

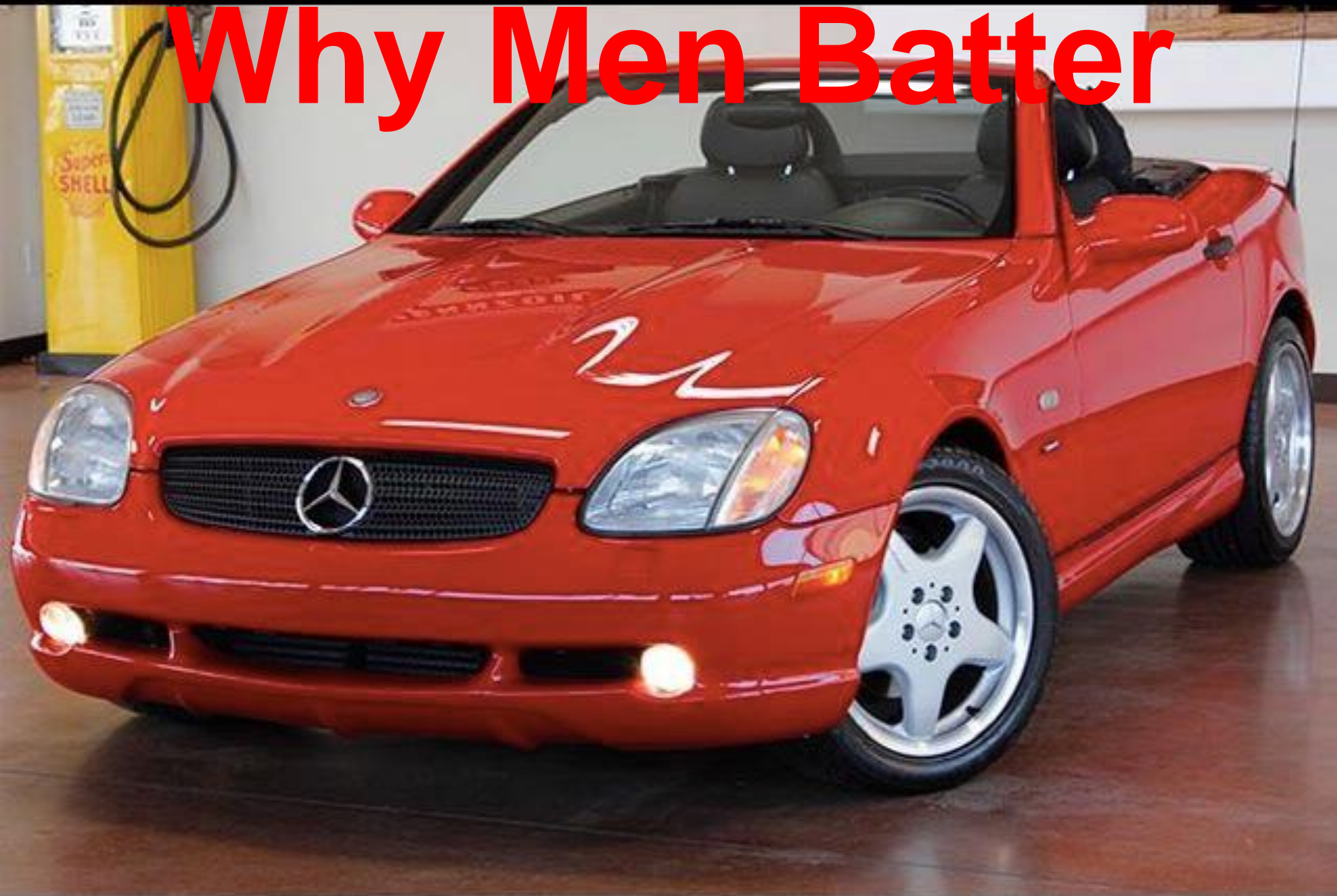
Effective Supervision of Domestic Violence Offenders

James E. Henderson Jr. MSW, CAC-R

Wisconsin Association of Treatment Court
Annual Conference May 10-12, 2017
Kalahari Resort and Conference Center,
Wisconsin Dells

DOMESTIC VIOLENCE

Why Men Batter



Why Men Stop



Learning Objectives

- Identify how the system enhances or impedes victim safety & offender accountability.
- Identify the similarities & differences between partner abuse and substance abuse.
- Identify new tools for managing offenders .
- Identify national resources for the management of those charged with DV.

THERAPEUTIC JURISPRUDENCE

- The legal system advances or impedes therapeutic goals
- Legal actors constitute social forces that produce therapeutic or antitherapeutic results
- The justice system can enhance therapeutic outcomes by holding offenders accountable and enhancing victim safety



PREVENTATIVE LAW

- Come up with strategies to avoid or minimize the anticipated legal trouble
- Proactively monitoring domestic violence cases to insure that court orders are being carried out

S. Goldsmith (1991)

- Between arrest and prosecution 30% of offenders re-assault
- How many of you, would have reservations that the system can keep you safe?



RESTORATIVE POLICIES

- Victims should have more input into the proceedings
- Those victimized should be compensated/restored to their former condition

Policy # 1

- Presentence reports will document all losses as a result of current offense
- Supervision officers will seek restitution to restore victims back to pre assault status. i.e. time loss from work, cost of clothing, etc

Local Network of Partners that create the Wall of Accountability & Support



Policy # 2

- Establish policies that immediately submit police reports, orders of protection request, and any 911 tapes to supervision officers, intervention providers and high risk teams



Policy # 3

- Require batterer intervention, and as a minimum an assessment on all cases that have as a basis, intimate partner violence, even when reduced to lesser charges





Our Mission,

Should You Choose to Accept It...

**Misdemeanor Courts,
Probation,
Police,
Prosecutors,
Defense Counsel,
SAFE House,
BIPs
County Administration
City of Ann Arbor
and other
members of the
community collaborate
to:**

- 👍 *Maximize the safety of those victimized by the violence;*
- 👍 *End community tolerance of domestic violence;*
- 👍 *Hold offenders accountable for their violence and abuse;*
- 👍 *Ensure fair and equitable treatment in the criminal justice system for persons affected by domestic violence.*

Adapted from Washtenaw County JODI Mission Statement



Priority # 1 Maximize Victim Safety

- Victim safety trumps offender accountability
- Ongoing victim contact:
 - Extensive (free) training from victim advocates
 - Sensitive victim interview critical
 - Shift from gathering to providing information
 - Personalized and ongoing safety planning
- Why?
 - Batterers lie



Policy #4

- Require all supervision officers (pretrial, probation, parole etc) to attend the same 40 training that all non governmental victim advocates attend in their local community



THE BOTTOM LINE

“The primary responsibility of prosecution is to see that justice is accomplished.”

- §1.1 NDAA National Prosecution Standards, 2nd Ed., 1991

Has Justice Been Done If:

- **The system fails to stay involved after conviction**
- **The consequences for the victim are harsher than those given to the defendant**
- **We offer the victim false hope**
- **We taught the victim to never trust us again**



NIJ Journal No. 253 Jan 2006

Victim Satisfaction With the Criminal Justice System

- 118 women tracked for 1 year
- 49% admitted that had been re victimized
- 22% reported the incident.
- More Likely to report less serious offenses
- For individuals who experienced ongoing abuse, reporting this latest incident may be viewed as useless ritualism.

Sentencing Preparation:

Work with victim advocates.

- **Governmental advocates are often able to assist with communicating effectively with victims and can offer updated victim contact information.**
- **Non- governmental advocates are often able to train our network of partners on effective communication and safety planning.**

Consider:

- Effective investigation, prosecution and monitoring of batterers is a form of homicide prevention.
- Effective “intervention” requires an effective post-sentencing strategy....
- Many abusers return home and continue abuse.
 - You must keep victim safety in mind at all times!

Standard Sentencing Recommendation

- 1) Restitution
- 2) Length of time on probation
- 3) Long term BIP

Standard Sentencing Recommendation

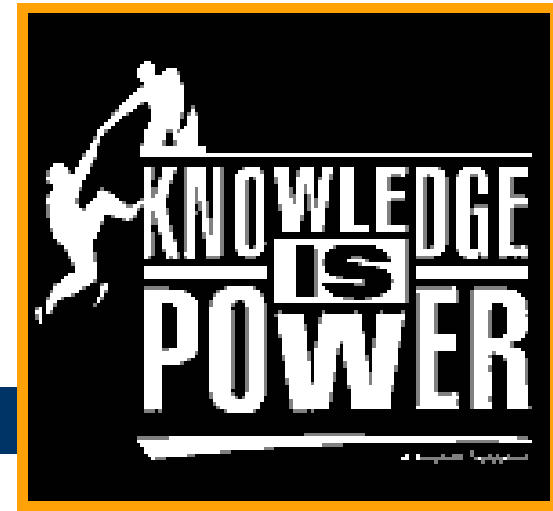
Cancel conditions of PT release on LEIN. Enter the following conditions of probation on (LEIN or NCIC):

- J. Defendant is restrained from harassing, stalking, or threatening, or engaging in other conduct that would place _____ in reasonable fear of bodily injury.
- K. No assaultive or threatening behavior with ____ or anyone else;
- L. No contact with_____. M.) No going to _____.
- N. No use/possession of alcohol, illegal drugs, or drug paraphernalia or being in the presence of anyone, possessing /using any illegal drugs or drug paraphernalia.
- O. Not to possess/purchase/use any firearms, firearm components, ammunition or other dangerous weapons, or be in the company of anyone known to possess them.



Additional Sentencing Recommendations

- Attend the 1 day DV effects on children class
- Attend parenting class
- Report to (Job-Center/Department of workforce development of Wisconsin) every Monday at 9 am until gainfully employed. (minimum 8 job applications per week)
- Pay child/spousal support as ordered and provide proof to probation/court
- Attend AA daily until gainfully employed then ___X per week
- Attend BIP 3X per week until gainfully employed



Informed victims are better able to assess offender lethality and plan for their own and their children's safety

Substance Abuse/Partner Abuse

Similarities and Differences



Similarities

- Escalation
- Denial, Minimization, and Blaming
- Choosing approving peers
- Lying and manipulating
- Lack of predictability
- Defining roles for family members
- High rates of returning to abuse after periods of apparent change

Differences



- Partner abusers don't "hit bottom"
 - Substance abuse is self-destructive
 - Partner abuse is destructive to others
- Short-term vs. long-term rewards
- Societal approval for partner abuse is greater



DRUNK! ?



How drunk would you have to be...



To French Kiss

Your Grandmother?

KARAOKE



Know the Facts



- **Partner abuse does not stop when an addict recovers**
- **Alcohol has no biological connection to abuse or violence**
- **Primary role addiction plays in partner abuse is as an excuse**
- **Recovery from addiction is a necessary prerequisite for stopping partner abuse.**
- **A painful, self examining process requiring long term commitment**

Tequila



Post Disposition

- Prosecute probation violations.
- Offenders should receive swift, clear, meaningful predictable, and certain consequences for violating probation.
- Police, prosecutors, probation, BIP, and victim service agencies should be closely linked in order to enhance victim safety and offender accountability.

THE JUDGE & PROBATION OFFICER

A Tag Team for Safety

The Judicial Review
is only as good as
the information
provided.



Policy # 5

- Request designated dv/stalking dockets with judicial /compliance reviews
- At a minimum ask for reviews on high risk offenders



Post disposition

- Oppose early release from jail or discharge from probation.
- Insure victims are notified when defendants are getting out of jail.
- File new charges for new criminal activity. Including crimes he committed from the jail.



Policy # 6

- Require all system employees to inform victims how jail calls can be reported and used without the victim having to testify (forfeiture by wrong doing)

BIP Weekly Reports

Week	Session #	Status	RDS #	RDS +/-	AA	Sub Tx	Demerit/Reason	\$ Paid	Balance
1/05/17	1		neg		AA	Y	N/A	25	0
1/12/17	2				AA	Y	1 late	25	0
1/19/17		C 1							0
1/26/17	3		THC		No	No	2, AA Sub TX	25	0

Wraparound intervention, working synergistically with one another

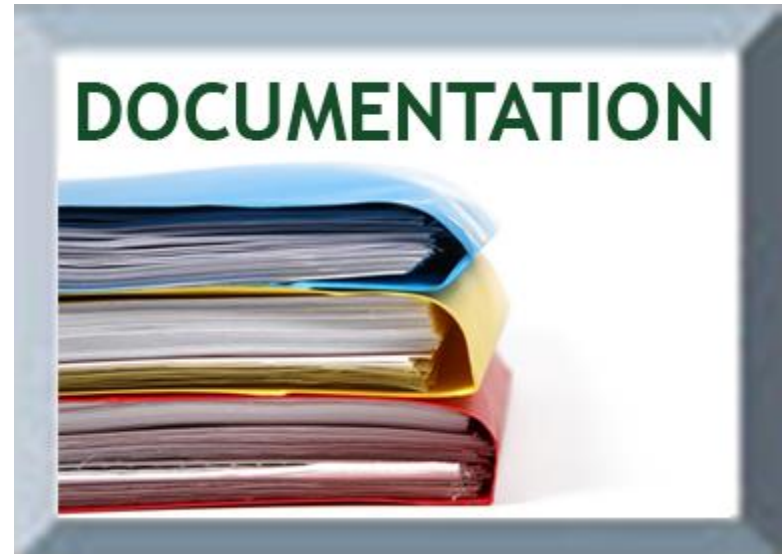
Multiple people watching the batterer

Identify non-compliance immediately

Informing the correct people for safety and accountability purpose

Policy # 7

- Require all treatment providers document other interventions and report to probation/ court weekly.



Probation Innovations

Maximize Victim Safety

Probation group meetings

- Increase time for victim contact
- BIP specific
- Support successful completion of probation
- Address legitimate concerns of defendants
- Defendants learn from the experience of others *Strength, Hope & Consequences*

Creative Sanctions

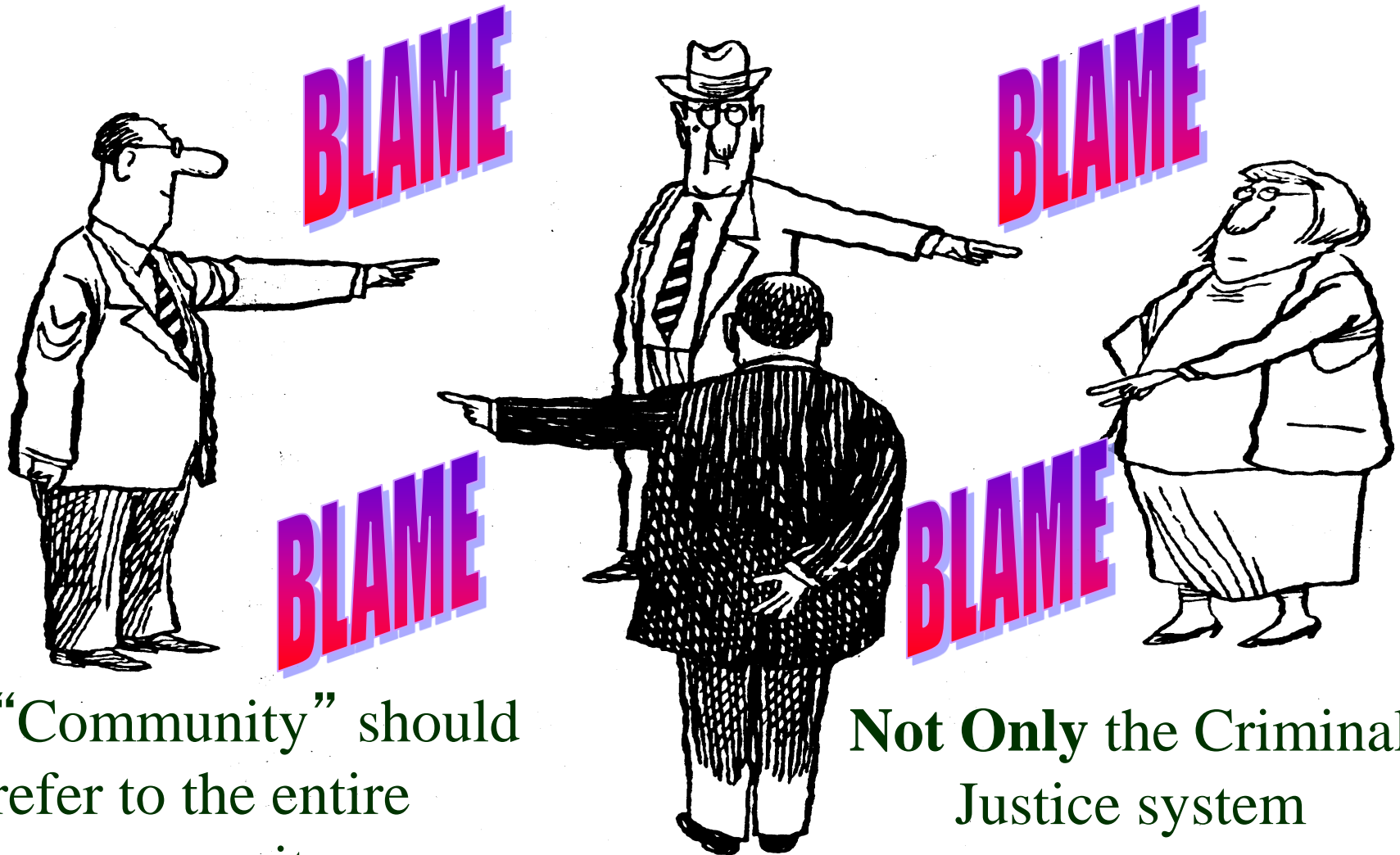
Offender Accountability

- Immediate enrollment in BIP
- Long-term BIP (60 weeks)
- Increased BIP attendance (2-3 times per week)
- Restitution (not only money)
- Attend court weekly
- Graduated sanctions

Consider

- Designated domestic violence officer
- Phases for probationers
- How is probation linked to the high risk team
- Home/field visits
- Drug Dog
- Judicial review hearings
- Accountability starts at the beginning
(make it a consistent community message).

What is the state of your Coordinated Community Response



The “Community” should refer to the entire community

Not Only the Criminal Justice system



BATTERED WOMEN'S JUSTICE PROJECT

Site Search...

- HOME
- ABOUT
- OUR WORK**
- OUR TRAINING & SERVICES
- RESOURCE CENTER
- NEWS
- CONTACT US

HOME / OUR WORK / PROJECTS / PROBATION

Probation Training and Technical Assistance Project

- PROJECTS**
- OVW Arrest Grantees
- Firearm Prohibitions
- Military & Veterans
- Child Custody
- Probation
 - Staff
 - Sample Agenda
- Protection Orders
- TOPICS



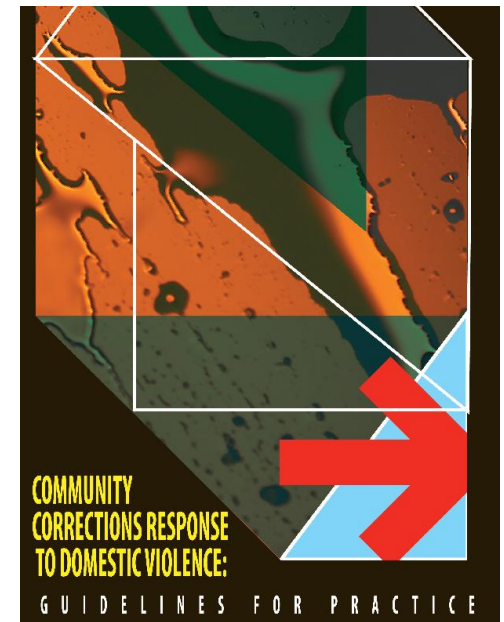
Probation officers often have the most contact with domestic violence offenders and play an

SEARCH for project resources

www.bwjp.org/our-work/projects/probation-project.html

Community Corrections Response to DV: Guidelines for Practice

- ✓ Professionalism & Ethical Practice
- ✓ Case Investigation
- ✓ Community Supervision & Enforcement
- ✓ Victim Safety & Autonomy
- ✓ Batterer Intervention Programs



<http://www.appa-net.org/dv/index.htm>

National Resources

Battered Women's Justice Project

(800) 903 0111 www.bwjp.org

www.bwjp.org/our-work/projects/probation-project.html

Center For Court Innovation
www.courtinnovation.org

National Council of Juvenile and Family Court Judges

www.ncjfcj.org

American Probation and Parole Association (APPA)

www.appa-net.org

Office on Violence Against Women

www.usdoj.gov/ovw

Today's Inspirational Quote:

- "It's not enough to be busy... the question is: what are we busy about?"

-- Henry David Thoreau

Questions/comments/concerns?

- Probation: working smarter, not harder while being fiscally responsible.



Good Luck and Thank You

