IKSP Institut pro kriminologii a sociální prevenci

Hana Přesličková a kol.

Treatment of Perpetrators of Domestic Partner Violence I

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Summary

The aim of this study was to map the current situation in the area of treatment of perpetrators of domestic partner (gender-based) violence, both in terms of conceptual and legislative, i.e. systemic settings, and in terms of the functioning of this system in practice. The aim was also to map foreign approaches in selected European countries that could provide inspiration for addressing the issue in the Czech Republic. The aim was primarily to support the existing system of addressing the issue of domestic violence from the perspective of procedures towards its perpetrators in order to increase the protection of victims of domestic violence and improve their overall life situation.

Treatment of perpetrators of domestic violence in selected European countries

An overview of foreign approaches to dealing with perpetrators of domestic violence in five selected European countries, namely Austria, Germany, Norway, Spain and the UK, focuses on the systemic anchoring of work with perpetrators in the fight against domestic violence in each country. The aim was to present examples of good practice and best practices from neighbouring countries that could serve as inspiration in the search for an optimal approach in our country. The overview shows that in European countries, **work with perpetrators has a strong place** and is seen as an integral part of the solution to the problem of domestic violence. Although the selected countries differ slightly in their measures, the basic premises and principles underlying their approaches are very similar. The problem of domestic violence is not taken lightly in each country and there are long-standing efforts to address it. All countries have made sure that the issue is clearly anchored in legislation and strategy. In most, specific laws have been adopted over time to address the issue. The focus is primarily on the protection and safety of persons at risk. Domestic violence is not tolerated and is considered a criminal offence everywhere, and there is a gradual tightening of repression and a clear social condemnation of perpetrators of this type of violence. This is not a problem that should be dealt with privately, but it is legitimate for the state to step in from its position of authority to deal with the problem. On the other hand, governments are aware that domestic violence is a very complex problem that cannot be addressed in isolation or only through victim assistance. This is often too late. In selected countries, domestic violence is viewed as a society-wide problem, and efforts to address it systemically and to prevent it effectively are evident. **Partner violence is seen as a problem for the whole family** and part of the response is always to address the situation of the children involved. It often appears that the emphasised (bi)polarisation of the problem and the isolation of the solution either on the side of the victim or on the side of the perpetrator alone do not lead to effective protection of those at risk and to stopping the violence.

When violence does occur, countries use a variety of institutions to protect those at risk. These include measures aimed at the perpetrators of violence. All countries have some form of short-term restriction on the rights of the perpetrator in the form of residence or contact bans. However, these 'regime measures' are not considered sufficient. There is a need to look for **solutions that have a longer-term impact** and lead to a change in patterns of violent behaviour. All countries therefore see the value of working with perpetrators, as evidenced by years of experience with interventions and efforts to continuously

improve them. The primary beneficiaries of this work should be the victims. The potential financial savings to the state are not negligible. In the **United Kingdom**, for example, an **evaluation study of the Drive** programme concluded that the intervention reduced the rate of domestic violence among high-risk perpetrators. The cost of implementing Drive, estimated at £ 2,400 per offender, represents a significant saving compared to the social and economic cost to society of these high-risk offenders without intervention, which has been estimated at £ 63,000 per offender (HM Government, 2022). However, for interventions to have this positive impact, great care needs to be taken in their effective implementation and application. Interventions cannot be implemented in isolation but must be part of a system. In each country, the emphasis is mainly on **mutual cooperation and coordination of all actors involved** in addressing domestic violence. Effective communication and information exchange are also essential. Most countries require providers of interventions for perpetrators to work in partnership with providers of services for victims. Communication and mutual feedback with state authorities and institutions are also important. This can only be achieved by ensuring that everyone has a good understanding of domestic violence, knows exactly what to do, who to contact and where to find the necessary information. That is why all states are committed to the ongoing **training and specialisation** for those working in this area. In particular, efforts are made to constantly sensitise and specialise **police and criminal justice** personnel. Each country has an **umbrella institution** or mechanism to facilitate communication and cooperation. Moreover, the importance of the umbrella institution is that it 'oversees' the quality of the interventions provided. In many countries, providers must adhere to standards in order to become members or receive accreditation. Additionally, these organizations play a crucial role in advocating and lobbying for political representation.

Regarding the application of **therapeutic programmes for perpetrators** of domestic violence, whether clients enter voluntarily or are ordered is not a fundamental concern. This division appears to be highly relative. For instance, in Norway, perpetrators cannot be compelled to participate in programmes. However, the low societal tolerance of violence in this country may put considerable external pressure on the perpetrator to enter the programme. This is due to the legal obligation to report such behaviour and the threat of heavy punishment. The basic offence carries a penalty of up to six years' imprisonment, which is considerably harsher than in other countries. Factors such as the availability of interventions (in terms of time and location) and clear information about their purpose and benefits are more important. At the same time, the a wide range of programmes should be available to meet the different needs of a heterogeneous group of offenders. These circumstances can have a significant impact the motivation of the perpetrators to do something about themselves, which is key to achieving change. On the one hand, given the heterogeneity of the target group, the **diversity of the range of interventions** available is also highly desirable, and it is therefore not seen as disadvantage that providers with different philosophies in their approach to IPs operate in parallel with the 'official' programmes in each country. On the other hand, this is a particular **obstacle to rigorous evaluation studies**, which, despites efforts, are still lacking in relation to the programmes for violent people. However, attempts to evaluate effectiveness have produced promising results. Monitoring, data collection, research and evaluation are other priorities for States in their work with violent people. Collaboration with research institutions is therefore also an integral part of the systems approach.

Long-term therapeutic programmes have an indispensable place in working with the perpetrators, but **early interventions**, which are more or less formalised and available in each country, can have an even greater impact. Interventions such as counselling in prevention clinics, direct dialogue, CARA, Make a Change, Clear, the operation of crisis lines for men or various information campaigns can have a significant preventive effect and help to build motivation for change. Early risk assessment tools can also help to prevent violence. However, as the example from Spain shows, a sophisticated algorithm alone is not enough to do this, and here too it is essential to build on coordinated, effective cooperation and information-sharing that takes account of the specific circumstances of each case.

All the countries can be considered as examples of good practice worthy of emulation and inspiration in their approaches to tackling domestic violence. Of the countries presented, **Austria is probably the most interesting for us** in this respect, as its system of combating domestic violence has already inspired us in many ways. However, the work with the perpetrator, which is an integral part of the solution to this problem in Austria, has not yet been transferred to our system.

Treatment of Perpetrators of Domestic Violence in the Czech Republic – Strategy, Legislation and Expert Evaluation of Application Practice

As can be seen from the section focused on mapping the current state of domestic violence in the Czech Republic in terms of the treatment of its perpetrators, it is clear that the Czech Republic has undergone significant changes in its general concept and approach to this issue over the past 20 years. This is particularly true in the area of the legal definition of basic principles and the introduction of important measures. The legal regulation of domestic violence in the Czech Republic is characterised by a wide range of procedures and measures applied to perpetrators of domestic violence, regulated across legal sectors, which in many respects **correspond to established measures abroad**. Since the 1990 s, strategic planning and conceptual procedures in this area have been driven primarily by the efforts of non-governmental organisations involved in providing assistance to victims of this type of violence. This has led to the establishment of a number of institutions, including the newly established Government Council for Human Rights, and the Committee for the Prevention of Domestic Violence and Violence against Women, which was established in 2008 and prepares and evaluates the basic strategic document in this area, the Action Plan for the Prevention of Domestic and Gender-Based Violence. At the national level, the Department for Gender Equality of the Office of the Government of the Czech Republic formulates concepts and strategies, coordinates the actions of the public administration and monitors the situation in the field. However, the **treatment of perpetrators of domestic violence** in the Czech Republic **has not received much attention** from a conceptual and systemic point of view. So far, the only glimmers of light are activities and results of the Working Group for Work with Violent Persons (which operates under the Committee for the Prevention of Domestic Violence), formulated in 2018 in the **Minimum Standards** for Work with Perpetrators and Perpetrators of Violence in Close Relations in the Czech Republic.

As in foreign approaches, the purpose of the measures taken and procedures applied is always to increase the protection of vulnerable persons. Almost all the important measures

known and proven in foreign approaches, such as immediate and short-term expulsion, interim measures in the form of denial of access to the home in both civil and criminal law, and protection from further interference in private law, have been gradually incorporated. The introduction of repressive procedures, particularly in the form of punishment for the special offence of Abuse of a Person in a Common Dwelling, was a pioneering step in the temporal sense, and its further strengthening was also noticeable.

Generally speaking, however, the prevailing measures are primarily aimed at physically preventing/stopping violence for a specific, often relatively short period of time, primarily to provide a safety net for those at risk. There are relatively few purely preventive measures that aim to work with the perpetrator's responsibility for the acts committed or those that aim to eliminate or completely remove the causes of violence in the long term by working with the violent person.

This is confirmed by the evaluation of the application practice by the experts themselves within the expert panel. According to them, there have been significant changes in the field of DV solutions in the last 15 years or so (mainly of a legislative nature, strengthening of cooperation between institutions, police preparedness). Nevertheless, they believe that not much work is being done with DV offenders, possibly in an unsystematic, low-intensity, short-term and poorly individualised way, and therefore ineffective.

In the Czech Republic, the legal regulation and legislative possibilities for the use of appropriate measures in the Czech Republic cannot be considered inadequate. The legislative prerequisites for the use of **longer-term therapeutic interventions** for working with violent persons within the framework of existing measures are already in place. However, their use is often conceived as **part of repressive measures** (e.g. in the field of administrative and criminal punishment), and **without a conceptual framework** of mutual cooperation and feedback between the imposing authority and the organisation providing the intervention. This situation can have a negative impact on the motivation of offenders, on the overall effectiveness of the programmes and, consequently, on the perception of these interventions by the imposing institutions and authorities. The possibilities for using these measures are set up in such a way that they are **usually applied too late**. In practice, these options are rarely used and their application is not supported by the creation of an interdisciplinary capacity and methodological basis in practice. This applies both to precautionary (preventive) measures and to the obligation to undergo psychological programmes or other therapeutic or social interventions.

However, as mentioned above, **early intervention tools** against perpetrators of violence play an important role in foreign approaches. In the Czech Republic, at the stage of first contact with the system, there is no formalised instrument or procedure, apart from physical eviction (and the provision of information about assistance), which would ensure early preventive action against perpetrator, especially in an educational or even therapeutic way. For example, the **analogy of the so-called preventive interview or short-term educational intervention**, which can be found in some foreign procedures, cannot be found in Czech legislation, and therefore also in practice. The **role of police officers** seems to be crucial here, as they are often the first to deal with a situation related to domestic violence and at the same time inform other important actors. Their intervention procedures also

determine the future fate of the individual actors involved in domestic violence, not only the perpetrators but also the victims. They also determine the level of cooperation and awareness in other procedures of relevant institutions and bodies. It is therefore important that police officers are equipped with sufficient tools in this respect, but also with information, experience and qualifications.

According to the evaluation of experts, there is also **lack of awareness-raising and training of individual actors**. This problem **particularly affects judges** who do not have mandatory training in this area. Even in the case of the police, the existing system of DV training involving the regions is not always sufficient. At the level of the criminal justice system, the **use of specialised prosecutors**, who have the potential for skilled procedures in cooperation with police officers and other authorities and by linking them to civil proceedings, can be considered good practice. It would be advisable to involve the public prosecutor in early intervention by informing him/her of every eviction of a violent person by the police. With regard to misdemeanour proceedings, this is basically left entirely to its own fate in terms of the treatment of perpetrators of domestic violence, and especially in terms of the application of special restraint measures in the form of aggression management programmes. There are no specialised procedures, strategy or capacity to support this agenda.

On the other hand, experts working with violent persons in practice (implementing programmes for perpetrators of violence), are positive the efforts to **work with unmotivated persons**, who are usually considered to be perpetrators of domestic violence, i.e. persons who are obliged to participate in the programme as part of a sanction imposed by one of the competent authorities.

The absence of methodological materials and standardised procedures for dealing with cases domestic violence, which would be aimed at cooperation between individual organisations, the transfer of information, and the perpetrators of violence themselves, is manifested as insufficient in the treatment of perpetrators of domestic violence in general. This has significant impact the level of cooperation between institutions, which is rated ambiguously, with only partial improvements being assessed positively. There is considerable potential for significant change and strengthening of mutual cooperation in this area. The lack of capacity and overload of system components are major issues in implementing individual measures. This results in a lack of necessary capacity for a specialised and individualised approach. Additionally, communication between institutions and organisations is hindered by differing terminology and approaches.

In general, it can be said that the approach to perpetrators of domestic partner violence in the Czech Republic appears to be highly inconsistent and is rather based on the focus of the relevant institution dealing with perpetrators (e.g., the Czech Police, the courts, the Probation and Mediation Service of the Czech Republic, NGOs). There is no functional link between the various measures and the relevant institutions. Specific programmes and interventions aimed at perpetrators of domestic partner violence are currently very limited in the Czech Republic, which is reflected in the situation of victims. The problem is therefore the **ineffective structure of the system of treatment of perpetrators of domestic partner violence**, which primarily harms the victims of this type of violence.

The expert panel identified a number of opportunities to make work with offenders more effective have been identified, both at the level of whole institutions and at the level of specific measures. However, some of these are partly dependent on slow systemic changes such as increased funding, political support, legislative changes and increased system capacity. For example, a relatively simple and easy way to improve the quality of work with DV offenders is for example for organisations to inform relevant authorities about programmes or to disseminate standardised methodologies from abroad.

Further discussion should be prompted by an assessment of the need to make visible the identified shortcomings in the actual functioning of the system of work with perpetrators of domestic violence, as well as the issue of enabling feedback between institutions on the effects of the perpetrator's involvement in the programme, strengthening the competencies of police officers for the qualification of domestic violence, but also of other authorities, and exploring the possibility of strengthening public and professional confidence in aggression management programmes. These important limitations and, in particular the needs and opportunities, are explored in the empirical part of our research and the results will be presented in a subsequent monograph.

Domestic violence in criminal justice data

The chapters that focus on the analysis of statistical data (supplemented subsequently by an analysis of criminal files) on cases of offences with a domestic violence element that were dealt with by the criminal justice system during the period 2008–2022 provide an overview of the prevalence of this crime, the characteristics of its perpetrators, trends in this area, as well as the characteristics of judicial decision-making and its important aspects in relation to cases of domestic partner violence. Only a fraction of the real extent of the problem is reflected in the number of cases recorded in official criminal justice statistics. In this respect, it is often referred to as the tip of the iceberg of the incidence of domestic violence in the Czech Republic. On the other hand, the statistical data collected by the criminal justice authorities, although incomplete, are one of the most valuable sources of a range of important information and knowledge about the crimes committed in connection with this type of violence, their perpetrators, the sanctions and processes leading to their imposition and other related factors.

Scope and structure of crime with domestic violence

With regarding to the overall volume of registered cases of domestic violence, an analysis of the statistical data shows that during the period under review between 2008 and 2022, the public prosecutor's office registered an average of 859 cases of domestic violence per year and the courts heard an **average of 545 cases**. If we put these figures in the context of the total number of crimes dealt with by the courts, we can see that they represent only **a fraction of the total number of people brought before the courts**. An average of 65,061 people have been brought before the courts over the last five years. This means that less than one per cent (0.8 per cent) of the total number of people charged with domestic violence were dealt with by the courts. This proportion is even lower if only cases of partner violence are considered. Some of the results of our findings are therefore not too surprising.

Partner relationships were the most common context in which this crime was recorded. On average, there were 384 cases per year. We have analysed cases of partner violence in particular in more detail, both in terms of statistical data and selected criminal files. The fact that during the period under consideration (2008–2021) there is a clear trend towards an increase in the number of cases of crimes involving partner violence in the context of unmarried couples, and a simultaneous decrease in the number of cases in the context of marital cohabitation, seems to be specific. However, this trend, does not correlate with the number of marriages, which, fell in 2013 but rose again in the following years. This may be due to the fact that marriages in recent years have tended to be entered into by older and more educated people, who are more stable in their relationships. With regard to the new reporting method, the aspect of marriage will no longer be decisive, as the focus of the judicial statistics will be on recording current or former intimate partnerships, as required by international organisations, regardless of the legal nature of the union.

Domestic violence is registered not only in the special crime of Abuse of a Person Living in a Common Dwelling (hereinafter referred to as Abuse, or partner violence), but also in other crimes that are committed in the context of this type of violence. Perpetrator often commits several offences concurrently in this context. After analysing judicial statistics on offenders convicted of domestic violence offences, it can be conducted that **the structure of this crime** has changed relatively over the decades. The crime of (domestic) Abuse is clearly one of the most frequent crimes with a domestic violence element. However, the offences of Dangerous Threats, Bodily Injury, Extortion and Abuse of a Person in Charge are also more prevalent in the structure of the offence and their proportion is slightly increasing. The easier availability of evidence in cases of other crimes may contribute to this trend. In contrast, the incidence of Abuse has been decreasing over time. Additionally, the proportion of cases where the offender is convicted of multiple offenses with a domestic violence element is on the rise.

However, the proportion of more severe cases that fall under the second paragraph **has been steadily increasing over time**. This rise may be attributed by the adoption and implementation of the new legal regulation of the offence of Abuse in the updated Criminal Code. Additional circumstances have been included in the second paragraph to warrant a higher criminal charge, which better reflects the nature of the cases being handled. Usually, the perpetrator's behaviour is classified under Section 199, second paragraph, letter d) of the Criminal Code, as committed over an extended period. This trend was confirmed by a more detailed analysis of cases where the offender was convicted only for the offence of Domestic Abuse.

The data analysis reveals that cases of chronic domestic violence, where a single perpetrator **repeatedly commits acts of violence**, can easily go unnoticed and not receive an appropriate response that reflects the severity of the situation. Therefore, it may be appropriate to consider this circumstance when defining the offence of cruelty and to impose a harsher penalty for repeated domestic violence.

Regarding **the regional distribution** of cases of domestic violence, statistical data show that the Karlovy Vary Region is significantly more affected than other regions, with seven cases per 100,000 inhabitants per year. The Moravian-Silesian (five) and South

Moravian regions (four) also have high indices. On the other hand, the regions with the lowest number of cases per 100 000 inhabitants include Prague (two), Central Bohemia (three) and Pilsen (three).

Punishment of perpetrators of domestic partner violence

According to statistical data and criminal files analysis, the majority of individuals (80%) who were brought to court for domestic violence in a partner relationship were convicted. Acquittal occurred in only 8% of cases, while in 12% of cases there was no conviction due to reasons such as discontinuation of prosecution or referral of the case to another authority.

In the period 2008–2022, imprisonment in all its forms was the typical punishment for crimes involving domestic violence in partner relationships. Other sanctions were rarely imposed for such crimes. **Over two-thirds of offenders receive suspended prison sentences**, with an average of 68%. Additionally, in 19% of cases, offenders are also supervised, which is a significantly higher proportion than in the general population of convicted offenders, where only 6% receive a suspended sentence with supervision. It is evident that in cases of domestic violence, the courts consider the risks associated with the offender's subsequent behaviour and impose greater supervision compared to other cases. 27% of convicted offenders received an unconditional prison sentence, with the proportion of unconditional sentences compared to suspended ones slightly increasing in the long term.

In terms of court decisions, the majority (81%) of cases of partner violence are resolved by means other than a criminal order (simplified convictions used in minor criminal cases), and this proportion is increasing (although, this trend has been interrupted in the last three years). This is clearly related, firstly, to the fact that the offence of Abuse is more often qualified in the second paragraph as a more serious form of this behaviour. It is also related to the fact that the proportion of converging offences is increasing, which inevitably leads to more complex evidence and also to the imposition of more severe sanctions. These factors also increase the length of criminal proceedings. This trend also applies and is more pronounced in cases where the offender has only been convicted of the offence of Abuse. With regard to the individualisation of punishment in the form of the **imposition of so-called reasonable restrictions and reasonable obligations**, the statistical data show that their proportion is approximately 15% of cases, which is also a slightly higher proportion compared to the sanctions imposed in general for criminal acts, where these measures are imposed in approximately 11% of cases. The imposition of these measures has increased slightly over the period under review, and more detailed information on their specific form can be obtained from the analysis of the files, which shows that the most frequently imposed reasonable restrictions on convicted offenders is the prohibition of the consumption of alcoholic beverages, which is often one of the risk factors and a kind of frequent 'companion' to domestic violence. **Psychological counselling programmes** were imposed in only a small number of cases, indicating their low use.

Punishment for the offence of Abuse

As mentioned above, during the 2008–2022 reporting period, the proportion of converging offences and the proportion of more serious cases of the offence of Abuse qualified

under the second paragraph increased. This is reflected to some extent in the increase in the length of sentences imposed, particularly suspended ones, and also in the reduction in the proportion of decisions in the form of a criminal order. However, this increase is not very significant, and it cannot be said that this trend is perhaps indicative of greater severity on the part of the courts in deciding on cases of domestic partner violence.

For a more objective assessment, we focused on the **sentences imposed for the separate offence of Abuse** when examining the developmental differences in sentencing. In this analysis, we concluded that there were significantly fewer offenders sentenced to an unconditional prison sentence for the offence of (domestic) Abuse alone (13.6% compared to 26.6%). Given that we are comparing with cases where the offences may have been concurrent, this finding is not so surprising. If a conviction to an unconditional sentence did occur for the separate offence of (domestic) Abuse, then the length of the sentence was most often in the range of 2–3.5 years, regardless of the paragraph under which the offender was convicted. The lengths of suspended sentences imposed under the first paragraph ranged from three months to three years in a fairly even spread, and under the second paragraph from two to three years. In both paragraphs, probation periods of three years were the most frequently imposed. These findings give **rise to reflection on the structure of the offence of Abuse** and, in particular, on the setting of penal rates, especially in the second paragraph, where the penalties range from two to eight years. The penalties imposed under this paragraph are stable at the lower end of that range. In the case of unconditional sentences, there is not even a significant distinction between the rates of punishment under the first and second paragraphs.

Characteristics of perpetrators of crimes involving domestic violence

According to the analysed statistical data, the **vast majority of men** (97%) are brought to court for crimes involving domestic partner violence. The year-on-year changes do not exceed the two-percentage point threshold. On average, 11 cases of partner violence committed by a woman are prosecuted each year in the Czech Republic. The highest proportion of women was recorded in 2021, accounting for 4% of these cases. Perpetrators are mostly of Czech nationality – 92% on average. The largest group of foreigners is made up of citizens of the Slovak Republic, averaging 4% overall.

The age structure of perpetrators in partner violence cases has not changed much over the years. In the period 2008–2022, the average age oscillated between 38 and 42 years – the youngest was 16, the oldest 87. Those aged 30–44 are the most represented. In terms of longer-term trends, there appears to be an increasing number of younger defendants under the age of 30 (Gamma=–0.128).

Among the perpetrators charged with the offence of domestic violence in a partner relationship, more than a third are first-time offenders. **Almost two-thirds of defendants (65%) are repeat offenders**, which corresponds to a general recidivism rate of 60–70%. Of these, 27% had been convicted once in the past and 73% repeatedly. The proportion of first-time offenders is slightly decreasing in the long term. According to judicial statistics, almost one-sixth of the cases were linked to the offender's use of alcohol, and the use of other narcotic and psychotropic substances in this context is rather rarely recorded.

However, this proportion does not entirely correspond to the reality of the cases under consideration, since, as other findings show, the proportion of the presence of alcohol (but other addictive substances) is much higher in these cases (see below).

Limits of statistical analysis

Again, it should be noted at this point that criminal justice statistics cannot be seen as the **only source of descriptions of partner violence** by its perpetrators and other relevant circumstances. Moreover, as is widely known, judicial statistics **are not comparable** to police and other data monitored by other institutions or bodies and, therefore, their explanatory value is limited only by the criminal proceedings. Furthermore, it cannot be overlooked that the majority of domestic violence cases still remain **hidden** not only from law enforcement authorities but also from other institutions or organisations that encounter perpetrators or perpetrators of domestic violence in their practice. However, this does not exhaust the limits of interpreting these data.

Other and quite important limitations of the data we process include, in particular, the incompleteness of some data on individual cases in the dataset itself, frequent changes in the data collection methodology and the introduction of new variables. The **incompleteness** of the completed data relates, for example, to the observed circumstances, namely the influence of alcohol and narcotic and psychotropic substance use on the commission of crime. This fact is not mentioned in a number of cases and the results are far from being consistent with the findings of other studies carried out on the population of convicted persons.

Analysis of selected criminal files

Characteristics of perpetrators and victims

From the analysis of criminal files, we obtained additional information regarding the characteristics of convicted offenders and victims. With regard to the offenders, in addition to confirming the gender and age structure, as already evident from the analysis of the statistical data, it also showed that the **structure of the criminal history** of the convicted offenders is diverse, which may indicate their higher dangerousness. Our findings support the thesis suggested by studies examining the criminal career patterns of partner violence offenders, namely, that this group of offenders often does not specialize solely in domestic violence (see, e.g., Buzawa & Hirschel, 2008; Klein & Tobin, 2008; Piquero, Brame, Fagan, & Moffitt, 2006). It is reasonable to be concerned that this group of offenders is more difficult to influence, either through a therapeutic program in prison or at large, or through the imposition of a suspended sentence. In contrast, a significant proportion (approximately 33%) of first-time offenders may represent a group of people who have problems with crime only, and specifically in relation to the commission of domestic violence, do not commit other crimes (see the results of the analysis for the offence of Abuse only), and may therefore be promising in terms of intervention through therapeutic programmes.

However, as confirmed in our specific population of convicted offenders, and as further revealed by a more in-depth analysis of criminal files, virtually all of the "proven" factors that were also identified through the analysis of criminal files in the 2014 IKSP research

(Martínková et al., 2014) were present here. First and foremost, the **lower socioeconomic status of** both victims and offenders was at issue. This finding is in line with the results of other Czech studies (Martínková et al., 2014; Buriánek, 2023; Pikálková & Podaná 2014; Pikálková, Podaná & Buriánek 2015) as well as foreign ones (Aizer 2010; Caetano, Vaeth, and Ramisetty-Mikler 2008; Stith et al. 2004; cf. Rodriguez 2001)which report that partner violence is at least more likely to be detected in lower socioeconomic strata.

It can therefore be stated that it is mostly men with less education, often unemployed or, if necessary, with a poorer socio-economic background, who are brought to court. Offenders with a university education and economically well-off are at least represented, but also offenders from the weakest social strata, excluded localities and drug users, where a high level of burden of violent behaviour could be expected. This may indicate that these groups of people are still beyond the reach of the criminal justice system, either because they have sufficient resources and skills to better avoid prosecution or because they do not come into the 'crosshairs' of the criminal justice system at all. Also, the victims were often of lower educational level, unemployed or on maternity leave, which, especially if there was also low work involvement on the part of the offender, suggested poor social conditions. At the same time, this socio-economic factor of the family may have been an important risk factor for the perpetration of violence.

Psychological characteristics of convicted offenders

An analysis of the expert reports of the sample of convicted perpetrators of partner violence (71 cases) contained in the criminal files revealed several key findings regarding the psychological "profile" of convicted perpetrators of partner violence. For two-thirds of the sample, the assessments contained information on a complete psychological history. Within this subgroup, the majority of convicted offenders had at least one specific strand of history characterized as specific, which may represent another definite risk factor for the development of later partner violence (Babchishin et al., 2017; Farrer, Frost, & Hedges, 2012; Fergusson, Boden, & Horwood, 2008; Magdol, Moffitt, Caspi, & Silva, 1998; Theobald & Farrington, 2012). Most often these were family problems. One in ten in the sample reported **experiencing beatings by their parents** according to the experts, and one in ten also had a parent with a psychiatric diagnosis according to the experts. Problems in school and school attendance appear to be a relatively good indicator of a specific medical history in general. Their presence was more often associated with the presence of other problems (in the family, at work, etc.).

The convicts, according to the assessments, were of **average intellect**. Compared to data on offenders tried in the context of partner violence according to an earlier analysis of criminal files (Martinková, Slavětínský, & Vlach, 2014), the current sample lagged slightly behind in intellect on average. This could be due to the fact that we only worked with convicted offenders, who may have specific characteristics compared to all adjudicated offenders. Similar to problems in psychosocial development, low intelligence is also often considered a risk factor for perpetrating partner violence. In this context, one can cite prospective longitudinal research by Lussier, Farrington, and Moffitt (2009), who found that partner violence by male offenders was predicted by low verbal intelligence in adolescence (controlling for antisocial behavior), whereas other developmental factors did not play a role.

Also, only half of the convicts (with an assessment) were stably employed or in business at the time of the offence. The finding of weak work involvement is consistent with earlier findings in the analysis of Martinkova, Slavětínský and Vlach (2014) cited above. We know from Czech victimisation studies that women have up to six times higher risk of becoming a victim of partner violence if their partner is unemployed (Pikálková, 2015). Unemployment may in fact be related to more general background factors of partner violence, such as lowered self-esteem, but it may also lead to the breakdown of ways of coping with stress and to the building of negative habits (Stočesová & Čáp, 2020), for example in the form of substance abuse.

Mental illness (or disorder) according to ICD-10 was found by experts in 37% of convicts. Almost half of them suffered from more than one illness. Most often, the experts found the **presence of a personality disorder** and/or substance **dependence syndrome**.

In 92 % of the persons, the experts addressed the question of the presence of a personality disorder or an accentuated personality trait in their opinion. According to the experts, almost 90 % of the convicts had a personality disorder or an accentuated personality trait (however, only one fifth of the sample had a direct diagnosis of a personality disorder). The most common was **emotional instability**, which was not infrequently associated with depression. In contrast, a type of perpetrator with a dissociative and narcissistic personality still crystallized in the data, which is consistent with foreign findings on two recognizable types of perpetrators of partner violence (Gilchrist et al., 2003). Interestingly, paranoid or anankastic personalities were also significantly frequent in the sample, which is not usually found in the foreign literature (Gilchrist et al., 2003; Spencer et al., 2022; Yu et al., 2019). Overall, the personality types represented were very diverse, which is consistent with the description of the personality of Czech domestic violence perpetrators in general (Holubová et al., 2019, after Stočesová and Čap, 2020). However, in the context of the significant representation of convicts diagnosed as having some personality disorder, it should be mentioned that experts in general often mistakenly overdiagnose personality disorder in perpetrators of partner violence (Lohr, 2005, after Čírtková, 2020).

The attempt to identify common features of perpetrators of domestic violence and thus simplify and streamline work with perpetrators is not new. Numerous cited studies prove this. In particular, our analysis provides all of them with unique information about convicted perpetrators as ascertained by forensic experts. Such findings are not usually found in the literature anymore, certainly not in the Czech literature.

The problem then remains the **limited interpretability of** the analysis results. The risk factors for perpetrating partner violence cannot be equated with the characteristics of those convicted of partner violence identified in the assessments. For example, because those convicted commit (hypothetically) more serious offences than those (perpetrators) who do not make it to court at all. It can also be pointed out that cases where the judge requests expert evidence are specific in some ways; for example, they may be more complicated cases (Netík, 2020). Finally, it should be considered that the forensic expert answers only a few specific questions, so that many of the risk factors mentioned in the psychological literature may be present in a given offender, but may not be mentioned in the report.

Thus, we want to caution against jumping to conclusions at this point: while the characteristics found in this investigation can be discussed as potential risk factors for partner violence for a narrow subset of perpetrators, our analysis cannot provide clear conclusions in this regard. The investigation had a different ambition: to identify, with the help of qualitative analysis of expert reports from different disciplines, the basic characteristics of Czech convicts in domestic violence cases. Their knowledge may help – rather than predict the perpetration of violence – a more adequate response by the authorities involved in criminal and follow-up proceedings and, in particular, perhaps the **demythologisation of the perpetrator** as someone fundamentally psychologically disturbed, to whom fingers can be pointed and easily avoided.

Nature and context of partner violence – other factors identified in relation to domestic partner violence

One of the key factors that often came up in the analysis of criminal files was the presence of alcohol and other addictive substances. Although, according to judicial statistics, the influence of alcohol is recorded as an observed circumstance of criminal activity in an average of 16% of cases with the feature of partner violence and the influence of other addictive substances is around 2%, a more detailed analysis of the sample of court decisions suggests that this is a much more frequent situation. According to our findings, **in more than half of the cases the perpetrator** was **often or always intoxicated with alcohol at the time of the attacks**. In more than a tenth of the cases, the offender was often or always under the influence of drugs at the time of the attacks. In nine cases, the perpetrator committed the violence while intoxicated by both drugs and alcohol. This variation may be explained by the difficulty of recording these factors in judicial statistics.

Another significant finding was the fact that in the sample of partner relationships we studied, **children were often present in the** violence. Two-thirds of the perpetrators had a child or children in common with the victim, and in the vast **majority (91%) of cases, children were present during the assaults**. Where children witnessed domestic violence, this was always or often the case in 40%. In 14 cases, the perpetrator was also abusing children living in the same household.

A similar finding was also reached in a previous analysis of criminal files (Martinková et al., 2014). Similarly, recent Czech research has found higher victimisation and perpetration of partner violence in relationships where children are present (Buriánek & Podaná, 2023). This has a significant impact on the mental health of children (Henning & Feder, 2005; Knapp, 1998). Moreover, in the context of social learning theory (Bandura, 1973) the presence of children in domestic violence is found to be a predictor of future perpetration or victimization of violence (Halford et al., 2000; Miller-Perrin & Perrin, 2018). Intergenerational transmission of violence is often discussed in this context.

Moreover, it was not uncommon for women to be victims of violence **during pregnancy**. Violence during this period can have serious consequences for the woman and the fetus, such as premature birth, low birth weight, or fetal loss (Jasinski, 2004; Kaye et al., 2006). However, these aforementioned facts have not been reflected by the courts in a manner appropriate to their nature and severity, for example, by expressing an assessment of these

circumstances as aggravating or by taking them into account when qualifying intent in relation to causing more serious harm. Violence against a woman during her pregnancy was recorded in 19 out of 106 cases (as described in the operative part of the judgment), but this circumstance was mentioned and therefore taken into account as an aggravating circumstance only twice (see below).

It cannot be overlooked that, according to our results**, victims often remain in a relationship with the perpetrator** during the criminal proceedings and may not intend to end this relationship, and that therefore the relationship between the aggressor and the victim does not automatically end with the filing of a criminal complaint. Regarding the relationship between the perpetrator and the victim at the time of the criminal proceedings in our sample of 106 cases, in 16 cases the victim and the perpetrator continued to live together. In two cases, the victim intended to return to her partner after his release from custody. In three cases, the perpetrator and the victim no longer shared a household, as the case file showed, but were still in contact. In at least five cases, the cohabitation was broken before the criminal proceedings were initiated, with the victim first leaving the perpetrator and only after a time lag filing a criminal complaint. In about half of the cases examined, the cohabitation between the perpetrator and the victim was interrupted and they were no longer partners (at least for the duration of the criminal proceedings). In this context, it is important to think about the ways in which these offenders can be treated and worked with, and what are the best strategies to ensure maximum protection for victims.

Forms of violence

Our findings also show that the crimes identified as domestic violence primarily involved multiple forms of physical violence and combinations thereof. Within the issue of partner violence, the focus is often on physical forms of aggression. The reasons for this are twofold: physical assaults are explicit, often leaving distinct and medically demonstrable consequences. In addition, physical violence arouses strong emotions in society, especially when it is directed against more vulnerable individuals such as women, including during pregnancy. Physical attacks are also easier to quantify. The most frequently occurring type of **physical violence** in the sample was punching, slapping, kicking or being thrown to the ground. The most frequent attacks were directed **at the** victim's **head** (85%). In 19 cases, the victim was **pregnant** at the time of the attacks.

Psychological violence was commonly experienced by the majority of victims (91%). Frequently occurring forms included verbal violence, which 96% of women experienced as part of the violence, and social isolation, which was experienced by almost two-thirds of victims (65%), more than half of whom experienced it regularly (53%). The **overlooking of psychological violence is gradually being curbed** and, as some judgements demonstrate, even less obvious forms of violence, such as psychological or economic violence, are being taken into account. This development in judicial practice can be seen as a positive shift towards a more comprehensive understanding of the specificities of domestic violence in partner relationships and its punishment.

On the other hand, **sexual violence** is to some extent perceived as part of domestic violence in quite a few cases, although it often clearly fulfils all the characteristics of quite serious forms of sexual offences. Sexual violence, in particular in the form of coerced sexual intercourse, was described in one fifth of the cases or included in the description of the act itself in the operative part of the judgment. The sexual violence described was classified as the offence of rape in 11 cases, and in a further 9 cases it was included under the offence of cruelty to a person living in the same dwelling without a separate legal classification.

Our findings also show that the consequences of the violence perpetrated in these cases were very varied and often severe in our sample, which is consistent with the fact that these were offenders convicted of a crime. However, although these were more serious types of long-term violence, the **perpetrators often denied blame** or blamed the victim. At the same time, it was not uncommon for the victim to blame themselves for the attacks.

Judicial decision-making in cases of partner violence – factors in relation to the sentence imposed

We have supplemented the preceding description of sentencing, derived from the analysis of statistical data, by examining and suggesting certain relationships and factors that may play a significant role in the imposition of sentences, particularly suspended and unconditional prison sentences. We draw these from the analysis of criminal files and the reasons for sentences. Based on the analysis of the relationships, certain factors were identified which were found to have a significant relationship with the type of sentence imposed. The presence of these factors was subsequently confirmed in the reasons for the sentences. This was both a confirmation of the consideration of the general principles of criminal law in determining the type and level of punishment, but also a verification of some other factors identified in the literature.

In terms of criminal law factors, the closest relationship was found between the **offender's criminal history and the unconditional sentence imposed**. A similarly strong relationship was identified for **concurrent multiple offences**. The analysis of the reasons for sentences also showed that these two factors were the most frequently mentioned (aggravating) circumstances leading to the imposition of a custodial sentence. A similar finding was also reached by the above-mentioned foreign (Rauma, 1984; Ringland & Fitzgerald, 2010; Schmidt & Steury, 1989) and Czech (Tomšů & Drápal, 2019) studies. This confirms that courts follow the same general rules when imposing sentences for crimes with domestic violence features as they do for other crimes. Previous evictions or the use of precautionary measures have not been taken into account by the courts in any substantive way.

On the offender side, the closest relationship between **unemployment and incarceration** was found. Also, in the reasons for the sentences, leading a good life, which is often linked, inter alia, to employment, is the mitigating factor most often taken into account. No statistically significant relationship was found **between confession**, a frequently mentioned mitigating circumstance, and the type of sentence.

The relationship analysis further demonstrated a **relationship between alcohol, or the** offender's **alcohol intoxication** at the time of the violence, and the sentence imposed. An

analysis of the reasons for the sentences shows that alcohol was only a factor taken into account in the case of an unconditional sentence, where imprisonment was intended in some cases to act as an instrument of enforced abstinence.

As regards the other results of the analysis of the reasons for the judgments examined, it is important to mention here that a significant part of the reasons **do not mention the specifics of partner violence** in any way and suffice with a general, sort of universal, statement. However, a significant part of it does take account of the specific nature of partner violence. For example, the courts mention the consequences for the victims, including psychological consequences. The duration and dynamics of the violence and its intensity are also more frequent in the justifications, but some circumstances may be considered to have been overlooked. For example, the **victim's pregnancy**, which is generally an aggravating circumstance, was taken into account by judges in only 2 of the 19 cases recorded. Similarly, the generally aggravating circumstance of the perpetrator's close relationship to the victim is completely overlooked. **Sexual violence** perpetrated (and included in the description of the offence) in the context of domestic violence even remains outside the separate qualification to a considerable extent.

On the other hand, however, the concept of '**family burden'**, which appears in the justifications, has been shown to play a role. In this sense, the courts generally often take into account the family structure of the perpetrator and the victim, with the stabilisation of the relationship generally serving as a mitigating factor. In this context, the court also considers the reasons for not separating the family or for not taking away the father and breadwinner from the children. Courts have also taken into account the wishes of the partners not to have their partner imprisoned. The question remains, however, whether the protection of victims is also taken into account in this context and whether the threat of an unconditional sentence is sufficient motivation not to continue committing violence. Although the court more often imposes supervision by a probation officer in these situations, it does not make use of other options such as reasonable restrictions and obligations that could better ensure that the violence is dealt with and eventually eliminated. In the context of family burdens, however, the approach of the judge was also found to be one that instead imposed a custodial sentence to ensure the protection of the victim or to provide financial compensation. This demonstrates a consideration of the interests of the victim as provided for by law. The effects of applying this criterion may lead to both the imposition of a harsher and a more favourable sentence.

However, the aim in analysing the reasons for the judgments was not to assess the appropriateness of the sentence imposed, but rather to offer a closer look at how these circumstances are reflected in the final decision of the court. Moreover, when comparing suspended and unconditional sentences, it is debatable whether one sentence can be considered more severe than another. However, our analysis does not provide a clear answer as to whether or not courts punish perpetrators of partner violence lightly. In this context, we merely evaluate the circumstances that were used in justifying the sentence.

Treatment of Perpetrators of Domestic Partner Violence I

Autoři:	Hana Přesličková
	Kateřina Grohmannová
	Lukáš Kutil
	Pavla Malvotová
	Martina Novopacká
	Viktorie Paloušová
	Michaela Roubalová
Vydavatel:	Institut pro kriminologii a sociální prevenci
	Nám. 14. října 12, 150 00 Praha 5
Určeno:	pro odbornou veřejnost
Design:	addnoise.org
Sazba:	Lukáš Pracný, sazbaknih.cz
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