



Comparing Domestic Violence Survivors' and Practitioners' Perceptions of Justice

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Domestic violence (DV) affects millions of people across the United States and causes serious consequences for survivors, their families, and communities.¹ It is also clear that survivors with certain intersecting identities experience higher rates of violence and greater barriers to seeking and receiving help.² Yet the field lacks evidence of survivors' diverse experiences and needs, and because of this gap in knowledge, practitioners may not always understand the needs of survivors or respond in ways most helpful to them, and systems designed to provide safety and justice often fall short. This brief uncovers where survivors and practitioners align and diverge in their understandings of survivors' needs and their perceptions of what works and what does not in responses to DV.

With funding from the US Office on Violence Against Women, the Urban Institute collaborated with Chapin Hall at the University of Chicago to conduct a mixed-methods, multisite study on the perceptions of justice, accountability, safety, and healing—including beliefs about the effectiveness of traditional responses and restorative practices—held by diverse survivors of DV. The project team also convened a roundtable in January 2024 of survivors, practitioners, and policymakers to explore key themes from the study and develop practice-oriented guiding principles for enacting—or improving—justice responses to DV (box 1). Importantly, this study sought to understand how survivors' and practitioners' perceptions of justice align and differ.

BOX 1

Overview of the Perceptions of Justice for Domestic Violence Survivors Study

Beginning in November 2021, this study sought to center survivors' voices while producing critical knowledge about the availability, accessibility, equity, effectiveness, and perceptions of the spectrum of responses to domestic violence. With support from a practitioner consortium of experts, we conducted semistructured interviews with 54 survivors from diverse places and backgrounds, conducted semistructured interviews with 42 practitioners who work with survivors and their partners, and administered a short web-based survey to survivors ($n=37$) and practitioners ($n=16$) who participated in interviews. Participants answered questions about their definitions of justice, safety, and accountability; outcomes for survivors and their partners; their engagement with the legal system; their familiarity with and interest in alternative approaches; and the role of practitioners. (Full methods and findings are available in the final research report.) Lastly, we facilitated a roundtable of stakeholders to inform interpretation of the findings and develop nine guiding principles for the field.^a

^a For those guiding principles, see Malore Dusenbery, "Guiding Principles for Justice Responses in Domestic Violence Cases: Survivor-Informed Recommendations for the Field" (Washington, DC: Urban Institute, 2024).

How Survivors' and Practitioners' Perceptions Align

We queried practitioners and survivors on their perceptions of justice using methods including interviews and surveys. Results from those activities and the roundtable with survivors and practitioners informed this brief. First, we discuss some of the alignment between survivors' and practitioners' definitions of justice and accountability, and between their perceptions of survivors' needs, of the legal system and alternative approaches, of survivor outcomes, and of restorative justice.

Justice and Accountability

Survivors we interviewed included accountability in their definitions of justice more than any other concept: 37 percent used terms like accountability, consequences, restitution, and karma. Definitions also commonly involved safety, protection, separation, or distance, which were referenced by 30 percent of survivors. Practitioners similarly equated justice with accountability and survivor safety or separation, and also with acknowledgement by survivors' partners or communities. Justice for survivors was defined as recovery and stability by 20 percent of survivors and 29 percent of practitioners.

For a third of survivors, accountability meant for their partners to admit their wrongdoing and take the steps to address or repair the root causes of their behavior. Practitioners' definitions largely aligned with those of survivors: about a quarter said accountability should include the partner acknowledging the harm they caused and taking steps to repair that harm, potentially through counseling, therapy, or abuse solution programs. About 13 percent of survivors believed that friends, family, and community members should be involved in getting accountability from their partner and 12 percent of survivors wanted their partner to face consequences for their actions, either through the

criminal legal system or by society. Half of interviewed practitioners also highlighted the importance of community members in getting accountability.

Survivors' Needs and Wants

Practitioners and survivors also aligned regarding survivors' needs. Survivors reflected on their own individual experiences, which led them to articulate a wide range of needs and wants. Some wanted the person who harmed them to go to jail, others just wanted to be away from them, and some believed the person who harmed them should go through what they went through. Practitioners underscored that survivors' preferences range from carceral responses to rehabilitation.

Eleven survivors wanted the person who harmed them to change their behaviors and get needed therapy. These survivors wanted this so their former partners' abusive behavior could stop and not affect anyone else. Like survivors, practitioners said that above all else survivors want the violence to stop. Eight survivors wanted an apology and some form of accountability. Practitioners identified similar desires, namely that survivors want the person who harmed them to realize their behavior was wrong, apologize, and change. Lastly, a smaller share of survivors expressed that they wanted financial independence from the person who harmed them, which several practitioners also identified as a critical need and desire.

Accessibility of the Legal System

Survivors and practitioners largely agreed that the legal system is not easily accessible to all groups and that it is more challenging for people with certain identities to engage with it. Most survivors and practitioners highlighted multiple groups as having less access to the legal system; groups they cited include low-income people, people of color, people with disabilities, LGBTQ+ people, people with a mental illness, and people with limited English proficiency. Our study purposefully sought to understand the experiences of different communities of survivors who are marginalized and not routinely involved in research, and this finding came directly from members of some of those communities and the practitioners who serve them.

Survivors and practitioners agreed about what barriers survivors most commonly face when going through the criminal legal system. Fear and distrust of law enforcement affect survivors' likelihood of engaging with the criminal legal system, and the practitioners we spoke with recognized this. As for the civil legal system, survivors and practitioners both highlighted the financial challenges of pursuing civil cases. Survivors said that to get the results they desire in civil court they need to hire an attorney, and the good attorneys are expensive, creating an "income gate" that prevents certain people from filing.

Survivors and practitioners also agreed on what facilitates engagement with the legal system. They commonly said victim advocates and legal advocates provide helpful support, including by serving as intermediaries between survivors and the courts. They also highlighted legal aid and other representation as resources for understanding the legal system.

Survivor Outcomes

One of the largest points of agreement in our study was that survivors often do not see justice. Of the 49 survivors who reported whether they got justice overall, 53 percent responded negatively, 27 percent responded that they got a partial sense of justice or gave a qualified answer, and 20 percent responded affirmatively. Several survivors simply responded “no” or “absolutely not,” but many others elaborated why. For example, one asserted, “I don’t think there is ever any sort of justice you can receive because you’re stuck with that trauma the remainder of your life.” Some shared that it was because they were too afraid to report the abuse, others because they pursued legal action and did not get the outcome they wanted. Several also reported discrimination or other barriers related to their identities and backgrounds (involving their race/ethnicity, language, or income, for example) that kept them from pursuing justice.

Practitioners’ perceptions of whether survivors get justice varied less. Almost all said that survivors generally do not get their needs met regarding justice and accountability, using phrases and terms like “less than I’d like to think,” “very rarely,” “barely,” or “sometimes.” The commonalities among these responses suggest that current options for survivors fail them, and the people who work with them know it.

Availability of and Interest in Restorative Justice

We asked survivors and practitioners about their perspectives of programs and services that use restorative justice. We explicitly asked practitioners about restorative justice programs, but with survivors, rather than call it restorative justice, we described it as the opportunity to confront the person who harmed them, get an apology, and move toward restoring harm, possibly with the help of a mediator. Nearly all survivors and practitioners were unaware of such opportunities in their communities. But many practitioners and survivors would be reluctant to use these programs or services even if they were offered. Both groups believed restorative justice could help survivors, but they also believed that abusive partners would be unlikely to agree to such a program or service. In addition, many survivors and practitioners had safety concerns about engaging directly with partners who had harmed them and/or their families.

How Survivors’ and Practitioners’ Perceptions Differ

Although survivors’ and practitioners’ perceptions aligned in the ways described above, there were some marked differences in the groups’ perceptions.

Justice and Accountability

Though there was some alignment between survivors’ and practitioners’ definitions of justice, there was also some misalignment. Many survivors (31 percent) defined justice in terms of fairness (e.g., equity, equality, truth), terms that only 7 percent of practitioners mentioned. Practitioners were more

likely than survivors to describe justice as survivors' being heard and respected by the legal system and providers and as related to legal system outcomes (20 percent, compared with 4 percent of survivors). To participants this most often meant securing protection orders, convictions, or incarceration, but for some from both groups, it also included representation in court and positive reactions from judges because they believed the survivor's story.

Several themes likely resulted from practitioners responding based on their experiences serving many survivors, whereas survivors spoke based on their own unique experiences. For instance, they were less likely than survivors to say justice may not be possible in DV cases (only 5 percent) and much more likely than survivors to say justice is different in each case (54 percent). Lastly, practitioners' roles might afford them a wider view of what contributes to DV, which may explain why 10 percent of practitioners (compared with no survivors) included in their definitions of justice broader systemic changes to "transform the conditions that led to harm."

Barriers to the Legal System

Though practitioners and survivors largely identified the same barriers to the latter's participation in the legal system, practitioners mentioned some barriers more frequently than survivors. Practitioners mentioned the fear of retaliation as a barrier far more frequently than survivors: 12 practitioners spoke about the risk of a partner retaliating if a survivor engages with the legal system, compared with only 4 survivors.

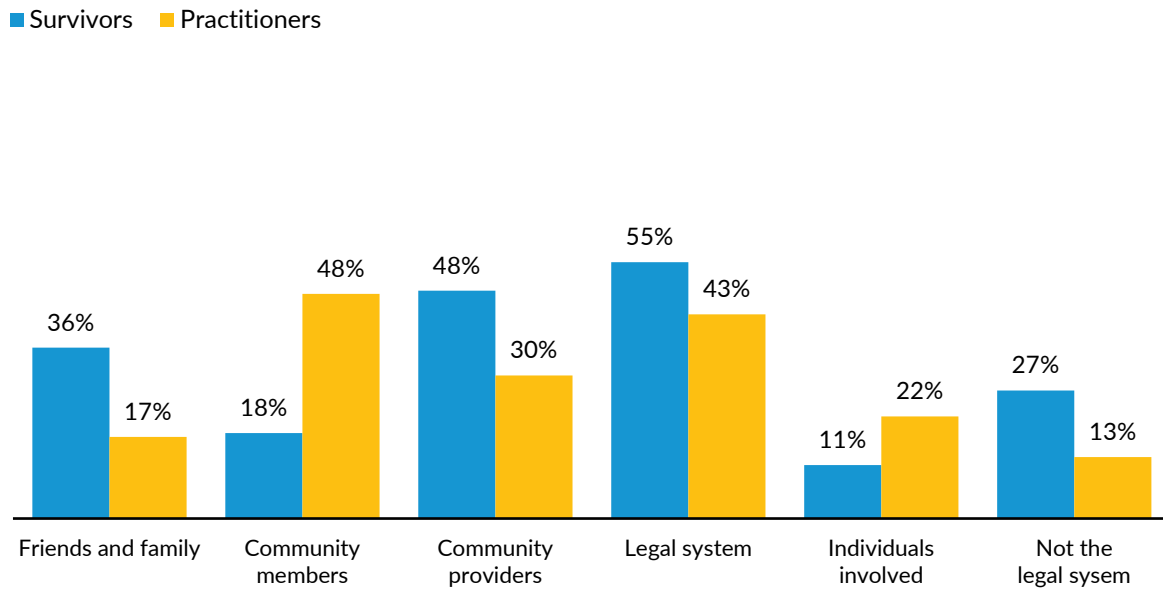
Furthermore, one of the most common barriers mentioned by survivors was long case processing times. The 11 survivors who mentioned this said cases progress slowly through the criminal and civil legal systems, and they had to leave work and find child care to attend hearings. In addition to the financial difficulties this creates, survivors shared that delays getting justice can be deflating and frustrating. Only 3 practitioners named this as an impediment to survivors' legal system involvement.

The Role of Practitioners

There were some differences in perceptions of practitioners and systems that interact with survivors. When asked who is best positioned to deliver justice or accountability (figure 1), 55 percent of survivors said the legal system is best positioned to deliver justice however the participant defined it. Among these survivors, a third identified law enforcement as the actor responsible for justice and a third identified courts or judges, with the remaining third identifying the whole legal system, lawyers, or programs for partners. But some survivors shared that the legal system should or is supposed to offer justice but often does not, and 27 percent explicitly said the criminal legal system is not best positioned to provide justice and accountability, a much higher rate than among practitioners (13 percent).

FIGURE 1

Who Survivors and Practitioners Think Are Best Able to Deliver Justice or Accountability



Source: Interviews of domestic violence survivors and practitioners conducted by the Urban Institute and Chapin Hall research team in summer/fall 2023.

Notes: Survivors $n=44$. Practitioners $n=23$.

The next-most-frequently referenced group by survivors was community-based providers, who ranged from advocates and DV service providers to therapists and other social service organizations. These providers were discussed by nearly half of survivors but only a third of practitioners. Conversely, nearly half of practitioners referenced other community members, compared with only 18 percent of survivors. “Community members” was a term respondents generally used, but they also mentioned neighbors, elders, religious institutions, and employers. Furthermore, survivors were about twice as likely as practitioners to say that friends and family are important in getting justice, and, although this response was given much less often, practitioners were about twice as likely to say that the survivor and partner who caused harm are responsible for justice.

Alternative Justice

Another interesting difference involves perceptions of alternative justice responses, with survivors generally more open to these options than practitioners. We defined alternative justice responses as including many different services and programs (formal or informal, structured or unstructured) that are available to survivors outside of the legal system and might contribute to survivors’ sense of justice. These include restorative and transformative justice approaches, couples’ mediation, group or family conferencing, supports for economic security, therapy or counseling, support from a religious institution, and education or community-led initiatives about domestic violence.

In interviews, more than 55 percent of survivors expressed interest in alternative justice approaches such as mediation, financial assistance, and therapy sessions, even if they were unsure whether those approaches were available in their communities. Only a handful of practitioners said they would recommend alternative justice responses to the survivors they work with if they were available. Even fewer said their communities had such responses, and they didn't find them helpful or thought investments primarily needed to be made in traditional options. There is a caveat, however: whereas we walked survivors through series of specific alternative justice options, we asked practitioners about alternative justice options in general. Many practitioners associated "alternative justice" with restorative justice specifically, meaning fewer practitioners associated alternative justice approaches with counseling, financial assistance, and some of the other less common alternative options that we explicitly asked survivors about and that survivors reported wanting the most. Furthermore, compared with practitioners, survivors expressed greater interest in transformative justice (i.e., participating in community and school education on DV and reform efforts).

Implications for Practice

Through this study, we learned that DV survivors and practitioners are aligned in several important ways, including in their foundational definitions of justice and accountability. These understandings can form the basis of all interactions between the two groups and guide decisionmaking about survivors' engagement and help-seeking. The differences between their perceptions, however, can also have implications for practice. Practitioners should be educated on these differences, explore how they affect their practices, and make changes to promote justice as defined by survivors. More specifically, practitioners should think more about how to help survivors achieve a sense of fairness and equity in their interactions with justice-related systems and how to integrate friends, families, and community providers in survivors' journeys toward justice.

This study resulted in several broad recommendations for improving responses to DV, some of which can help address some areas of misalignment between survivors and practitioners.³ For example, improved active and critical listening can help practitioners better understand survivors' needs and challenges, such as the challenge of long court processing times. When speaking about the legal system, survivors and practitioners agreed about the importance of legal advocacy and support, suggesting an opportunity for practitioners to connect survivors with legal advocates more routinely. In addition, we found that survivors tend to be more open to alternative justice than practitioners, but that both groups lack awareness of existing opportunities, namely restorative and transformative justice, in their communities. Practitioners can better serve survivors by seeking out these programs in their communities, discussing them with the survivors they serve, and helping ensure survivors' safety concerns are addressed.

The similarities and differences in perceptions discussed in this brief are also evidence of the need for changes in policy, funding, and technical assistance. Practitioners understand that some survivors experience distinct challenges accessing the legal system, and we hope this recognition can contribute to reforms that address these challenges. For example, survivors and practitioners agreed that police

can be a barrier to legal system engagement, which could be addressed by sending victim advocates on police calls for DV incidents and allowing survivors to use advocates as intermediaries. Policymakers can do a better job funding these resources and making them more available. We also found general consensus around the need for legal support, for language access, and to reduce the costs associated with the legal system. In addition, there was agreement about the need to address safety concerns and specific DV nuances in restorative justice programming. Though it is troubling that survivors and practitioners both believe the options available to survivors are failing them and do not provide them justice, it is encouraging that practitioners understand this, because such practitioners may be more inclined to reform current practices or improve alternative responses. With these and other recommendations presented in our full research report (see Dusenbery et al. 2024), we hope practitioners can better understand survivors and, in turn, better serve them.

Notes

- ¹ This project and brief focus on situations where a person is harmed by a current or former romantic partner. We refer to this as domestic violence, but it is sometimes also known as intimate partner violence. We generally refer to people who have experienced such harm as “survivors.”
- ² For data on the effects of DV in the US see D’Inverno and coauthors (2019) and Morgan and Truman (2020). For data on its different effects on people with different identities and backgrounds see CDC (2011), NCVV (2017), and “Five Things about Violence against American Indian and Alaska Native Women and Men,” National Institute of Justice, last updated May 2023, <https://www.ojp.gov/pdffiles1/nij/249815.pdf>.
- ³ See our comprehensive research report (Dusenbery et al. 2024) for more information on the findings and the resulting recommendations.

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