



District Attorney of  
New York County

# **Criminal Justice Investment Initiative**

## **Request for Information for Design of an Abusive Partner Intervention Program with Restorative Justice Elements**

No. 009

Expires 01/13/2017

# Cover Sheet

## **A. Goal of the RFI**

The Manhattan District Attorney's Office (DANY) is issuing this request for information (RFI) to solicit information on the potential design of a program that would use restorative justice practices as part of a treatment program for abusive partners. Specifically, DANY requests information about how restorative justice practices could be integrated into an abusive partner intervention program (APIP) in New York City, with the goals of holding abusive partners accountable, preventing re-abuse, and supporting survivors in their healing. Information received in response to this RFI will help inform DANY on whether and how to support the development of such an intervention. This information may also be used in the future development of a solicitation for such a program.

## **B. Timeline and Submission Instructions**

1. **Release Date of RFI: November 3, 2016**
2. Any addenda to this RFI will be posted on the CJII website: <http://cjii.org/category/opportunities/>. It will be the responsibility of interested parties to check the website to remain up-to-date regarding all addenda issued.
3. **Submission Due Date:** Submissions are due by **January 13, 2017, at 11:59 pm EST**. Responses to the RFI should be submitted via the CJII application portal: <http://cuny-islg.fluidreview.com>.
4. Unless an addendum to this RFI is issued that extends the due date and time, all responses must be submitted prior to the time and date set forth above.

## **C. Amount and Number of Awards**

This RFI is for informational and planning purposes only. This is not a request for proposals (RFP) and does not commit DANY to develop a solicitation or contract for any programming in the future.

## **D. Contact Information**

As part of the submission, respondents should raise questions and/or matters for consideration should DANY choose to develop a solicitation and/or fund such programming in the future.

Questions regarding technical difficulties with the submission should be sent to [cjii@islg.cuny.edu](mailto:cjii@islg.cuny.edu).

# Request for Information

## **A. Description**

This request for information (RFI) is for informational and planning purposes only. This is not a request for proposals (RFP) and does not commit the Manhattan District Attorney's Office (DANY) to contract for any programming in the future.

DANY is issuing this RFI to solicit information about the potential use of restorative justice principles as part of a treatment approach for abusive partners. Specifically, DANY requests information about how restorative justice principles could be integrated into the design of an abusive partner intervention program (APIP)<sup>a</sup> in New York City, with the goals of holding abusive partners accountable, preventing re-abuse, and supporting survivors in their healing. Information received in response to this RFI will help inform DANY on whether and how to support the development of such an intervention in New York City. Information received may also be used in the future development of a solicitation for such a program.

DANY is not currently seeking proposals for the work described herein, nor will DANY accept unsolicited proposals. Respondents are solely responsible for all expenses associated with responding to this RFI. Although this is not an RFP or a request for a quote, this RFI does request cost estimates/information, to inform potential planning efforts in the future.

Parties that do not respond to this RFI may still submit proposals in response to a future solicitation, should DANY decide to issue one.

DANY is issuing this RFI under its [Criminal Justice Investment Initiative \(CJII\)](#), the goal of which is to support impactful projects that improve public safety and promote a fair and efficient criminal justice system in New York City. The City University of New York Institute for State and Local Governance (ISLG) is the technical assistance consultant to DANY for CJII. ISLG provides input to DANY, manages and provides guidance to CJII contractors, and conducts oversight and performance measurement throughout the lifetime of the initiative.

## **B. Background**

Intimate partner violence (IPV) is a complex issue that warrants a multi-faceted approach, ranging from preventing abuse to holding individuals accountable for their abusive behavior. APIPs (more commonly known as batterer intervention programs, or BIPs) first emerged in the late 1970s out of the battered women's movement.<sup>1</sup> Over the next two decades, APIPs proliferated as changes in policies and stricter enforcement of laws related to IPV generated the need for additional programming for abusive partners, which became court-mandated in many states.<sup>2</sup>

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<sup>a</sup>Abusive partner intervention program (APIP) is the term used for the purpose of this RFI. The term more commonly used nationally is batterer intervention program (BIP); BIP can be used interchangeably with APIP. APIPs/BIPs are the most common approach to treatment of intimate partner violence crimes in the United States.

Today, between 1,500 and 2,500 APIPs exist across the United States.<sup>3</sup> Although there exists considerable variation in format and approach, APIPs maintain common goals: to hold individuals accountable for their abusive behavior and reduce the likelihood of future abuse, in turn increasing the safety of IPV survivors and the larger community.<sup>4</sup> Despite the proliferation and abundance of programs, significant challenges to APIP implementation exist, for example, lack of funding and infrastructure, cultural relevance, and support from the courts.<sup>5</sup> Further, evidence of program effectiveness is mixed. There are relatively few high-quality evaluations of APIPs that assess violent recidivism, and studies that do exist consistently find these programs to be ineffective or only minimally effective in reducing abuse.<sup>6</sup> Nevertheless, many practitioners attest to the effectiveness of APIPs when the programs are implemented well and draw upon best practices for working with abusive partners.<sup>7</sup>

In recent years, various alternatives to the traditional APIP have emerged. One such treatment is grounded in restorative justice, a framework that focuses not on retribution but on understanding and addressing the harm caused by an offense. Restorative justice aims to address harm caused via the voluntary participation of all stakeholders involved (responsible party, harmed party, community members, etc.), when possible.<sup>8</sup> Through this cooperative process, the responsible party accepts responsibility for their actions, while the harmed party and other members of the community impacted by the offense, as appropriate, have a voice in determining what actions (e.g., a spoken or written apology, monetary payment, other services provided by the offender to the survivor and/or community<sup>9</sup>) are needed to address the harm and promote healing.<sup>10</sup> Practitioners have come to use restorative justice interventions to address a range of criminal behavior, both abroad and in the United States.<sup>11,b</sup>

Use of restorative justice models in the context of IPV is controversial, and critics raise legitimate concerns, including the safety of survivors and children and giving the perception that IPV is not serious enough to warrant a harsher legal system response.<sup>12</sup> Nevertheless, there may be advantages of adopting restorative justice practices in some—though certainly not all—IPV cases. Proponents praise the approach’s flexibility, unlike the more traditional “one-size-fits-all” APIP, because it allows for a tailored response to the abuse that meets the needs of all stakeholders (it considers the survivor’s particular needs and desires, allows for discussions and solutions to be culturally and linguistically appropriate, etc.).<sup>13</sup> IPV survivors also often wish to determine their own role and level of involvement in holding their abuser accountable.<sup>14</sup> While not appropriate for every IPV case, restorative justice programs may also better accommodate a portion of survivors who wish to maintain contact or even stay in a relationship with their abusive partner.<sup>15</sup>

Research on the effectiveness of restorative justice approaches in an IPV context is limited, and the approach warrants further investigation. Results from the only published rigorous evaluation suggest that one restorative justice approach, Circles of Peace, may lead to lower rates of recidivism than a traditional APIP.<sup>16,c</sup> Other programs based on the restorative justice model—

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<sup>b</sup> For a New York City-specific example see [Common Justice](#), an alternative to incarceration and victim service program operated by the Vera Institute for Justice in Brooklyn, NY.

<sup>c</sup> The participant sample in this evaluation included “domestic violence” offenders in Arizona; 86% of participants were abusive partners (as opposed to other family members or children living in the same household).

for example, the Pono Kaulike Program<sup>17</sup> and RESTORE<sup>18</sup>—purportedly have positive effects, although they have not been systematically evaluated.

### **C. Elements of Submission**

Interested parties are encouraged to submit information about an APIP model that incorporates restorative justice practices, to inform DANY on whether and how to support the development of such an intervention in New York City. Responses should be organized into two sections: 1) Program Model and 2) Cost Estimate (to the extent possible).

#### **1. Program Model**

Given the diversity of programming for abusive partners across the United States as well as the limited number of programs that use restorative justice practices in an IPV setting, respondents are encouraged to describe their ideal program model. The model should be based on their knowledge of relevant research and best practices as well as their own expertise and experience. This could be an existing model, a modification of an existing model, or a completely new model.

Respondents may, but are not required to, use the topics/questions below as a guide in preparing their submission. Inclusion of these topics/questions in the RFI is not intended to restrict the design of any model. Instead, these items are of particular interest to DANY and ISLG, after review of relevant research and conversations with experts.

Respondents may, but are not required to, address the following in their submission:

- *Inclusion/exclusion criteria:* What would be the program eligibility/inclusion criteria? Are there specific characteristics that would preclude abusive partners from participation in the program (e.g., particular criminal history or pending charges, severe mental illness, psychopathy)?
- *Models, research-based approaches, and best practices:* Respondents should explain, when possible, which model(s), research-based approaches, and/or best practices the program would draw upon. What would be the structure of the program? (For example, would the program model consist of an APIP at its core, with restorative justice elements interwoven throughout? Would one portion of the program be an APIP and a separate portion a restorative justice intervention? Or, would the program consist primarily of a restorative justice intervention, tailored for use in an IPV setting?)

Respondents may also address the following questions and topics:

- Program activities: What client-centered activities would the program entail (e.g., support groups, cognitive behavioral therapy sessions)? What restorative justice elements would the program include (e.g., victim-offender mediation, community reparative boards, family group conferencing, peacemaking

circles) and why? How would the survivor be involved in the process, if at all?

- Input of IPV survivors: To what extent and how would survivors' perspectives be considered to inform program design and/or implementation?
  - Community involvement: To what extent would the program be informed by and/or involve members of the community? If applicable, how would the program identify the appropriate community members for participation?
  - Culturally and linguistically appropriate programming: How would the program be culturally competent and linguistically appropriate for the population of IPV offenders in Manhattan?
  - Treatment dosage: What would be the ideal program length (i.e., number of sessions and over what length of time) and frequency?
- *Victim and staff safety*: The safety of survivors and children is critical, particularly with programs that may involve some level of contact between the abusive partner and the survivor. How would the program minimize risks to the survivor that are possible in restorative justice approaches?
    - *Curriculum*: What, if any, curriculum would the program follow?
    - *Numbers served*: How many clients would the program ideally serve annually?
    - *Procedures*: What types of procedures would need to be in place? For example:
      - How would program staff coordinate with DANY, defense counsel, and the courts, if necessary?
      - How would the program motivate offender participation?
      - How would the program provide regular updates to the courts, DANY, and defense counsel, if necessary?
      - What would be the consequences when participants do not comply with program protocols? Would there be graduated responses to instances of non-compliance?
      - How would the program deal with instances of client recidivism (IPV and non-IPV) while enrolled in the program?
    - *Coordinated services*: Would the program make referrals to other service providers, based on clients' needs? If yes, how would this process work?

- *Key program staff:* What key program staff would be necessary? What qualifications and/or background would they need?

In describing their ideal program, respondents are strongly encouraged to also raise questions and issues to consider, should DANY choose to develop a related solicitation.

## **2. Cost Estimates**

To the extent possible, respondents should speak to the cost of the program model they describe.

### **D. Respondent Qualifications**

Respondents should have relevant experience and/or expertise in one or more of the following areas: domestic violence, IPV, work with survivors of crime, work with abusive partners, and/or restorative justice.

### **E. Submission Format And Length Requirements**

Respondents should adhere to the following formatting requirements:

- All submissions should be double-spaced, using standard 12-point font (Times New Roman is preferred) with 1-inch margins.
- Charts, figures, footnotes, endnotes, and references do not need to be double-spaced.
- Pages should be paginated.
- The submission should not exceed 25 pages (double spaced).

### **F. Due Date And Submission Instructions**

Responses to the RFI must be submitted via the CJII application portal: <http://cuny-islg.fluidreview.com>. Response submissions are due by **January 13, 2017 at 11:59pm EST**.

## References

- <sup>1</sup> Carter, L. S. (2009). *Batterer intervention: Doing the work and measuring the progress. A report on the December 2009 experts roundtable*. Washington, D.C.: Family Violence Prevention Fund.
- <sup>2</sup> Adams, D. (2015). *Certified batterer intervention programs: History, philosophies, techniques, collaborations, innovations and challenges*. Retrieved from: [https://www.futureswithoutviolence.org/userfiles/file/Children\\_and\\_Families/Certified%20Batterer%20Intervention%20Programs.pdf](https://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Certified%20Batterer%20Intervention%20Programs.pdf)
- <sup>3</sup> Carter, L. S. (2009). *Batterer intervention: Doing the work and measuring the progress. A report on the December 2009 experts roundtable*. Washington, D.C.: Family Violence Prevention Fund.
- <sup>4</sup> Miller, M., Drake, E., & Nafziger, M. (2013). *What works to reduce recidivism by domestic violence offenders?* (Document No. 13-01-1201). Olympia, WA: Washington State Institute for Public Policy.
- <sup>5</sup> Aldrich, L., & Arian, J. C. (2015, October). *The state of abusive partner intervention services*. Presentation at the Domestic Violence Intervention: Creating NYC's Blueprint for Working with Abusive Partners conference, New York, NY.
- <sup>6</sup> Babcock, J. C., Canady, B., Graham, K. H., & Scharf, L. (2007). The evolution of battering interventions: From the Dark Ages into the Scientific Age. In J. Hamel & T. Nicholls (Eds). *Family Therapy for Domestic Violence: A Practitioner's Guide to Gender-Inclusive Research and Treatment*. (pp. 215-244). NY: Springer.
- Feder, L., & Wilson, D. B. (2005). A meta-analytic review of court-mandated batterer intervention programs: Can courts affect abusers' behavior? *Journal of Experimental Criminology*, 1, 239-262; Klein, A. (2009). "Practical Applications of Current Domestic Violence Research." *NIJ Special Report*, June 2009, US Department of Justice.
- Labriola, M., Rempel, M., & Davis, R. C. (2005). *Testing the Effectiveness of Batterer Programs and Judicial Monitoring: Results from a Randomized Trial at the Bronx Misdemeanor Domestic Violence Court*. Report submitted to the National Institute of Justice. New York: Center for Court Innovation.
- <sup>7</sup> Gondolf, E. W. (2015). *Gender-based perspectives on batterer programs: Program leaders on history, approach, research, and development*. Lanham, MD: Rowman & Littlefield.
- <sup>8</sup> Centre for Justice & Reconciliation. (n.d.). *Lesson 1: What is restorative justice?* Retrieved from <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-1-what-is-restorative-justice/>
- <sup>9</sup> Presser, L., & Gaarder, E. (2000). Can restorative justice reduce battering? Some preliminary considerations. *Social Justice*, 1(79), 175-195.
- <sup>10</sup> Centre for Justice & Reconciliation. (n.d.). *Lesson 1: What is restorative justice?* Retrieved from <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-1-what-is-restorative-justice/>
- <sup>11</sup> For an overview, see Presser, L., & Gaarder, E. (2000). Can restorative justice reduce battering? Some preliminary considerations. *Social Justice*, 1(79), 175-195.
- <sup>12</sup> Presser, L., & Gaarder, E. (2000). Can restorative justice reduce battering? Some preliminary considerations. *Social Justice*, 1(79), 175-195.
- <sup>13</sup> Mills, L. G., Grauwiler, P., & Pezold, N. (2006). Enhancing safety and rehabilitation in intimate violence treatments: New perspectives. *Public Health Reports*, 121, 363-368.
- <sup>14</sup> Erez, E., & Belknap, J. (1998). In their own words: Battered women's assessment of the criminal processing system's responses. *Violence and Victims*, 13, 251-268.
- <sup>15</sup> Presser, L., & Gaarder, E. (2000). Can restorative justice reduce battering? Some preliminary considerations. *Social Justice*, 1(79), 175-195.
- <sup>16</sup> Mills, L. G., Barocas, B., & Ariel, B. (2012). The next generation of court-mandated domestic violence treatment: a comparison study of batterer intervention and restorative justice programs. *Journal of Experimental Criminology*, 9(1), 65-90. <http://doi.org/10.1007/s11292-012-9164-x>
- <sup>17</sup> Walker, L. & Hayashi, L.A. (2009). Pono Kaulike: Reducing violence with restorative justice and solution-focused approaches. *Federal Probation Journal*, 73(1), 23-27.
- <sup>18</sup> Hopkins, C. Q., & Koss, M. P. (2005). Incorporating feminist theory and insights into a restorative justice response to sex offenses. *Violence Against Women*, 11(5), 693-723. <http://doi.org/10.1177/1077801205274570>