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# Yukon Domestic Violence Treatment Option Court



Judge Heino Lilles

Dr. Joseph Hornick



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## PROBLEM: THE FORMAL JUSTICE SYSTEM DOES NOT WORK WELL WITH DOMESTIC VIOLENCE CASES

- Rehabilitation
- Specific and General Deterrence
- Reparation
- Promote Sense of Responsibility Among Offenders
- Prevention



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## PROBLEM: FROM THE COURTS PERSPECTIVE

- Most accuseds plead not guilty
- Proceedings delayed – 4 to 12 months
- Victims recant or fail to appear in court
- Results in high trial collapse rates
- DV cases inefficient and costly



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## PROBLEM: FROM THE VICTIMS PERSPECTIVE

- Meets immediate need of removing offender but not long term goals
- Aggravates economic, social, cultural and parenting needs
- System cannot protect victim
- Revictimized by adversarial process
- Zero tolerance and punishment not rehabilitative
- Low rates of disclosure / high recantation
- Does not meet changing needs of victim

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## PROBLEM: FROM A SOCIETAL PERSPECTIVE

- DV cases are inefficient and costly
- Adversarial approach reinforces negative stereotype of DV victims for judges, police and lawyers
- No evidence that formal system reduces DV
- Does not interrupt intergenerational impact of violence



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## HOW WE RESPONDED TO THE PROBLEMS

- Engaged the courtroom professionals by discussing the problem (Judge, Crown, Probations, Defence, Treatment Providers)
- Identified the problems and began to develop solutions
- Expanded the group to include all government and community groups working with DV offenders, victims and families
- Developed a consensus: Yukon DVTO



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The Domestic Violence Treatment Option Court (DVTO) recognizes that domestic violence is a serious criminal act that requires an integrated and more innovative response.

It is a Therapeutic Problem Solving Court.



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## DV IS DIFFERENT AND REQUIRES INNOVATIVE RESPONSES

- Repetitive (unlike stranger violence)
- Escalating over time
- Victim has ongoing relationship with offender
  - Children in common
  - Joint property
  - Economic dependency
  - Cultural isolation
- Seeking help from justice system increases lethality risk
- Offender most often returns to live with victim in the Yukon
- DV victims have different needs from other victims

# NEED TO ELIMINATE DOMESTIC VIOLENCE “SILOS”

**RCMP**  
Police

**Defence**  
Yukon Legal Services (Legal Aid Clinics)  
Private Defence Bar

**Victim Services**  
FVPU  
Family and Children’s Services  
Crown Victim/Witness Coordination  
AA / NA  
Yukon Family Counseling and others

**Medical**  
Hospital Emergency  
General Practitioners  
Health Canada

**Prosecution**  
Federal Prosecution Service

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**First Nations Programs**

Cultural Programs  
Alcohol and Drug Programs  
Social Services

**Probation Services**

Bail Supervision  
Probation  
Parole

**Offender Programs**

FVPU Spousal Abuse Program  
Alcohol and Drug Services  
AA / NA  
Yukon Family Counseling and others

**Other Agencies**

Womens Directorate  
Yukon Status of Women Council  
Victoria Faulkner Women's Centre  
Kaushee's Place and  
other transitional homes  
FASSY  
Various Public Housing Organizations

**Courts**

Justice of the Peace Court  
Territorial Court  
Supreme Court  
Court of Appeal

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## STEERING COMMITTEE

- The initial group of professionals that started to develop the DVTO expanded to represent all government and community groups working with DV victims and offenders.
- This group evolved into a Steering Committee for the DVTO Court which began regular sittings in March of 2001.
- The Steering Committee meets monthly to review and develop policy for the DVTO Court.
- It recently expanded its mandate to develop and support an integrated Yukon wide strategy on family violence.

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## DVTO STEERING COMMITTEE MEMBERS

- Crown Prosecutors (Federal DOJ)
- Defence Counsel (Legal Aid)
- Family Violence Prevention Unit (SAP & VS- YTG)
- Family & Children's Services (YTG)
- Kaushee's Place (Women's Transition Home)
- Kwanlin Dun (Native Community)
- Les Essentielles (Francophone Community Group)
- Probation Services
- RCMP
- Victoria Faulkner's Women's Centre
- Women's Directorate
- Yukon Status of Women's Council
- Yukon Territorial Court

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## DVTO GOALS

- Encourage more victims of domestic violence to seek help from the criminal justice system.
- Provide a non-adversarial, therapeutic court based alternative to formal criminal court.
- Fast track domestic violence cases.
- Reduce collapse rates for domestic violence cases.
- Hold the offender accountable by providing close court supervision throughout the therapeutic process.
- Provide protection, information, and support for victims and refer them to programs that will assist them and their families.

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## DVTO COURT GUIDING PRINCIPLES

- Domestic violence is a learned behavior that can be changed.
- Community Based Programs, counseling and supervision can be effective in changing this type of behavior.
- Victim safety is the overriding consideration.
- Immediate and ongoing support must be offered to victims and their families.
- Early intervention by a multi-disciplinary team is essential.
- Offenders need to take responsibility for their actions, while also being supported with counseling.
- Offender must be held accountable. Any deterioration in the offender's behavior will be reported to the Court immediately.

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## ELEMENTS OF THE DVTO

### **INTERAGENCY COLLABORATION:**

- A Steering Committee comprised of representatives from offices and agencies of government, NGOs, courts, law enforcement and the community meet regularly to establish and review policy for the DVTO.
- A Working Group consists of individuals who work on the front lines with offenders and victims. They meet regularly to deal with operating issues and can recommend policy matters to the Steering Committee.

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## ELEMENTS OF THE DVTO

### **EFFECTIVE POLICE PROCEDURES:**

- Enhanced police investigations, management and reporting procedures, including the SARA, that mesh with the DVTO are essential for the success of the program.

### **EFFECTIVE VICTIM SUPPORT:**

- Specially trained Victim Services Workers take a proactive approach to supporting victims, identifying their needs, making appropriate referrals and providing useful information.

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## ELEMENTS OF THE DVTO

### **MULTI-AGENCY INTAKE:**

- Police, Victim Services Workers, Defence, Crown, Family & Children Services, Social Workers, Bail Supervisors and SAP Counselors are all present at the DVTO Court to provide information, advice and services to offenders and victims.

### **EFFECTIVE PROSECUTION AND DEFENCE:**

- Designated Crown and defence counsel develop expertise and provide consistency and continuity in dealing with offenders and victims.

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## ELEMENTS OF THE DVTO

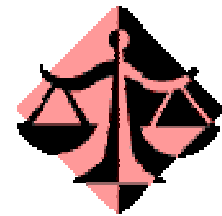
### **EFFECTIVE TREATMENT PROGRAMS**

- The core of the DVTO is a specialized and effective counseling and treatment program for offenders called the Spousal Abuse Program (SAP). It is available for both male and female offenders.
- Group programs for victims of domestic violence provide support, information and education and are an integral part of the DVTO.

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## VICTIM ASSISTANCE

Support is provided to victims who would like assistance with safety planning, referrals for counseling for themselves and their children, updates on the offenders progress and assistance with varying release conditions and preparation of Victim Impact Statements for the Court.



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## ELEMENTS OF THE DVTO

### **MONITORING:**

- Selected probation staff/bail supervisors assess risk and monitor compliance with all conditions of release and probation. Probation officers act as case managers to coordinate services, information flow and ensure compliance.
- Trained judges preside in scheduled DVTO court sittings to provide a forum for monitoring the performance of the offender and sharing information among interested parties. By holding regular performance reviews, the offender is aware that breaches will not be tolerated.

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## ELEMENTS OF THE DVTO

### **EARLY INTERVENTION:**

- A defined fast-track court process requires the cooperation of the police, the Crown, defence counsel and the court. Early intervention results in greater victim safety and more effective programming.

### **DATA COLLECTION AND EVALUATION:**

- A computerized data collection system has been implemented.
- A formal independent evaluation of the project is underway. Data analysis will allow for more effective case management, and an effective way to evaluate progress and make improvements.

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## DVTO COURT PROCESS

- Police investigate complaint, charge, assess risk and impose release terms: no contact term, reporting term.
- Cases are fast tracked and police assign first appearance dates in DVTO (within 2 weeks of the offence date).
- Specially trained judiciary, Crown and defence lawyers are assigned to a special sitting of the DVTO sitting.
- Resource people such as probation officers, counselors from the Spousal Abuse Program and Victim Services and other agencies are in attendance at every DVTO court.

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## DVTO COURT PROCESS

- Offenders may elect to proceed in the DVTO court instead of regular criminal court but must enter an early guilty plea.
- Offenders who perform well in DVTO may avoid incarceration.
- Offender is assessed for suitability for 15 week group spousal abuse program or one-on-one programming as well as for other issues: addictions, mental health issues, etc.
- Offender makes frequent DVTO court appearances, his performance is reviewed and bail conditions including no contact term may be adjusted.

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## DVTO COURT PROCESS

- All members of the treatment team, Crown, defence, SAP counselors, Victim Services, bail supervisors, Family & Children's Services meet and discuss each case prior to court.
- Offenders wishing to amend "no contact orders" must give notice of the application to the treatment team and the court.
- During the adjournment the offender must work with the treatment to develop a safety plan.
- Victim Services will contact the victim to determine her needs and safety issues.
- If it is appropriate to amend the order, it will be done on a graduated basis and in a creative way to respond to the circumstances of the family.

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## SENTENCING OFFENDERS IN DVTO COURT

- Sentence not imposed until completion of SAP and other programming identified or initiated.
- Same principles of sentencing apply as other criminal cases.
- Successful completion of DVTO process results in substantial reductions of risk, and increased rehabilitation and accountability.
- A community disposition in the range of 12 to 24 months is the usual sentence, by way of probation, suspended sentence or a conditional sentence of imprisonment.

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## FEMALE OFFENDERS

- Number of female offenders have increased to 20%.
- Little research is available on the nature of female offending and what treatment is effective.
- Female offenders have different needs and require different programming.
- The SAP provides individual and group counseling to female offenders.
- Some women use acts of violence as retaliation and self-protection but for others violence is normal learned behaviour.
- Treatment is designed to help women develop new skills for managing stresses, emotions and behaviors.

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## LIMITS AND CHALLENGES OF DVTO

- Requires an effective treatment program respected by DV community.
- Key players must buy into program: Police, Judge, Crown and defence counsel, Probation, Family & Children's Services, Victim Services.
- Special needs clients (mental health and FAS/FAE).
- Acute substance abuse may require prior treatment.
- Arranging for continuity in key participants: Judge, Crown and defence.
- Involvement of child welfare agency in support of non-abusing spouse.
- Clients with language deficiencies.

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## RESOURCE IMPLICATIONS

- Accessible alcohol and drug programs
- Supervised housing
- Alcohol and drug testing
- Intensive bail supervision
- Life skills and job training
- Grief counseling
- Medical, psychological and psychiatric resources
- Day time activities: school, jobs, volunteering
- Parenting programs
- Family counseling

# THE DOMESTIC VIOLENCE TREATMENT OPTION (DVTO) FINAL OUTCOMES ANALYSIS REPORT, WHITEHORSE, YUKON

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## PURPOSE OF THE EVALUATION

The goal of this evaluation is to determine the effectiveness of both the SAP and the intervention system. As Gondolf (2003: p.3) has indicated, “batterer programs are part of a dynamic context that needs to be weighed in analyzing and interpreting outcomes.” Thus, the specific objectives of the evaluation are to:

- identify whether the DVTO program has been implemented as planned;
- determine the effectiveness of both the DVTO system and the Spousal Abuse Program (SAP) in achieving their objectives;
- conduct a cost analysis of the DVTO program; and
- document the DVTO model so that it can be replicated elsewhere in the country.

## RESEARCH DESIGN

- Given the complexity of the DVTO program and the three different routes for entry into the SAP (i.e., DVTO program, sentencing requirement after trial, or self-referral), quasi-experimental pre-test post-test group design was used in this study.
- Pre-test and post-test data were collected from offenders by SAP clinical staff over a 30 month period.
- Follow-up of reports of reoffending for the offenders continued until the end of the project (May 2005) using various police information systems.

# STANDARDIZED INSTRUMENTS FOR THE DVTO EVALUATION

## Offender-focussed Instruments

- Hudson Physical/Non-physical Abuse of Partner Scale
- Russell Relationship Belief Measure
- Coopersmith Self Esteem Scale
- Millon Clinical Multiaxial Inventory-III
- \$ Passive Aggressive Scale
- \$ Self-Defeating Scale
- \$ Social Desirability Scale
- \$ Validity Scale
- URICA – Propensity to Change from Violent Behavior Approach
- Family Assessment Measure for Family Dysfunction (FAM)

## FINDINGS: THE DEVELOPMENT AND IMPLEMENTATION OF THE DVTO

- The DVTO court system is a comprehensive multi-component/partner strategy designed specifically for dealing with spousal assault. It is based on the current research knowledge and is consistent with the program structure and system development identified by Gondolf (2001).
- Over time the Steering Committee has changed its role from initiating and developing to monitoring and sustaining the DVTO system. This new role is both appropriate and necessary and involves such tasks as monitoring compliance with protocols, as well as educating new partner representatives.

*Findings: The Development and Implementation of the DVTO continued...*

- The SAP, a key component of the DVTO system, has also changed and developed over time in response to new problems and issues. Some of the innovative developments are as follows:
  - the development of a relapse prevention program component;
  - the continued development of a special program for female offenders; and
  - the identification of offenders who are cognitively impaired and the development of special approaches for them (i.e., a special group, as well as one-on-one treatment).

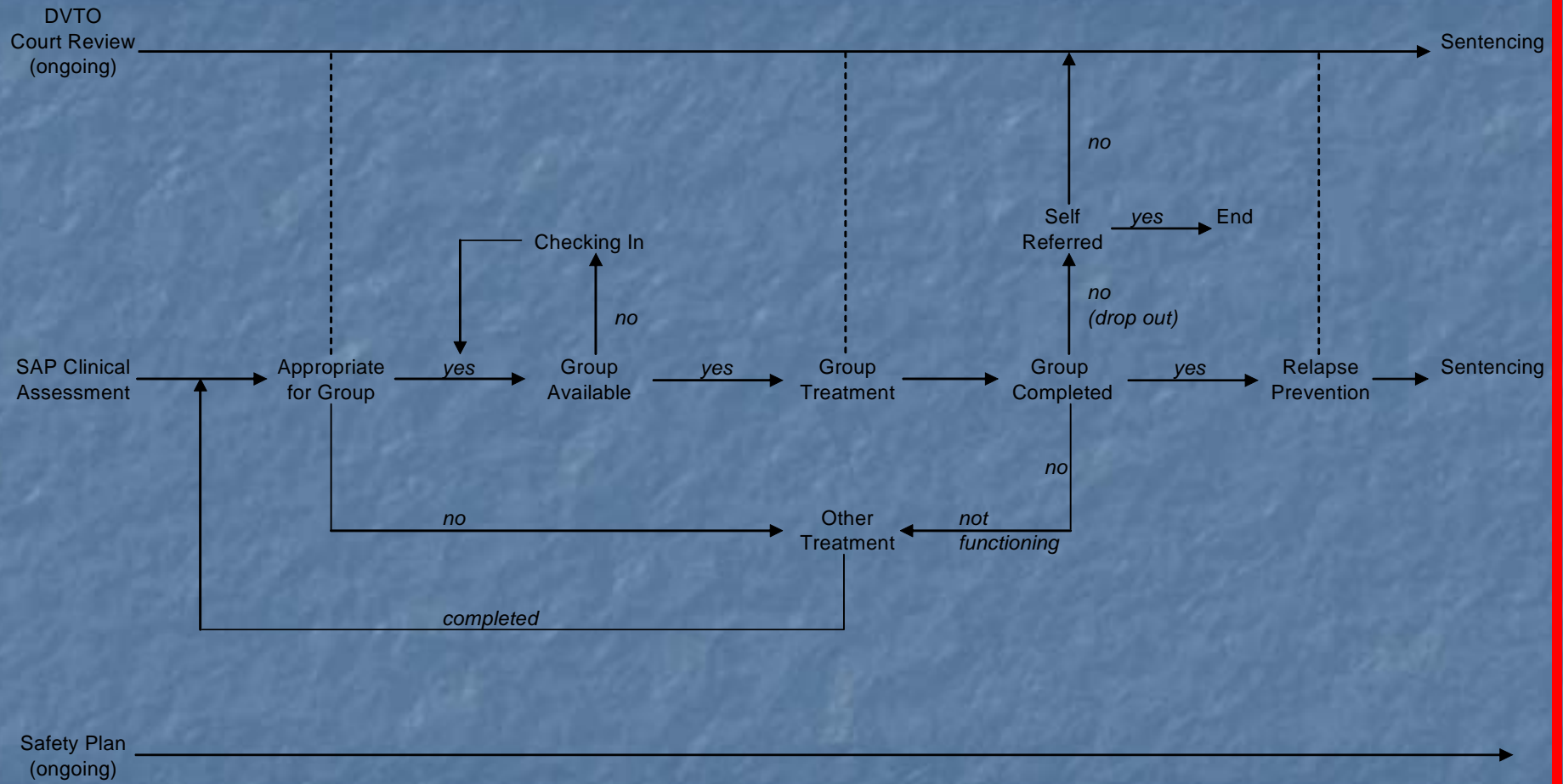
## FINDINGS: SAP OUTPUTS

### Intake and Case Flow

- The total number of clients ever involved with SAP since the DVTO was implemented in May 2000 up to December 2004 is approximately 550.
- The total number of clients for the time period of the evaluation (June 2002 – November 2004) is 318. 40% of all cases were initially referred by the DVTO; over 32%, have been involved with SAP because of a sentencing requirement; over 17% of cases were self-referral cases; and approximately 9% were referred by Family and Children's Services.
- Approximately 70% of the cases involved First Nations clients.
- Overall, approximately 20% of the total number of cases involved female offenders.
- In the past year the number of new cases involving charging both partners at the same occurrence has doubled from the previous year and half of those have already concluded in a "stay of proceedings."

Figure 4.6

Client Flow Through the Spousal Abuse Program<sup>1</sup>



<sup>1</sup> Includes all SAP clients referred by DVTO, self referrals, sentenced, and other.

## Client Flow Through the Spousal Abuse Program (SAP)

- The highest overall completion rate, approximately 67%, was achieved by DVTO compared to 56% for cases in the sentencing requirement category. The lowest overall completion rate was 22% for the “other” cases (which included the self referral group with only a 12.8% completion rate).
- Both the DVTO and sentencing requirement cases had approximately 26% who completed SAP first time. However, more of the DVTO clients (27%) completed with restarts than sentencing requirement restart cases (21%).
- The overall average time in the program for DVTO cases was 13.6 months compared to 13.4 months for the sentenced cases.
- Very few clients actually attended the relapse prevention group even when it was a condition of their probation sentence. A number of these cases were reported to the probation officers as a breach, but no further action was taken.
- 15% of the cases (n=48) were closed and re-opened and 1% (n=4) were closed and re-opened three times. After returning to the program, most of those who had completed it first time (n=9), dropped out the second time.

## BASELINE MEASURES

### Spousal Assault Risk Assessment (SARA)

- The SARA (Spousal Assault Risk Assessment) scores indicate that SAP clients are very high risk with complex and long-term etiologies.
- The SAP clients are above the clinical threshold in reporting physical abuse (Hudson Abuse Scale).
- The SAP partners' reports of being physically and non-physically abused were approximately 150% higher than the clients' self-reports on the Hudson Physical and Non-physical Abuse Scales.

## FINDINGS: PROGRAM OUTCOMES

### Pre-test/Post-test Scores on the Attitudes Toward Marriage and the Family Scale (ATMF)

- The ATMF scale was designed to measure traditional sex role attitudes in three distinct areas of marital/family life: domestic, social and sexual (Feldman, 1983).
- The DVTO and sentenced clients improved their attitudes toward marriage and the family, changing to less traditional views of women's roles from pre-test to post-test (from 30.5 to 27.7 for DVTO and 30.8 to 29.0 for sentenced clients).
- The SAP other clients did not demonstrate improvement on this measure and actually did slightly worse at post-test (moving from 24.7 to 26.1).

## Pre-test/Post-test Score on the Russell Relationship Belief Measure

- The Russell Relationship Belief Measure, measures the extent to which the respondents beliefs about partner relationship's reflect those found to be characteristic of abusive individuals.
- The overall score for both the DVTO referred clients and the sentenced clients improved significantly over time. The "other" clients stayed the same from T1 to T2.
- The individual scale scores also, for the most part, demonstrated improvement for the DVTO group and the sentenced group.
- The DVTO group improved significantly on "equality" and "considerateness" with 60% of DVTO clients improving on both of these scores. Improvement for DVTO was also made on "respect differences," but this was not statistically significant; however, again 60% of the clients improved.

*Pre-test/Post-test Score on the Russell Relationship Belief Measure continued...*

- The sentencing group improved significantly on three of the five scales, specifically “respect differences” with 83% of clients improving, “partner ownership” with 67% improving, and “equality” with 58% improving.
- In contrast to the other two study groups, the “other” clients improved only slightly on two scales: “equality” and “considerateness.”

## Pre-test/Post-test Client Personality (Millon)

### DVTO

- At Time 1 the DVTO group had 24% of the clients who fell into the “trait range” for “passive aggressive” and 18% in the “disordered range.” For “self-defeating,” 42% of this group fell into the “trait range” and another 15% in the “disordered range.”
- From pre-test to post-test, the DVTO clients improved on both of these scales with 52% improving on “passive aggressive” ( $p=.04$ ) and 59% improving on “self-defeating” ( $p=.001$ ).
- For the DVTO clients little change was noted on the “social desirability” scales, but they did improve significantly on the “self-esteem” scale – from 66.8 to 75 with 63% of the clients improving.

Pre-test/Post-test Client Personality (Millon) continued...

## Sentencing

- For the sentencing group at Time 1, 28% of the clients fell into the “trait range” for “passive aggressive” and another 28% of the in the “disordered range.” For “self-defeating,” 38% of the sentencing clients fell into the “trait range” and 19% into the “disordered range.”
- From pre-test to post-test this client group improved only on “passive aggressive” and actually got worse on “self-defeating” and “social desirability.”
- The sentencing group did improve in “self esteem” over time but not significantly with 69% showing improvement.

## Pre-test/Post-test Client Personality (Millon) continued...

### Other

- The “other” client group in comparison had 18% of the clients in the “trait range” for “passive aggressive” and 23% in the “disordered range.” For “self-defeating,” this group had 50% in the “trait range” and 23% in the “disordered range.”
- From pre-test to post-test the “other” clients improved slightly on all three of the Millon scales, as well as on “self esteem,” but the changes were not significant.

## Pre-test/Post-test Scores on The Family Assessment Measure – Dyadic Relationship Scale (FAM-DR)

- The FAM-DR measures problem-solving skills, conflict resolution skills, and communications skills in two-person relationships.
- The analysis indicates that at the pre-test all three groups were either close to or over the threshold score for significant “problem areas” (i.e., 60 and above).
- Only the sentencing group improved slightly on this scale and the other group actually got worse.

## CRIMINAL HISTORIES AND RE-ASSAULTS

### Criminal Conviction Histories of SAP Clients

- Overall, 60% of the DVTO clients, 65% of the sentencing requirement clients, and 12% of the “other” clients had been convicted of at least one assault prior to their involvement with SAP.
- The high level of conviction for prior assaults with this client group is consistent with the overall high rates of violent crime in the Yukon. The Crime Statistics in Canada, 2004 report, for example, indicates that in 2004 the rate for assaults (level 1, 2, and 3) was 2,842 per 100,000, which was almost four times the national average for Canada (i.e., 732 per 100,000). Further, the murder rate in the Yukon for 2004 was 22.4 per 100,000, which was more than ten times higher than the national average for Canada at 1.9 per 100,000.
- For the pre-program period, the sentencing requirement clients were the highest in prior convictions, with the DVTO clients being second and the “other” clients a distant third place.

## Contact with the Police During and After SAP

- Overall, the data indicate that a significant proportion of both DVTO and sentencing requirement clients (approximately 20%) continued to have a significant number of contacts with the police. In part this may be due to the increased monitoring provided by the DVTO system.
- For post-program occurrences the DVTO group rates of contact for “intoxicated” and “subject chargeable” were significantly lower than the sentencing requirement group.

## Occurrences of Spousal Re-assaults

- In terms of re-assaults 12 months after completed/closed, just 9% of the DVTO clients re-assaulted compared to 10% of the sentencing requirement cases and none of the “other” cases. These rates compare very favorably to Palmer’s (1992) rate of 10% re-assaults for the treatment group (31% for the control group).
- The rates of re-assaults 15 months after intake were very similar for the DVTO group (18%) and the sentencing requirement group (16%). The “other” group was very low at 3%. These rates compare well with Gondolf’s (2003) rate of 32%, which included a component of victim reporting which could account for some of the differences.
- Within the total time frame of the evaluation there were also 15% (n=6) of the clients who re-assaulted at least twice.

### Occurrences of Spousal Re-assaults continued...

- As is suggested by previous research, prior criminal behaviour was the strongest predictor for re-assaults. Pre-program assaults, failures to comply/breaches, and other convictions were all significantly correlated to re-assaults. Being male and being First Nations also were significantly correlated to re-assaults.
- Neither initial referral source nor whether the program was completed were significantly correlated to re-assaults. The lack of predictive power with these variables could be due to what researchers in this area refer to as the “difficulty in distinguishing the effects of the treatment program from the system effects or context of the program” (see Gondolf, 2003 and Bennett and Williams (no date)).
- The comparably low re-assault rate is a reassuring finding particularly given the extensive prior criminal histories of clients and the overall high levels of assaultive behaviour in the Yukon as reported in *Crime Statistics in Canada, 2004*.

## VICTIMS

- While the numbers are too small to make any conclusions, there were a few themes worth mentioning: (1) victims felt the RCMP were supportive; (2) there was a sense of being disconnected from the process; (3) breaches were a problem; (4) they felt a lack of self esteem; and (5) they understood the need for victims to take initiative in seeking support from Victim Services.
- Prior research indicates that abused women are recognized as a problematic population with which to offer services and conduct research.

## CASE COLLAPSE RATES

- There's been a significant increase in the early guilty pleas from 35% pre-DVTO to 53% after DVTO was implemented. While there was a significant number of cases pre-DVTO that changed pleas to guilty (26%), the overall rate of acceptance of responsibility was still significantly higher for the DVTO cases (i.e., 72% compared to 63%).
- The collapse or dropout rates fell from 28% pre-DVTO to 20% after DVTO was implemented.
- Only a small portion of cases proceeded to trial both before and after DVTO was implemented (9%). Even though the number of these cases is small, it is interesting to note that the conviction rate has increased from 40% pre-DVTO to 66% after implementation of DVTO.

## CONCLUSIONS

### Conclusions: Evaluation of Objective #1

- For the most part, the DVTO program has been implemented as planned and has achieved the majority of its objectives. The only process objectives that the DVTO program has not fully achieved are those that deal with motivating victims to become involved and taking advantage of the resources available to them.

### Conclusions: Evaluation of Objective #2

- Overall, we would conclude that the DVTO system and SAP as a whole are very effective. While each of these components of the overall system has some claim to achieving individual objectives, the interactive effect seems to be the strongest in preventing re-assaults with a very difficult client group. The DVTO model, which combines a comprehensive justice system approach with a treatment program for batterers, provides an excellent model for dealing with spousal assault and abuse.

## RECOMMENDATIONS

### Recommendations for the DVTO System

- The relapse prevention program should be formalized. Currently, it appears that it is not being taken seriously, either by the clients or by the probation officers. If it is part of the condition of probation and is ignored by the client, the client should be charged with breach.
- Careful consideration should be given regarding the DVTO court sending offenders who have dropped out of the DVTO and/or re-offended back for second or third time. Many of these clients are very difficult and noncompliant. Consideration should be given to other appropriate criminal justice consequences such as jail terms, possibly combined with treatment.
- There appears to be a recent increase in police laying dual charges, many of which are later concluded with stay of proceedings. This may be a training issue for police.

## *Recommendations continued...*

### Recommendations for SAP

- The findings of this report suggests that SAP should consider adding a relationship counseling component for those who wish to return to their prior relationships. It appears that currently the level of dysfunction of these relationships is high and is not being dealt with.
- Development of the female offender treatment program should continue. Further, this development should be tracked carefully and documented since little is known about this client group and the effectiveness of various treatment approaches.
- The low level of cognitive functioning of the clients appears to be a major issue. Assessment tools should be refined to identify these issues. Further, once identified, new strategies and treatment resources need to be developed in order to provide relevant treatment to these developmentally delayed clients.
- Victim Services and SAP should continue to explore methods for motivating the victims to make use of appropriate services.