August 2010).

Laing, L. 2002. The Challenge of implementing and evaluating programs for perpetrators of domestic violence. In Australian Institute of Criminology and the Crime Prevention Branch, Commonwealth Attorney-General's Department (eds.), *Crime Prevention Conference, Sydney, Australia, 12-13 September 2002*. Sydney: Australian Domestic and Family Violence Clearinghouse, University of New South Wales.

Larsen, A.C. & Petersen, A. 2001. Rethinking responses to "domestic violence" in Australian indigenous communities. *Journal of Social Welfare and Family Law*, 23(2): 121-134.

Lasley, J. 2003. The Effect of Intensive Bail Supervision on Repeat Domestic Violence Offenders. *The Policy Studies Journal*, 31(2): 187-207.

London Borough of Haringey Council. n.d. *Haringey Domestic Violence Strategy, 2004-2008*. [Online]. Available: http://www.haringey.gov.uk/domestic_violence_strategy.pdf

(18 August 2010).

Londt, M.P. 2004. *Management of Domestic Violence: Risk-based assessment and intervention guidelines with perpetrators of intimate partner violence*. Unpublished PhD thesis. University of the Western Cape, Cape Town.

Matthews, S., Abrahams, N., Martin, L., Van der Merwe, L. & Jewkes, R. 2004. Every six hours a woman is killed by her intimate partner: A national study of female homicide in South Africa. *MRC Policy Brief*, 5: 1-4.

McGuire, J. 2000. Can the criminal law ever be therapeutic? *Behavioural Sciences and the Law*, 18: 413-426.

Mirchandani, R. 2006. "Hitting is not Manly": Domestic Violence Court and the Re-Imagination of the Patriarchal State. *Gender & Society*, 20(6): 781-804.

Moldovan Draft Law on Prevention and Combating Domestic Violence, unofficial translation prepared by the OSCE Mission to Moldova, March 2006 (DOC, 8 pages). [Online]. Available: <http://stopvaw.org/Moldova.html> (2 September 2011).

Mornington, M (District Judge). 2002. Links between civil and criminal. In Hunter, N. & Seaborn, D. (eds.), *Effective Interventions in Domestic Violence: What Can Magistrates Do?* West London Magistrates Court, 29 September 2001. London: Home Office.

Moutan, J. 2001. *How to succeed in your Master's and Doctoral Studies: A South African Guide and Resource Book*. Pretoria: Van Schaik.

Mullender, A. & Burton, S. 2000. *Reducing Domestic Violence: What Works? Perpetrator Programs*. London: Home Office (Policing and Reducing Crime Unit).

Murphy, C.M., Musser, P.H. & Maton, K.I. 1998. Coordinated Community Intervention for Domestic Abusers: Intervention System Involvement and Criminal Recidivism. *Journal of Family Violence*, 13(3):263-284.

Nadkarni, L. & Shaw, B.Z. 2002. Making a difference: Tools to help judges support the healing of children exposed to domestic violence. *Court Review - The Journal of the American Judges Association*, 19(2): 24-30.

Namanya, B. 2008. Spousal assault and the Child and Family Protection Unit (CFPU) of the Uganda Police Force. *Police Practice and Research*, 9(1): 31-41.

Naude, K.M. 2008. *Social Work as a Scarce Skill: A study of retention and turnover in government subsidized NGOs with more than five social workers in the Cape Metropolitan Area*. Unpublished MA thesis. University of Cape Town.

Navsa, M.S. 2005. Opening address. Address presented at *A new decade of Criminal Justice in South Africa - consolidating transformation*, CSVCR Criminal Justice Conference, Gordon's Bay, Cape Town, 7-8 February.

NICRO. 2006. *Minimum Standards for work with Perpetrators of Intimate Partner Violence*. Cape Town: NICRO.

Nieuwenhuis, J. 2007a. Qualitative research designs and data gathering techniques. In Maree, K. (ed.), *First Steps in Research*. Pretoria: Van Schaik.

Nieuwenhuis, J. 2007b. Analysing qualitative data. In Maree, K. (ed.), *First Steps in Research*. Pretoria: Van Schaik.

Office for Victims of Crime. 1999. *Promising Victim-Related Practices and Strategies in Probation and Parole*. Office of Justice Programs, US Department of Justice.

Oxfam Great Britain. n.d. *Exploring People's Understanding, Attitudes and Behaviour towards Violence Against Women: Consultations in Four Provinces of South Africa*.

Padayachee, V.C.T. 2007a. *Programme for perpetrators of intimate partner violence*. Unpublished Funding Proposal to the Ford Foundation, August 2007.

Padayachee, V.C.T. 2007b. *A programme for perpetrators and victims of intimate partner violence*. Cape Town: NICRO.

Padayachee, V.C.T. & Petersen, E. 2010a. *Meeting with Chairperson of the Portfolio Committee: Notes of the meeting with the Chairperson of the Portfolio Committee on Women, Children, Youth and People with Disabilities*, 24 February 2010.

Padayachee, V.C.T. & Petersen, E. 2010b. *Re-thinking Domestic Violence Intervention in a post-apartheid South Africa: Towards a Multi-sectoral National Strategy*. Unpublished paper. Cape Town.

Parenzee, P., Artz, L. & Moulton K. 2001. *Monitoring the Implementation of the Domestic Violence Act: First Research Report 2000-2001*. Cape Town: Institute of Criminology, University of Cape Town.

Parenzee, P. & Smythe, D. 2003. *Domestic Violence and Development: Looking at the Farming context*. Cape Town: Institute of Criminology, University of Cape Town.

Peltzer, K., Mashego T.A. & Mabeba, M. 2003. Attitudes and Practices of Doctors towards Domestic Violence Victims in South Africa. *Healthcare for Women International*, 24: 149-157.

Pence, E. & McMahon, M. 1997. *A coordinated community response to domestic violence. The National Training Project*. [Online]. Available: http://www.hkcss.org.hk/fs/SemBIP03_2006/EmergeMar7_1106/ccrdv.pdf (19 August 2010).

Pence, E. & Paymar, M. 1993. *Education Groups For Men who Batter: Duluth Model*. New York: Springer.

Petersen, E. 2006. *Challenges experienced by clergy in dealing with domestic violence*. Unpublished MA mini-thesis. University of the Western Cape, Cape Town.

Practical Guide Court and Case Flow Management for South African Lower Courts. n.d. Justice College: Pretoria.

Republic of Albania. 2006. On Measures against Violence in Family Relations Law (Law no. 9669 of 18.12.2006). Albania: The Parliament of the Republic of Albania. [Online]. Available: http://www.mpcs.gov.al/dpshb/images/stories/files/ligjet/3.4.2.1.Law_on_Measures_Against_Violence_in_Family_Relations.pdf (2 September 2011).

Robinson, A. & Cook, D. 2006. Understanding victim retraction in cases of domestic violence: Specialist courts, government policy, and victim-centred justice. *Contemporary Justice Review*, 9(2): 189-213.

Roehl, J., O' Sullivan, C., Webster, D. & Campbell, J. 2005. *Intimate Partner Violence Risk Assessment Validation Study: Final Report*. [Online]. Available: <http://www.ncjrs.gov/pdffiles1/nij/grants/209732.pdf> (19 August 2010).

Rosenfeld, B. 1992. Court-mandated treatment of spousal abuse. *Clinical Psychology Review*, 12: 205-226.

Rothman, E.F., Butchart, A. & Cerda, M. 2003. *Intervening with perpetrators of Intimate Partner Violence: A global perspective*. Geneva: World Health Organization.

Rottman, D., Casey, P. & Efkehan, H. 1998. *California Court and Community Collaboration. Ends and Means: a discussion paper*. [Online]. Available: http://www.ncsconline.org/wc/publications/Res_CtComm_CFCEnds&MeansPub.pdf (19 August 2010).

Rump, S. 2007. *Reflective Accounts of Childhood Inter-Species Experiences in a Southern African Context: A Phemonological-Hermeneutic Exploration*. Unpublished MA thesis. Rhodes University, Grahamstown.

Salazar, L.F., Emshoff, J.G., Baker, C.K. & Crowley, T. 2007. Examining the behaviour of a system: An outcome evaluation of a coordinated community response to domestic violence. *Journal of Family Violence*, 22:631-641.

Schma, W., Kjervik, D., Petrucci, C. & Scott, C. 2005. Therapeutic Jurisprudence: using the law to improve the public's health. *The Journal of Law, Medicine and Ethics*, 33(4): 59-63.

Scott, D.L & Kunselman, J.C. 2007. Social justice implications of domestic violence court processes. *Journal of Social Welfare and Family Law*, 9(1): 17-31.

Scourfield, J.B. & Dobash.R.P. 1999. Programs for violent men: Recent developments in the UK. *The Howard Journal*, 38(2):128-143.

Seaborn, D. 2002. Making the Law Work for Women project, Standing Together. In Hunter, N. & Seaborn, D. (eds.), *Effective Interventions in Domestic Violence: What Can Magistrates Do?* West London Magistrates Court, 29 September 2001. London: Home Office.

Shepard, M. 1999. Evaluating Coordinated Community Responses to Domestic Violence. *National Online Research Centre on Violence Against Women*. [Online]. Available: http://www.vawnet.org/Assoc_Files_VAWnet/AR_ccr.pdf (26 August 2011).

Slobogin, C. & Fondacaro, M. 2000. Rethinking deprivations of liberty: Possible contributions from Therapeutic and Ecological Jurisprudence. *Behavioural Sciences and the Law*, 18: 499-516.

Slaght, E. & Hamilton, N. 2005. A Coordinated Response to Intimate Partner Violence: Lessons from an Exploratory Study. *Journal of Community Practice*, 13(2):45-59.

Smit, A. 2002. *The Impact of Gestalt Play Therapy on the Social Functioning of the Long Term Prisoner*. Unpublished PhD thesis. University of Pretoria.

Solarsh, B. & Frankel, J. 2004. Domestic Violence in the South African Jewish Community: A model for service delivery. *Journal of Religion and Abuse*, 6(3): 113-128.

Solomon, S. 2002. *An Employment Project towards the Reintegration of Ex-prisoners*. Unpublished Masters. University of Cape Town, Cape Town.

Sonkin, D. & Liebert, D. 2003. The Assessment of Court-mandated Perpetrators of Domestic Violence. *Journal of Aggression, Maltreatment and Trauma*, 6(2):3-36.

South African Parliamentary Portfolio Committee on Women, Youth and the Disabled. 2009. *Public Hearings on the 11 year implementation of the Domestic Violence Act*. [Online].

Available: <http://www.pmg.org.za/report/20091028-domestic-violence-act-public-hearings-implementation-over-past-years> (19 August 2010).

State v. Baloyi, Johannesburg 2000(1) BCLR 86 (CC)

Stefan, S., & Winick, B.J. 2005. A Dialogue on Mental Health Courts. *Psychology, Public Policy, and Law*, 11(4): 507-526.

Stordeur, R.A. & Stille, R. 1989. *Ending Men's Violence against their Partners*. Thousand Oaks, California: Sage Publications.

Struwig, F.W. & Stead, G.B. 2001. *Planning, designing and reporting research*. Cape Town: Pearson Education South Africa.

Strydom, H. 2005. The pilot study. In De Vos, A.S., Strydom, H., Fouche, C.B. & Delport, C.S.L. (eds.), *Research at Grass Roots: For the Social Sciences and Human Services Professions*. Pretoria: Van Schaik.

Strydom, H. 1998a. Ethical aspects of research in the caring professions. In De Vos, A.S. (ed.), *Research at Grass Roots: A primer for the caring professions*. Pretoria: Van Schaik.

Strydom, H. 1998b. The pilot study. In De Vos, A.S. (ed.), *Research at Grass Roots: A primer for the caring professions*. Pretoria: Van Schaik.

Strydom, H. & Delport, C.S.L. 2005. Sampling and pilot study in qualitative research. In De Vos, A.S., Strydom, H., Fouche, C.B. & Delport, C.S.L. (eds.), *Research at Grass Roots: For the Social Sciences and Human Services Professions*. Pretoria: Van Schaik.

Strydom, H. & De Vos, A.S. 1998. Sampling and sampling methods. In De Vos, A.S. (ed.), *Research at Grass Roots: A primer for the caring professions*. Pretoria: Van Schaik.

Syers, M. & Edleson, J.L. 1992. The combined effects of coordinated criminal justice intervention in woman abuse. *Journal of Interpersonal Violence*, 7:490-502.

Teft, P. 2002. Interventions with perpetrators: Domestic Violence Intervention Project (DVIP). In Hunter, N. & Seaborn, D. (eds.), *Effective Interventions in Domestic Violence: What Can Magistrates Do?* West London Magistrates Court, 29 September 2001. London: Home Office.

Terre Blanch, M., Durrheim, K. & Kelly, K. 2006. First steps in qualitative data analysis. In Terre Blanch, M., Durrheim, K. & Painter, D. (eds.), *Research in practice*. Cape Town: University of Cape Town Press.

Tolman, R.M. 1995. Coordinated Community Intervention for Domestic Violence: The Effects of Arrest and Prosecution on Recidivism of Women Abuse Perpetrators. *Crime and Delinquency*, 41(4): 481-495.

Tolman, R.M. & Edleson, J.L. 1995. Intervention for men who batter: A review of research. In Stith, S. & Straus, M.A. (eds.), *Understanding partner violence: Prevalence, causes, consequences, and solutions*. Minneapolis, MN: National Council on Family Relations.

Tolman, R.M. & Bennett, L.W. 1990. A review of quantitative research on men who batter. *Journal of Interpersonal Violence*, 5: 87-118.

Tomkins, A. J. & Carson, D. 1999. Introduction to International Perspectives on Therapeutic Jurisprudence. *Behavioural Sciences and the Law*, 17(5): 553-554.

Trowbridge, B. n.d. Does court mandated domestic violence treatment work? [Online]. Available:http://www.trowbridgefoundation.org/docs/court_mandated_domest_vio_treatment.pdf (19 August 2010).

Van der Hoorn, S. & InsideOut Research. 2004. *Formative Evaluation of the NICRO Perpetrators of Domestic Violence Programme (PDV)*. Cape Town: NICRO.

Van der Riet, M & Durheim, K. 2006. Putting Design into practice: Writing and evaluating research proposals. University of Cape Town Press, Rondebosch Cape Town, In Terre

Blanch, M., Durrheim, K. & Painter, D. (eds.), *Research in Practice: Applied Methods for the Social Sciences*. 2nd ed. Cape Town: University of Cape Town Press.

Van Niekerk, T. 2009. *South African Batterer Intervention Programmes (BIPs): Exploring Men's Experiences*. Unpublished research proposal. University of Cape Town, Cape Town.

Van Wormer, K. 2009. Restorative Justice as social justice for victims of gendered violence: A standpoint feminist perspective. *National Association of Social Workers*, 54(2): 107-115.

Vetten, L. 2005a. *Addressing domestic violence in South Africa: Reflections on strategy and practice*. Unpublished paper presented at an Expert Group Meeting of the UN Division for the Advancement of Women in collaboration with the UN Office on Drugs and Crime, Vienna, 17-20 May.

Vetten, L. 2005b. "Show me the money." A Review of Budgets Allocated towards the Implementation of South Africa's Domestic Violence Act. *Politikon*, 32(2): 277-295.

Vetten, L., & Khan, Z. 2002. *We are doing their work for them: An investigation into government support to non-profit organizations providing services to women experiencing violence*. Johannesburg: Centre for the Study of Violence and Reconciliation (CSVR).

Visher, C.A., Harrell, A., Newmark, L. & Yahner, J. 2008. Reducing Intimate Partner Violence: An evaluation of comprehensive justice system-community collaboration. *Criminology & Public Policy*, 7(4): 495-523.

Volkwyn, H.D. 2008. *Life stories of Perpetrators of Child Sexual Offences in a Community-based Treatment Programme in the Western Cape*. Unpublished Master's thesis. University of the Western Cape, Cape Town.

Wassenaar, D.R. 2006. Ethical Issues in Social Science Research. In Terre Blanch, M., Durrheim, K. & Painter, D. (eds.), *Research in Practice*. 2nd ed. Cape Town: University of Cape Town Press.

Weisz, A. N., Tolman, R.M. & Bennett, L. 1998. An Ecological Study of Nonresidential Services for Battered Women within a Comprehensive Community Protocol for Domestic Violence. *Journal of Family Violence*, 13(4): 395-415.

Williams, O. 1994. Group Work with African American Men who Batter: Toward More Ethnically Sensitive Practice. *Journal of Comparative Family Studies*, 25(1): 91-103.

Wilson, M. 2003. *Perpetrator Programs for Male Domestic Violence Offenders: What do we know about effectiveness? Towards Effective Practice*. Paper 4 of the Criminal Justice Social Work Development Centre of Scotland. [Online]. Available: http://www.cjsw.ac.uk/cjsw/files/TEP%20Paper%204_final.pdf (19 August 2010).

Winick, B.J. 2006. Therapeutic Jurisprudence: Enhancing the Relationship between Law and Psychology. *Law and Psychology*, 9:30-48.

Winick, B.J., & Wexler, D. B. 2006. The Use of Therapeutic Jurisprudence in Law School Clinical Education: Transforming the Criminal Law Clinic. *Clinical Law Review*, 13:605.

Wolf, R.V. 2008. Breaking with tradition: Introducing problem-solving in conventional courts. *International review of law, computers and technology*, 2(1-2): 77-93.

World Health Organization (WHO). 2003. *Intervening with perpetrators of intimate partner violence: A global perspective*. [Online]. Available: http://www.who.int/violence_injury_prevention/publications/violence/intervening/en/i (26 October 2009).

World Health Organization. 2002. *Intimate Partner Violence*. [Online]. Available: http://www.who.int/violence_injury_prevention/violence/world_report/factsheets/en/ipvfacts.pdf (19 August 2010).

World Health Organization. 1997. *Violence against women. A Public Health Issue*. Geneva: WHO.

APPENDIX 1

LIST OF RESPONDENTS

<i>Participant</i>	<i>Gender</i>	<i>Agency represented</i>
Participant 1 (C1)	M	COURT
Participant 2 (C2)	M	COURT
Participant 3 (P1)	M	BIP
Participant 4 (B1)	F	COURT
Participant 5 (M1)	M	COURT
Participant 6 (B2)	F	COURT
Participant 7 (M2)	F	BIP
Participant 8 (M3)	F	COURT
Participant 9 (M4)	F	COURT
Participant10 (B3)	F	COURT
Participant11 (D1)	M	COURT
Participant 12 (D2)	F	COURT
Participant 13 (M5)	M	COURT
Participant 14 (P2)	F	BIP
Participant 15 (P3)	F	COURT
Participant 16 (B4)	F	BIP
Participant 17 (M6)	F	COURT
Participant 18 (B5)	M	BIP

APPENDIX 2**PROFILES OF EXPERTS CONSULTED AND PARTICIPANTS IN PILOT STUDY**

<i>Participant</i>	<i>Gender</i>	<i>Agency Represented</i>
Experts consulted		
Expert participant 1 (EP1)	F	MAGISTRACY
Expert participant 2 (EP2)	M	MAGISTRACY
Expert participant 3 (EP3)	F	BIP
Expert participant 4 (EP4)	F	BIP
Expert participant 5 (EP5)	F	BIP
Expert participant 6 (EP6)	M	MAGISTRACY
Expert participant 7 (EP7)	M	MAGISTRACY
Expert participant 8 (EP8)	F	BIP
Expert participant 9 (EP9)	F	DV CLERK
Pilot Participants		
Pilot Participant 1 (PP1)	F	BIP
Pilot Participant 2 (PP2)	F	BIP
Pilot participant 3 (PP3)	F	COURT
Pilot Participant 4 (PP4)	M	COURT
Pilot Participant 5 (PP5)	F	BIP
Pilot Participant 6 (PP6)	F	BIP
Pilot Participant 7 (PP7)	M	COURT

APPENDIX 3

STRUCTURED INTERVIEW SCHEDULE

Introduction to the research to participants

Good afternoon /morning. I know you all have very hectic schedules so I really appreciate you taking the time to speak with me. I assume that you have received my memo²⁷ that offers a brief explanation of the study I am conducting; your Department's permission for the study, and your right to voluntary participation in this study. The interview should not take more than an hour. Please remember that you can stop me at any point during this interview should you have any questions/clarifications, need a body break, or for any other reason you may see fit.

This study acknowledges the high incidence of DV in SA. Over the last few years there have been large numbers of cases entering the justice system. Because domestic violence is a social phenomenon, both the courts and civil society recognize the need to work together, and several efforts have been made towards this. Domestic violence, as defined in South African law, is broad and refers to abuse in a wide range of domestic relationships. For the purposes of this study we will focus on intimate partner violence more specifically. In recent years the focus of intervention in intimate partner violence has been on supporting the victim. More recently work with perpetrators of intimate partner violence has become a key strategy in preventing further abuse. This study aims to explore the 'working relationship' between the courts and civil society organizations working with perpetrators of intimate partner violence. No official research or service provider has tackled the issue of 'what works', and 'what doesn't'. This aim of this study is to capture the experiences of key stakeholders involved in such collaborative working relationships. How you think these 'relationships' are working? Can they be called partnerships? What do you think works? What doesn't? I will be asking you a few questions I have prepared ahead of time, but will also give you the opportunity to raise anything else you would like to add.

SOCIAL PROFILE OF RESPONDENT

1. Gender/Race of respondent
2. Current position of respondent
3. Institutional affiliation
4. Educational background
5. How long have you worked in your current position?
6. How many years have you worked with domestic violence?
7. Do you enjoy what you do? What about it do you enjoy?
8. In your view is domestic violence a big or small issue in South African communities?

INTEGRATED, HOLISTIC RESPONSE TO DOMESTIC VIOLENCE PREVENTION

9. In theory: what role can government play in DV prevention?
10. In actual practice: How does government contribute to DV prevention in SA? (Probing questions: *What interventions can you think of that government does currently in terms of domestic violence prevention? What do you see broadly to be government's role in DV prevention in SA? How do you see the court contributing to domestic violence prevention?*)
11. In theory: what role can CS play in prevention of DV?
12. In practice: How does civil society organization's (hereafter CSOs) contribute to DV prevention? (Probing questions: *What interventions can you think of that CSOs do currently in terms of domestic violence prevention? What do you see to be civil society's role in domestic violence prevention?*)
13. *Do you see any value in working together?* (Probing question: What do you see the benefits of this to be?)
14. *How can government and civil society organizations work together?*
15. *What are the difficulties confronting such collaborative attempts?*
16. *What do you see are the challenges of working together?*

WORK WITH PERPETRATORS OF INTIMATE PARTNER VIOLENCE

17. In your view of what importance is working with perpetrators?
18. What remedies does the court use in dealing with perpetrators of domestic violence?
19. What interventions are available by civil society organizations for perpetrators of domestic violence? Briefly describe the interventions.

20. Are perpetrators of domestic violence referred by the court to civil society organizations? Describe what options and processes are used? (Probing questions: *diversion? non-custodial sentencing? other?*)

21. Are there sufficient programs available to meet the demand for services? What can be done to increase the rollout of these programs?

COURT AND COMMUNITY COLLABORATION

22. *How are referrals made, and at which stage of the criminal justice process would this happen?*

23. *How do you determine which perpetrators are appropriate for which programme? (Probing questions: Is an assessment and screening done? Who does the assessment and screening?)*

24. *What happens to the victim? (Probing questions: Are the victims referred for services? Do the children receive services? From whom?)*

25. *Is there a working relationship between the court and the respective CSO? How would you describe this relationship? (Probing questions: Is it formally or informally constructed? Are the roles and responsibilities clearly outlined? Are the boundaries and limitations of the partnership clearly defined? Is there a partnership agreement in place? What makes this relationship work? What have been some of the successes of such collaboration? What are the principles on which the relationship is based? What don't work/what are the challenges? What of those challenges are particularly relevant for government and civil society partnerships? -The complexity and challenges of sustaining such collaboration between government and civil society organizations requires further analysis. Look at rules for relationships. Issues of Accountability. Principles upon which Civil Society/State collaboration built). What are the complexities, limitations and challenges of collaboration between the 'law' and 'social interventions'? What can be done to improve/strengthen the working relationship/collaboration? Would there need to be changes to existing or development of new policy or legislation to facilitate this?)*

26. *How do you communicate with each other? (Probing questions:-Is there regular communication? How often? What administrative procedures /mechanisms are used to facilitate the communication? What would be the most effective Administrative procedures/mechanisms to use? Do you meet face to face? What information is discussed at these meetings?)*

27. *What are the specific issues for collaboration? (Probing question: What are the key components of such collaboration?)*
28. *How do you ensure that each stakeholder does what he or she says they would? What happens if the other stakeholder does not do what they say they would? (Probing questions: Do you think accountability is an important principle? What is the most effective way to facilitate and ensure accountability of all stakeholders? What mechanisms do you use for accountability?)*
29. *How does this collaboration contribute to making programs work better? Do you think the collaboration is working towards reducing domestic violence? Please elaborate further. (Probing questions: How effective is this in making programs work and in domestic violence broadly? In what way? How do you know? What are the benefits of such collaboration on the administration of justice? Have there been formal evaluations on the success of the perpetrator programs or the impact/value of the collaboration on managing and preventing domestic violence? Would you still make a difference if there were no collaboration?)*
30. *Does the concept of ‘therapeutic jurisprudence’ mean anything to you? Of what value is this concept to the collaboration? (Probing questions: Raise issue of adversarial/punishment justice system versus a focus on rehabilitation. What systems are we using? What are the benefits and challenges?)*
31. *What are your thoughts around a ‘specialised domestic violence court model’?-dedicated domestic violence courts-dedicated magistrates, prosecutors, DV clerks? In your opinion does the Family court model work? (Probing questions: What have been the successes? What are the benefits? What have been the challenges? What can be improved?)*
32. *Are you aware of the Department of Justice and Constitutional Developments (DOJCD) efforts to improve government and civil society collaboration? Have you received any communication from the Department around this?*
33. *Is there anything else you want to add? **Thank you for your time.***