

Ending Cycles of Domestic Violence in New York City using a Community-Based Restorative Justice Approach

Domestic violence is generally understood to be the willful abuse of an intimate partner or family member as a systematic pattern of power and control. Domestic violence can take many forms, including physical assault, battery, sexual assault, intimidation, stalking, economic abuse, and manipulation. On average, nearly 20 people per minute are physically abused by an intimate partner in the United States. During one year, this equates to more than 10 million women and men.¹ This widespread problem is nothing new, but with the problem perpetuating, it is clear that traditional strategies for domestic violence prevention are falling short. A new approach must be employed to get to the root of the problem of domestic violence and prevent it from continuing for future generations.

In this paper, I will detail the problem of domestic violence, both reported and unreported, and explain why the traditional law enforcement intervention approach is ineffective in solving the problem. In the second section, I will propose a plan to present new options for a restorative justice approach to solving problems of domestic violence as a community issue in New York City.

I. The Domestic Violence Problem

About 1 in 3 women and about 1 in 4 men report having experienced severe physical violence from an intimate partner in their lifetime.² Nearly 1 in 10 women have been raped by an intimate partner in her lifetime.³ Nearly half of all women and men in the United States have

¹ Breiding, M. J., Chen, J. & Black, M. C. (2014). Intimate partner violence in the United States – 2010. Retrieved from http://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_ipv_report_2013_v17_single_a.pdf

² *Id.*

³ *Id.*

experienced psychological aggression by an intimate partner in their lifetime,⁴ and between 94-99% of domestic violence survivors have also experienced economic abuse.⁵ On a typical day, there are more than 19,000 phone calls placed to domestic violence hotlines nationwide.⁶ In New York state alone, there were 252,535 calls to domestic violence crisis hotlines in 2020.⁷

In a 2022 impact report, the National Domestic Violence Hotline reported experiencing “historic high contact volume” with more than 775,000 calls, chats, and texts received.⁸ According to the data collected, 93% of people who contacted the Hotline reported emotional and verbal abuse, 63% reported physical abuse, 32% reported economic and financial abuse, 18% reported digital abuse, and 14% reported sexual abuse.⁹ Additionally, compared to the previous year, survivors who reported experiencing homelessness increased 114%, housing instability increased 47%, and reports of children involved increased 19%.¹⁰

A. Reporting Problems

Despite the staggering statistics, it is estimated that more than half of all domestic violence-related incidents are not reported at all.¹¹ Domestic violence is a deeply personal struggle, and one with no easy solution. Survivors of domestic violence may not report abuse for a variety of personal reasons including fear of retribution by the abusive partner, emotional manipulation, shame, or distrust in the legal system. For many people, the consequences of

⁴ *Id.*

⁵ Postmus, J., Plummer S., McMahon, S., Murshid, N., & Kim, M. (2012). Understanding economic abuse in the lives of survivors. *Journal of Interpersonal Violence*, 27(3), 411-430.

⁶ Nat. Coalition Against Domestic Violence, National Statistics Fact Sheet, available at https://assets.speakcdn.com/assets/2497/domestic_violence-2020080709350855.pdf?1596828650457

⁷ N.Y. Off. of Child. & Fam. Serv., Domestic Violence Prevention Act. Ann. Rep. (2020) – available at <https://ocfs.ny.gov/reports/dvpa/2020-DV-Annual-Report.pdf>

⁸ Nat. Domestic Violence Hotline, 2022: A Year of Impact, Ann. Rep. (2022) – available at <https://www.thehotline.org/wp-content/uploads/media/2023/07/2022-Impact-Report-Final.pdf>

⁹ *Id.*

¹⁰ *Id.*

¹¹ Rachel E. Morgan & Jennifer L. Truman, *Criminal Victimization*, 2019, U.S. Dept. of Justice Bureau of Justice Statistics (2020), available at: <https://bjs.ojp.gov/content/pub/pdf/cv19.pdf>

reporting are coupled with serious risks to their well-being on a day-to-day basis. For example, survivors may be financially or otherwise dependent on their abusive partners. Many people don't report because they are afraid of losing their home, their ability to pay bills, or custody of their children once the police are called. Furthermore, many survivors find themselves isolated from their family and friends or feel pressure to keep family disputes private. Many others fear they may face criminal or immigration consequences that will only make their suffering worse.

Still, even removing financial and legal obstacles, the stigma associated with domestic violence alone is enough to prevent reporting. A 2006 report estimated that nearly 1.5 million high school students in the United States are physically abused by dating partners every year,¹² and only 33% of teenage dating abuse victims ever told anyone about it.¹³

For a variety of deeply personal, logistical, and societal reasons, many survivors of domestic violence suffer alone, and lack access to the assistance and resources they need.

B. Inadequate or Ineffective Intervention by Law Enforcement

In 2021, the National Domestic Violence Hotline surveyed survivors who reached out to its chat line and website in a two-month period, with more than 1,500 survivors responding.¹⁴ Of those surveyed, 82% of them had contacted the police and 12% had not, but both groups shared concerns about contacting law enforcement.¹⁵ Survivors who were hesitant to call the police cited fears of reprisal, eviction, arrest, embarrassment, immigration status, and fear of losing custody of their children as reasons for not calling law enforcement.¹⁶ 71% of survivors reported

¹² Centers for Disease Control and Prevention. (2006). Physical dating violence among high school students—United States, 2003. *Morbidity and Mortality Weekly Report*, 55(19), 532-535.)

¹³ Teenage Research Unlimited (2005). Omnibuzz© topline findings – Teen relationship abuse research. Fifth and Pacific Companies. Retrieved from <http://www.breakthecycle.org/sites/default/files/pdf/survey-lina-2005.pdf>

¹⁴ Leigh Goodmark, *Law Enforcement Experience Report*, Nat. Domestic Violence Hotline (2021) – available at: https://www.thehotline.org/wp-content/uploads/media/2022/09/2209-Hotline-LES_FINAL.pdf

¹⁵ *Id.*

¹⁶ *Id.*

fearing the police would do nothing if called, and half believed the police might arrest their partners, but that the abuser would not ultimately face consequences.¹⁷ Additionally, almost 25% of survivors reported fearing that the police would arrest them, more than half were concerned the police would not believe them, and 21% believed they would be threatened by the police or would be reported to Child Protective Services.¹⁸ Of those who did call the police, 55% reported believing they were discriminated against in some way, and 25% said they were threatened with arrest.¹⁹ When the survivors surveyed were asked if other resources had been available, would they have chosen an alternative over police, 71% answered “yes.”²⁰ The results of the survey make clear that alternatives to calling law enforcement for assistance are needed to solve the problem of domestic violence.

C. Further Problems of the Criminal Justice Approach

Of course, calling the police is only the start of the criminal justice process. New York State has a mandatory arrest policy for incidents of domestic violence, so prosecutors are left to discern which cases should proceed. In 2014, New York City prosecutors declined to file 14% of all domestic violence arrests, compared to 7% of arrests regardless of the charges.²¹

Of the people arraigned on domestic violence related charges in 2013, 25% were sent to pretrial detention, and 10% were detained for the entirety of their case processing.²² Additionally, that year, domestic violence misdemeanor cases required almost twice the processing time on average compared to non-domestic violence related cases.²³ Many survivors feel they are unable

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Kerodal and Rempel, *Domestic Violence Case Processing in New York City: Results at the Pretrial and Dispositional Stages*, Center for Court Innovation (February 2018).

²² *Id.*

²³ *Id.*

to risk a long and arduous trial, especially when they are relying on a their partner financially or otherwise. Furthermore, only 37% of domestic violence-related cases ended in a guilty plea or conviction, with 13% receiving a criminal conviction and 24% pleading to a violation or lesser charge.²⁴ For those who were convicted of domestic violence-related misdemeanors, 6% were sentenced to jail, with 45% of the jail sentences lasting 30 days or less.²⁵ Citywide, 4% of cases initially arraigned on domestic violence felony charges were sentenced to prison for at least one year, and 16% were sentenced to jail.²⁶ Far fewer domestic violence cases (37%) ended in a guilty plea/conviction, compared to non-domestic violence cases (58%).²⁷

Perhaps most strikingly, 65% of domestic violence cases in 2013 involved defendants with a prior arrest.²⁸ In addition, 16% had a prior domestic violence arrest, 34% had a prior conviction, and 7% had a prior domestic violence conviction.²⁹ Furthermore, 36% of domestic violence defendants were re-arrested within two years, and 17% were re-arrested for domestic violence-related incidents.³⁰ With slim chances of seeing success from a criminal proceeding and high rates of recidivism for those who are convicted, it is understandable why survivors lack faith in the criminal justice process.

D. Long-Term Consequences

The problem is also a generational one. About 1 in 15 children are exposed to intimate partner violence each year, and 90% of these children are eyewitnesses to the violence.³¹

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ Sherry Hamby et al., *Children's Exposure to Intimate Partner Violence and Other Family Violence*, Nat. Survey of Children's Exposure to Violence, published by the U.S. Dept. of Justice Off. of Juvenile Justice & Delinquency Prevention (October 2011).

Children who witness intimate partner violence growing up are three times as likely as their peers to engage in violent behavior,³² and to be engaged in a variety of violent and non-violent crime.³³ Children who are raised in abusive homes are also more likely than their peers to be in abusive intimate partner relationships in the future, either as victims or perpetrators.³⁴ Finding solutions to domestic violence now means creating new habits and resources to disrupt generational cycles of abuse.

II. Proposed New York City Council Legislation

The evidence suggests that the current approach to tackling the issue of domestic violence simply isn't working. Instead, I am proposing a new approach based on creating, expanding, and encouraging restorative justice community-based practices as an alternative to criminal processes by establishing a partially government-funded coalition of practitioners.

In 1987, New York State passed the Domestic Violence Prevention Act, which requires local departments of social services to provide shelter and services to victims of domestic violence and established funding mechanisms for these programs.³⁵ New York City has provided these services to survivors, as well as enacted legislation to further support them through the New York City Council. Just last year, the New York City Council passed the “Support Survivors” package, which requires city agencies to establish a housing stability program for

³² Kimball, E. (2016). Edleson revisited: Reviewing children's witnessing of domestic violence 15 years later. *Journal of Family Violence*, 31(5), 1-13. DOI:10.1007/s10896-015-9786-7

³³ Holt, S., Buckley, H., & Whelan, S. (2008). *The impact of exposure to domestic violence on children and young people: A review of the literature*. *Child Abuse and Neglect*, 32(8), 797-810. Retrieved from – <https://doi.org/10.1016/j.chiabu.2008.02.004>

³⁴ *Id.*

³⁵ N.Y. Off. of Child. & Fam. Serv., Domestic Violence Prevention Act. Ann. Rep. (2020), *supra*.

survivors and create an online portal and resource guide for survivors.³⁶ In a similar vein, I would like to propose a bill aimed at supporting survivors and preventing domestic violence using restorative justice approaches.

A. What does a restorative justice approach to domestic violence look like?

Rather than relying on punishment as a response to harm, restorative justice offers an alternative way, seeking to repair harm and prevent future harm by focusing on the needs of survivors and inviting perpetrators into a process of active accountability.³⁷ As the evidence suggests, the use of traditional social forces to prohibit and punish violence doesn't help the offender nor the survivors to heal, recover, or understand how to develop relationships without violence. Restorative justice practices are aimed at treating criminal acts as fissures in the community, rather than isolated incidents and individual acts of deviance. They focus on calling on community members themselves to play a role in solving the problem, promoting understanding and empathy, serving the needs of the survivor, and preventing future harm by getting to the root of the problem. For domestic violence incidents, restorative justice practices aim at striking a necessary balance between serving the state's interest in controlling and preventing harmful behavior, and the survivor's interest in preserving individual dignity, personal integrity, and the development of a healthy family life.

Many programs already exist throughout New York City that employ these practices, including using a trauma-informed approach, providing individualized therapies, healing practices, support groups, and other services for survivors and their families, as well as voluntary abusive partner intervention programs. For example, the Urban Resource Institute, which is the

³⁶ Press Release, New York City Council, *Council Votes to Increase Services for Survivors of Domestic and Gender-Based Violence*, Oct. 27, 2022, available at: <https://council.nyc.gov/press/2022/10/27/2292/>

³⁷ Center for Justice Innovation, *Restorative justice focuses on repairing harm and strengthening relationships*. <https://www.innovatingjustice.org/areas-of-focus/restorative-justice>

largest provider of domestic violence shelter services in the United States, utilizes a holistic approach and provides innovative prevention and intervention programs for survivors and abusive partners.³⁸ However, even much smaller, more community-based programs exist across the city; some community leaders provide programs they may not even know are utilizing restorative justice approaches. For example, a group of Spanish-speaking men has been meeting for years at the Oberia Dempsey Multi Services Center in Harlem to take classes led by Marlon Walker, a former high school history teacher who immigrated from Panama. The participants have all been violent toward their romantic partners, and their partners persuaded them to get help without involving the legal system. During the classes, participants speak about “masculinity, trauma, and the harm they’ve caused.”³⁹ Programs such as these exist with varying levels of participation and success across the city and can provide an effective alternative to the traditional law enforcement approach to domestic violence.

B. Goals of the Proposed Legislation

With these programs in mind, I would like to propose a bill to the New York City Council which establishes a coalition of providers and practitioners under the Mayor’s Office to End Domestic and Gender-Based Violence. Under this bill, the government would be funding existing programs and practitioners within communities, relying on their experience, and augmenting their resources to expand these restorative justice programs to communities across the city. Existing programs and practitioners could petition the Mayor’s Office to End Domestic and Gender-Based Violence for participation in the coalition, which would come with direct funding for training and resources. The goals of the legislation would be to create a community

³⁸ Urban Resource Institute NYC, <https://urinyc.org/> (last visited Dec. 20, 2023).

³⁹ Roshan Abraham, *New York City pledged to fund programs to stop domestic violence without involving the legal system. But there’s disagreement about how to do it.* Published on The Appeal, Aug. 18, 2020. Available at <https://theappeal.org/domestic-violence-community-based-programming-new-york-city/>

of practitioners to share their knowledge and promote restorative justice practices. This would include implementing training programs, expanding voluntary abusive partner intervention programs, promoting education to eliminate stigma and encourage community support, providing individualized therapies, community healing circles, and support groups to survivors and perpetrators, and developing standards of practice and guidelines for practitioners.

Resources provided through the legislation would ultimately facilitate information sessions and trainings at community centers, provide resources at domestic violence and homeless shelters, facilitate support groups and improve access to social services, engage with community and faith leaders across the city, ensure resources are available and accessible to all New Yorkers, encourage empathy to make sure survivors' needs are put forth, spread awareness to teens and children through school resources, and address structural oppression and incorporate community and culturally-specific components to connect on an individual level from a holistic approach.

C. Strategy for Passing the Bill

First, in order to promote passage of the bill, I would focus on lobbying council members who have advocated for domestic violence survivor legislation in the past. In particular, Tiffany Cabán, who is the Chair of the Committee on Women and Gender Equity and has championed legislation to protect survivors of domestic violence in the past, would be an excellent advocate for the bill. Council Member Cabán spent several years as a public defender, which helped her identify some of the worst inequities in the criminal justice system, and inspired her to run for elected office, determined to redefine how New York approaches public safety. Her background and desire for reform would make her an excellent partner to push this legislation through the Council. Additional advocates from within the City Council may include Chair of the Committee

on Criminal Justice and reform advocate Carlina Rivera, Committee on General Welfare Chair Diana Ayala, Black, Latino and Asian Caucus Co-Chair Kevin Riley, and Women’s Caucus Co-Chair Farah N. Louis, who have all supported similar legislation in the past.

From outside the City Council, we would also employ credible messengers to advocate for the bill’s passage in the media. Because passage of this legislation would help organizations and programs that already exist, they will be in favor of furthering the cause. This would include nonprofits, social service providers, shelters, advocacy groups, and government agencies with vested interests in a positive outcome. Some examples include Safe Horizon, Sanctuary for Families, United Way of New York City, The Legal Aid Society, New Economy Project, Urban Resource Institute, and the Center for Justice Innovation. These organizations are reputable across the city and can be powerful allies to draw attention to the bill and put pressure on the City Council. Additionally, the community-based programs and smaller-scale providers who will be influenced by this legislation can garner grassroots support from within their communities.

Additionally, we can maximize support for our initiative by framing the issue in different lenses and appealing to a wide variety of advocacy groups. Providing resources to community-based programs and practitioners could lead to a lower rate of incarceration, fewer people suffering from housing instability, a lower rate of children in foster care systems, fewer people facing deportation proceedings for minor criminal charges, and more. In this sense, domestic violence is a housing issue, a decarceration issue, a protection of children issue, a public health issue, a gender equity issue, an immigration issue, an LGBTQ+ issue, a cultural issue, a socio-economic issue, and more. Connecting with advocates for these issues can amplify our message and garner greater support from the City Council and the public overall.

D. Obstacles & Challenges

Naturally, this plan won't be without its challenges. First, we want to make sure that we never give the impression that domestic violence is not a crime, and reinforce that criminal consequences can and should be available and utilized as necessary. It will be challenging, but vital, to keep the message consistent: we in no way want to defend or normalize violence of any kind. Rather, we want to make sure that people understand that this is an alternative approach or supplemental service to solving a complex problem.

Furthermore, a restorative justice approach tends to elicit criticism from traditional law and order conservatives. Critics often argue that providing help for offenders rather than punishment is ineffective, and that funding resources for perpetrators will take money and services away from survivors. We will rebut this opposition with the glaring recidivism statistics and argue that traditional approaches are not working. Additionally, we will make clear that funding abusive partner intervention programs will not take funding away from survivors. Rather, our goal is providing assistance to all parties so that they can heal and move forward in healthy ways. Furthermore, providing services that help offenders ultimately helps survivors. By disrupting cycles of domestic abuse, we can prevent future incidents and protect survivors and their families. When offenders are held accountable for their actions while having a chance to determine why they cause harm and developing skills to prevent future harm, we can create a better, safer society overall.

E. Continuing Efforts After Legislation is Passed

After successful passage of the bill, the coalition will be created under the Mayor's Office to End Domestic and Gender-Based Violence. Of course, the legislation will be ineffective unless restorative justice practitioners know about it. We will reach out to program leaders to make them aware of the resources that are available to them and give them the opportunity to share

their experiences and learn from others by joining the coalition. We will also reach out to other community and faith-leaders who may not be engaging in these practices yet but will want to participate in information sessions and trainings provided once the coalition is established. In particular, we will want to reach out to leaders of traditionally marginalized communities, to ensure that the programs are implemented in ways that are accessible and effective for every New Yorker.

III. Conclusion

As we have seen in recent years, criminal punishment is not always an effective solution; this appears to be as true with domestic violence offenders as with any other crime. In order to end cycles of domestic violence in New York City, we must employ a community-based restorative justice approach. This proposed plan will provide options for thousands of survivors who seek an alternative to the traditional law enforcement approach for a variety of reasons. By focusing primarily on the needs of the survivor, a restorative justice approach can provide much-needed resources for moving forward and forming and maintaining safe and healthy relationships in the future. By viewing domestic violence as a community problem, we can remove the stigma of abuse and hold each other accountable for our actions, working toward a collectively brighter future. By encouraging abusive partner intervention programs and therapies, offenders can get to the root of their own problems, learn to overcome their own issues that have caused them to do harm in the past, and develop skills to lead safe, healthy lives in the future. Overall, tackling the issue of domestic violence from a restorative justice approach can help us to create a safer future for New York City.