



# Guiding Principles for Justice Responses in Domestic Violence Cases

## Survivor-Informed Recommendations for the Field

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**Domestic violence affects millions of people across the United States and causes serious consequences for survivors, their families, and communities (D’Inverno et al. 2019; Morgan and Truman 2020).<sup>1</sup> It is also clear that survivors with certain intersecting identities experience higher rates of violence and greater barriers to seeking and receiving help (CDC 2011; NCVS 2017).<sup>2</sup> Yet the field lacks evidence of survivors’ diverse experiences and needs, and as a result, systems designed to provide safety and justice often fall short. It is essential that communities respond to domestic violence amply and appropriately. Adopting guiding principles that are evidence-based and survivor-informed can improve justice responses to domestic violence, whether in the legal system, alternative justice programs, or community-wide governing bodies.<sup>3</sup>**

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 domestic violence. We also examined the extent to which survivors’ and practitioners’ perspectives of justice align (box 1). In January 2024, the project team convened a roundtable 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 domestic violence. This brief summarizes the principles that emerged from this event and recommendations for applying them in communities.

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## 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 the guiding principles described in this brief.

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## Introduction to Guiding Principles

We defined guiding principles as the overarching philosophy and fundamental values that should direct the vision and actions of agencies responding to domestic violence. Following the lead of the study participants, we also view “justice” broadly as something different for every survivor that is connected to their sense of safety, healing, accountability, and unique identity. As a result, we believe justice can be achieved through a wide range of responses, including the traditional criminal and civil legal system, restorative justice and other alternative justice approaches, and victim services. Our aim was to develop a set of guiding principles that could not only apply to each of these areas but unify communities across sectors in their efforts to address domestic violence.

### Roundtable Participants and Process

Held on January 26, 2024, the Perceptions of Justice Stakeholder Roundtable convened six members of the Urban and Chapin Hall research team; eight practitioners, three of whom also self-identified as survivors; five survivors who participated in the study with diverse identities and from three US regions; and three Office on Violence Against Women representatives. The practitioners represented the four study sites: the Asian Women's Shelter in California, Hugh Lane Wellness Foundation in Pennsylvania, Mending the Sacred Hoop in Minnesota, and the North Carolina Coalition Against Domestic Violence.

The research team presented key findings from the study that could inform guiding principles, such as how survivors and practitioners define justice and who they see as responsible for justice and accountability, survivors' experiences with the legal system and interest in alternative approaches, and what made a difference for survivors' safety and healing. The team also shared examples of related guiding principles developed by other organizations that the research team had identified and reviewed. Ten resources in particular informed our understanding of guiding principles and served as references as we considered guiding principles for justice responses to domestic violence.<sup>4</sup> These organizations

recommended between 3 and 13 guiding principles that largely spoke to the quality of the responder or response, the type of response, and the impact of the response. Particularly common themes included survivor empowerment, victim-centered services or responses, cultural competency and intersectionality, accountability, safety, and collaboration.

The roundtable participants then engaged in individual reflection, breakout group conversations, and large group discussions to identify the values they want to see and how guiding principles could be implemented. Discussion topics included what values are most commonly missing from justice responses, how guiding principles might differ for different groups of survivors, how they might differ for different types of practitioners, and what resources communities need to apply these principles. The group also had the opportunity to review 15 potential guiding principles drafted by the team and vote on which ones to recommend for inclusion in this brief.

## Identifying Guiding Principles for Justice Responses

Based on the review of related principles, analysis of the study's interviews, and recommendations from the stakeholder roundtable, we identified nine guiding principles for a justice response to domestic violence, listed below. We offer our definitions of these principles, but they can be tailored for the community, organization, or program adopting them. These guiding principles, although largely aspirational, naturally point to recommendations for practice and ideally will result in meaningful changes in services, supports, and responses for survivors in the communities and organizations that adopt them.

### Survivor Empowerment and Agency

Survivor empowerment and agency refers to survivors' rights to self-direction, autonomy, and control over their lives and choices. We encourage programs and practitioners to recognize domestic violence survivors' agency, expertise, and ability and provide them with the information they need to make informed decisions. Trust and self-determination are what will keep people engaged in programs and are crucial for the success of this work. Key to this is believing survivors when they speak out, which does not require large policy or programmatic changes. But legal system and community-based responders should also consider changing their practices in ways that make information sharing more standardized, give survivors time and space during the process to express their voice and choices, and have the flexibility to shape responses accordingly. Another recommendation from the roundtable was to provide opportunities for survivors to connect with peers so they can support and empower each other.

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*Saying "I believe this is the right decision and this is my choice" is one of the most effective principles. –Roundtable participant*

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## Being Survivor-Centered and Trauma-Informed

Survivor-centered and trauma-informed justice responses treat survivors as experts in their own experiences and allow them to define justice, safety, and accountability. Communities and programs should incorporate survivors' expertise when designing or reforming responses, as should the legal system to the extent possible. Survivors should be elevated and recognized as subject matter experts—and paid as such when consulted—and as leaders in the anti-domestic violence movement. Justice-related programs should also be accountable to survivors in their work. Part of that accountability means designing and conducting responses that account for the trauma survivors have experienced and work to minimize retraumatization as much as possible. Key parts of a trauma-informed response include keeping survivors' information confidential and allowing them to remain anonymous if they choose. Recommendations from the stakeholder roundtable include providing trauma-informed training to legal system responders, making policy changes to support survivors' anonymity, and elevating people with lived experience into meaningful roles in the development, implementation, and evaluation of responses.

## Responsiveness to Survivors' Needs

Justice interventions that embody this guiding principle acknowledge and address the full range of needs that affect survivors' well-being, including their safety, economic security, mental health, and family responsibilities. Domestic violence can affect all aspects of a survivor's life and create a myriad of needs that may take precedence over fully engaging in justice-related systems or programs. The safety of survivors and their children is one such need that must be prioritized by any justice response. Study participants also highlighted the importance of financial resources and therapy to survivors' safety, recovery, and sense of justice. Practitioners who work with survivors on justice-related topics (e.g., defining what justice is to survivors, helping survivors understand their options in the legal system or through community programs, helping them navigate those systems) should help them understand their needs and develop a plan to ensure their safety as they pursue their justice goals. It is unlikely, however, that justice-focused agencies and organizations, like law enforcement agencies, prosecutors' offices, restorative justice programs, or legal services providers, can meet survivors' complex needs alone. Therefore, these stakeholders should be aware of the service options in their communities, have screening and referral protocols in place, and engage in multidisciplinary collaboration with each other and local service providers. Community-wide bodies like coordinated response teams, task forces, and alliances and coalitions can help justice-related programs and other services collaborate and connect. Lastly, programs should regularly evaluate and adjust their responses based on survivors' input and emerging evidence-based practices.

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*Mind, body, spirit, and emotion need to be equally touched. –Roundtable participant*

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## Providing Culturally Responsive and Appropriate Responses

This guiding principle recognizes the diversity of backgrounds, identities, and experiences that shape survivors' definitions of justice and safety, access to justice responses, needs, and preferences for interventions. This study intentionally recruited survivors from traditionally underserved groups, who confirmed that many systems and programs are hard to access and navigate, largely in ways related to aspects of their identity. At the most basic level, justice-related programs and communities enacting these principles should demonstrate respect for those unique needs and perspectives and serve all survivors without discriminating by race, gender, sexual orientation, national origin, disability, age, or class. But we also recommend that they go farther and offer culturally relevant and culturally specific services that acknowledge the cultural diversity of survivors and their families. Justice responses should acknowledge the institutional barriers and oppression many communities face and how those affect or are even reinforced in their programs. Doing so may require programs to assess their services and make adjustments to provide easily accessible information and programs, linguistically appropriate services, staff that reflect the diversity of participants, and cultural competency training for staff.

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*I find it very difficult to have straight, heterosexual support because they [system actors or advocates responding to survivors] don't understand my experiences and it's hard for someone who hasn't lived that experience to understand what is going on. –Roundtable participant*

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## An Understanding of Domestic Violence

Justice responses based on an understanding of domestic violence acknowledge the severity of domestic violence, understand the nature and impacts of domestic violence, and incorporate that in interventions. This is key for programs and practitioners to truly take domestic violence seriously. For example, because abuse often takes place in private settings and includes elements of gaslighting, it is extremely important for survivors' healing and sense of justice that they feel like system actors believe them or otherwise affirm their perception of reality. Responses to all types of domestic violence, such as physiological, emotional, financial, sexual, and physical abuse, must be available and accessible for all types of survivors. Practitioners must recognize how the dynamics and impacts of abuse can differ for LGBTQIA+ people and for different racial and ethnic communities. Responses should also be informed by an awareness of how domestic violence intersects with human trafficking, sexual assault, and other harms. Justice responses therefore cannot be one-size-fits-all, and interventions must be able to be tailored to survivors' unique needs and circumstances.

Given the diversity of abusive behaviors and survivors' needs, communities and programs should recognize and advance a range of approaches. One such approach is primary prevention. Another involves acknowledging and addressing the needs of partners who cause harm. Justice-focused professionals should recognize that survivors may want partners who cause harm to change their behavior without being punished (for instance, because they have ongoing relationships with them). They should also understand that partners who cause harm may have trauma and needs that contribute to cycles of abuse. Communities should therefore prioritize interventions that are trauma-informed and meet the individual needs of people who cause harm to achieve meaningful behavior change.

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*Alternatives are really important...[approaches have] to be creative but really specific to DV nuances and accountability because what works for a stolen bike isn't going to work for DV.*  
—Roundtable participant

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## **Accountability**

Accountability means adhering to the belief that people who cause harm are responsible for their actions and should be accountable for their behavior. Communities should acknowledge and develop multiple pathways to accountability, such as through the legal system, restorative justice programs, abusive partner intervention programs, friends and family, the media, or other community mechanisms. Many survivors want (but often do not get) acknowledgement from their partners of the harm they have caused. They may also want that wrongdoing to be known by a greater community or acknowledged by an authority, such as a prosecutor, judge, or community leader. Some want legal or other consequences whereas others want treatment or services to address their partners' specific needs and circumstances. Like with justice, every survivor should be enabled to define what accountability looks like in their case, who should be involved, and what their physical and emotional needs are during the pursuit of that accountability. Lastly, communities and programs should identify the structural and policy barriers that make it harder to pursue or achieve accountability and collaborate across sectors to address them.

## **Communication and Transparency**

Communication and transparency in responses to domestic violence means prioritizing sharing information with survivors about their options, rights, and justice-related processes clearly, often, and from the beginning. A survivor should understand what a process entails, how long it takes, what their role in it is, and what the status of the process is at any time. Professionals in justice-oriented programs especially should set expectations with survivors about the likelihood of achieving their definition of justice through different systems. Having specific staff like case managers or advocates to support survivors is critical for helping them feel more informed and therefore more empowered. In addition to

education for survivors, particularly immigrant survivors, programs should develop and distribute digestible, accessible materials and resources. Transparency also requires reducing bureaucratic barriers to getting information in the traditional legal system and reducing the number of decisions made behind closed doors. In addition to changing policies and practices, practitioners should receive training on how and what to communicate with survivors.

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*[The] case worker has been great, knowing you don't have to figure it out on your own.*  
—Roundtable participant

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## **Fairness and Respect**

Programs enacting this guiding principle will prioritize fair treatment of survivors in justice processes and incorporate fairness and equality in definitions of justice and success in domestic violence cases. In this study's interviews, many survivors defined justice using themes of fairness and equality. For some, this meant being able to speak the truth or both parties being heard equally; for others it meant the outcome is a fair agreement that works for both parties. Communities and programs should explore how to operationalize these concepts. Justice programs should also ensure all survivors are given equal opportunity to be heard in justice interventions and should reduce barriers to equal access to services and responses. Examples include addressing financial barriers to legal guidance or representation, language barriers to participating in the process, and economic challenges related to the length and schedule of the process. Lastly, and fundamentally, all practitioners should treat survivors with dignity and respect, recognizing their humanity and the strengths they bring. Programs can evaluate their services to assess whether survivors feel they are treated with respect by staff and how they can improve.

## **Social Awareness and Systemic Change**

This guiding principle is defined as the commitment to educating communities—including policymakers, the media, and individuals—on the realities of survivors' experiences and effective justice response strategies. Participants particularly recommended additional training for people in power on alternative justice responses and community-wide efforts to improve those responses. This principle also means acknowledging that domestic violence is a systemic issue, not just a private one, and that inequalities and barriers make it harder for some survivors to obtain justice. Communities should therefore invest in eliminating these forms of oppression and social structures that contribute to domestic violence. Survivors have deep interest in contributing to education and reform efforts and should be elevated as partners and even leaders in that work. Communities should track progress toward changing social norms and systems, should identify what needs emerge as that change occurs, and should be able to respond accordingly.

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*There's a real dedication to defending a status quo, so systems don't want to experience DV in a way that would disrupt how we think about our community or system or behavior.*

*—Roundtable participant*

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## Recommendations for Enacting Guiding Principles

The above guiding principles make up an evidence-based tool for policy and systems-level improvement. Our vision is that whole communities will adopt these principles as overarching goals, recognizing that the resources and steps needed to enact them will differ for different types of systems. For example, a law enforcement agency, court system, restorative justice program, and domestic violence service organization all have roles to play in creating a community that upholds these principles for justice responses, but each will have different lengths to go and changes to make. We hope these principles can make the case for those changes to individual professionals like judges or program leaders, to funders, and to legislators to begin improving programs and policies.

But programs and practitioners can take plenty of practical, immediate steps that don't require additional funding or policy changes. For example, improving staff members' ability to engage in active and critical listening goes a long way toward empowering survivors, demonstrating respect, and supporting communication with survivors. Similar impacts can be made by connecting survivors to peers and other support services and elevating survivors as leaders. Overall, the resources participants identified for enacting these principles include education and training (particularly for law enforcement and the judiciary but also for all justice-related practitioners); unrestricted funding for program changes, policy efforts, and evaluation, and money for survivors; more multidisciplinary and cross-identity efforts to unify different groups and communities in combating domestic violence and responding to survivors; and policy and practice changes that make processes and decisions more flexible and transparent.

## Notes

- <sup>1</sup> This project and brief focus on situations where one current or former romantic partner harms another. We refer to this as domestic violence, but it is sometimes also known as intimate partner violence. We also generally use "survivor" to refer to someone who has experienced harm from a current or former partner.
- <sup>2</sup> "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>.
- <sup>3</sup> This project uses "justice responses" to refer to interventions, programs, services, and legal actions that seek to achieve justice in domestic violence cases, which includes holding partners accountable and repairing harm done to survivors and communities. These responses may be found in the traditional legal system as well as alternative approaches. The traditional legal system consists of professionals and agencies in the standard criminal or civil legal system, including law enforcement; civil, defense, and prosecution attorneys; judges; and other court staff.



We define “alternative justice approaches” as responses, programs, or interventions outside of traditional punitive measures, such as batterer intervention programs, restorative justice programs, and other community-based interventions. Justice responses can also include services for survivors that may not be specifically focused on justice but that help them in their pursuit or sense of justice and healing.

- <sup>4</sup> Three coalitions developed sets of principles to guide their work and that of their member organizations: the Arizona Coalition to End Sexual and Domestic Violence (principles not available online), the California Partnership to End Domestic Violence (CPEDV n.d.), and the Family Justice Center Alliance (see <https://www.familyjusticecenter.org/about-us/guiding-principles/>).

Training and technical assistance providers put forth six other sets of guiding principles to inform the work of direct responders (see the CDC and National Center for Trauma-Informed Care’s infographic on a trauma-informed approach at [https://www.cdc.gov/orr/infographics/6\\_principles\\_trauma\\_info.htm](https://www.cdc.gov/orr/infographics/6_principles_trauma_info.htm)), organizations (see the National Human Trafficking TTA Center’s principles at <https://nhttac.acf.hhs.gov/soar/eguide/guiding-principles>; see also OVW 2007), or whole jurisdictions (see ACF 2020, Center for Court Innovation 2022, and NCJFCJ 2014).

Lastly, the Center for Court Innovation (now the Center for Justice Innovation) produced guiding principles on restorative justice for intimate partner violence that stemmed from an OVW-funded survey and case studies (Cissner et al. 2019).

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