

DOMESTIC VIOLENCE RESOURCE GUIDE FOR PROBATION

2019



CHIEF PROBATION OFFICERS
— OF CALIFORNIA —



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OF CALIFORNIA

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INTRODUCTION

This Resource Guide is designed to provide helpful information for probation officers who have domestic violence (DV) offenders on their caseloads, as well as those who are assigned to a domestic violence offender-specific caseload. Probation officers representing numerous counties throughout California have contributed information that represents common practice and/or references to known documents available to most departments. Where appropriate, additional citations and references with further information are provided.

The following chapters address issues such as mandates and responsibilities, special conditions and supervision strategies in addition to issues unique to domestic violence caseloads such as working with and supporting victims, dedicated DV courts, batterer intervention programs, restraining/protective orders and risk assessments. Samples of documents and forms are provided in the Appendices.

- o **Purpose**

A number of officers report being assigned to domestic violence offender caseloads and discovering the issues are not common in other types of supervision caseloads, such as more interactions with victims, working with batterer intervention programs, and trying to understand the unique dynamics of interpersonal relationship violence. This guidebook was developed to answer some of the questions associated with those issues.

- o **Intended use**

This guide is designed to provide probation officers with information and resources that will assist them in addressing the unique nature of domestic violence offender caseloads. The appendix includes examples of forms and informational tools, such as the Duluth Power & Control Wheel.



- o **County differences**

The majority of the information contained in this guide is taken from the California legislative codes, federal mandates, or nationally recognized best practices. In some sections, examples are offered from different counties as information only and not to be construed as mandated policy.

Unique dynamics of interpersonal relationship violence

In domestic violence offender caseloads there are unique dynamics not common to other types of offenders who are usually supervised by probation officers. These dynamics include increased interaction with the victim, interaction with potential new victims, and the interaction and oversight of batterer intervention programs. Additionally, in some counties there are DV specialized courts and community collaborations.

Officers have found that understanding these dynamics can be helpful to enhance their supervision efforts. The following information is offered as an overview and refers to some of these dynamics which are common in the relationship between offenders and their victims.

- o **Cycle of Violence** - This is a phenomenon described by Lenore Walker¹, a battered women's shelter service provider in the 1980s. She noticed a common thread in reports by victims who described a cycle of tension building, followed by an explosion or acute violence, followed by a "honeymoon" stage. Unfortunately as the cycle continued the explosion stage would escalate in severity of violence and in some cases the honeymoon stage began to decrease or stop altogether.



1 Marie VanNostrand, Legal and Evidence-Based Practices: Application of Legal Principles, Laws, and Research to the Field of Pretrial Services, at 27 (CJI/NIC 2007).



- **Application to probation work:** Since officers have more interactions with victims (or potential new victims if the offender is in a new relationship), it is important to know what stage the relationship is in when investigating potential violations of probation or new crimes of violence. Often when a new episode of violence has occurred and the offender has been arrested, it is not uncommon for the honeymoon stage to commence and the victim may therefore become reluctant to cooperate in future questioning or testifying in court. Officers should follow department policy, contact law enforcement and victim advocates. Some departments participate in gathering additional information in the early stages of the investigation and in some cases take pictures or record interviews whenever possible to refute the victim's potential recanting.

Professionals in the field of domestic violence find that this cycle is unlikely to be broken without significant, meaningful intervention (e.g., jail + BIPs).

- **Coercive Control** - Evan Stark², another battered women's shelter worker and expert witness has described this phenomenon in relationships as a series of behaviors that are not necessarily violent, but result in the batterer being able to control their intimate partner and children through a pattern of behaviors which may "look innocent", but can cause fear and apprehension in their victims. Many of these behaviors are listed in the Duluth Model Power & Control Wheel (see Appendix A). They include verbal and emotional abuse, isolation, minimization and denial of the violence, of the effects of the injuries on the victim, using the children, threats to harm, economic abuse, and others.

² Evan Stark has been an activist in the battered women's movement and is a professor at Rutgers University. He is noted for his expertise in domestic violence and describing the phenomena of Coercive Control.



- **Application to probation work:** When supervising offenders who are still in a relationship with the victim, or even when they are separated, it is important to recognize the effect that the offender’s words or actions can have in terrorizing the victim, absent any new physical violence.
- **Dominant Aggressor** - Initially the preferred term used to define a DV offender was the “primary aggressor” until it became apparent that law enforcement was arresting the “first” person to strike rather than the intended “dominant” aggressor. The International Association of Chiefs of Police (IACP) define the “predominant aggressor” as the individual who poses the most serious, ongoing threat, which may not necessarily be the initial aggressor in a specific incident.³ Issues to evaluate are whether one partner is fearful of the other; the age, height, weight of the parties; prior criminal history-especially for DV; whether the injuries are offensive or defensive; who uses coercion or threats, among other criteria.⁴
 - **Application to probation work:** Often the offender will not only minimize their own actions, but it is not uncommon for them to blame their victim and attempt to portray themselves as the “actual victim”, especially if their victim attempted to defend themselves or physically ward off a pending attack (e.g. pushing the defendant away), thus being the “first to strike”. It is important for the probation officer to avoid colluding with the offender and allowing justification of their abusive behavior.
- **Why Don’t They Leave?** - This is a common question from professionals working with domestic violence caseloads: Why do people in abusive relationships continue to stay together in spite of their dysfunctional and violent episodes? There are many dynamics that are not evident to the average person, but as one is trained to understand these dynamics the course of action for professionals becomes clearer.
 - **Application to probation work:** Despite the sometimes confusing messages and frustration it is important to stay focused on department policy and best practices in supervision. More information on this issue is available in *Chapter Eight- Responsibilities to Victims/Victim Support*

3 International Association of Chiefs of Police, Intimate Partner Violence Response Policy and Training Content Guidelines 6 [2017].

4 http://www.stopvaw.org/determining_the_predominant_aggressor

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MANDATES AND RESPONSIBILITIES FOR DOMESTIC VIOLENCE CASELOADS



This chapter will focus on the unique mandates and the statutory requirements for a DV caseload. In addition to the usual duties of a probation supervision officer, domestic violence caseloads carry additional responsibilities most of which are dictated by California Penal Code Section 1203.097 and peripherally Penal Code Section 1203.098. These responsibilities include not only working with the probationer, but in many cases the victim and in one form or another with batterer intervention programs (BIP). Some counties have in-house victim advocates to assist in meeting the statutory requirements for interacting with victims, and in some counties there is a designated “BIP Certification Officer”. Depending on county resources and policy the supervision officer may be responsible for all interactions with the victim, and also certifying the BIPs in addition to their caseload duties, since “the probation department shall have the sole authority to approve a batterer’s program for probation”.⁵

Unlike most criminal offense sentencing schemes the terms of probation for domestic violence probationers are not determined by the criminal status of misdemeanor or felony, but rather by the description of the victim as described in Family Code Section 6211:

“Domestic violence” is abuse perpetrated against any of the following persons:

- (a) A spouse or former spouse.
- (b) A cohabitant or former cohabitant, as defined in Section 6209.
- (c) A person with whom the respondent is having or has had a dating or engagement relationship.

⁵ CPC 1203.097 (c)(5)(C)



- (d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 [commencing with Section 7600] of Division 12).
 - (e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.
 - (f) Any other person related by consanguinity or affinity within the second degree.
- (Added by Stats. 1993, Ch. 219, Sec. 154. Effective January 1, 1994.)

Overview of the Domestic Violence Probation Unit

The development of a domestic violence specialized unit within probation is to support each county's efforts in developing an aggressive and integrated criminal justice response to abuse that will break the devastating cycle of domestic violence. Often referred to as a "Coordinated Community Response Model"⁶, the premise of the unit is that arrests alone will not stop domestic violence and that system-wide coordination and collaboration among criminal justice personnel and non-profit, non-government domestic violence and sexual assault programs are essential to success.

⁶ <https://www.theduluthmodel.org/about-us/coordinated-community-response/>

In almost all counties with a specialized unit assigned deputy probation officers (DPOs) function as liaisons between treatment providers and the court. Some counties intensively supervise domestic violence misdemeanors, whereas others only supervise those persons placed on felony probation. In counties where there is a Domestic Violence Court, the officer may have the additional responsibility of appearing for compliance hearings set at predetermined intervals. More information on DV Courts is available in *Chapter Seven*.

Probation officers have a crucial role in the service and empowerment of DV victims. As mandated by statute (PC 1203.097 (a)(3) and (b)(4)), they are required to make contact with the victim after sentencing in an effort to ensure that the victim understands what transpired in court, the requirements for the probationer's participation in a BIP, available victim resources and knows how to contact the probation officer. Some counties accomplish this via a letter to the victim, while others make sure there is personal contact. Probation officers often reach out to victims to find out more information about the offense to help assess the defendant's risk score more accurately (if such an assessment is being used). It is a good practice for probation officers to respond quickly to victims if there are issues regarding possible violations of probation on the part of the probationer. A main objective is to protect victims and the community at large. Most departments have a primary goal for the supervision officer, which is the protection of the victim and any minor children, and the reduction of trauma to family members. More in-depth information for working with victims is available in *Chapter Six*.





Like most supervision caseloads, probation officers see probationers in the office and make field visits to the defendant's residence in order to conduct searches, monitor compliance with court orders, and administer any other terms of probation. In those counties utilizing Risk/Needs Assessments the frequency of contact is determined by the probationer's level of risk and need. Additionally, when supervising domestic violence cases, DPOs review the progress reports provided by the BIPs with the probationer and in some cases the information may influence a change in supervision levels. Some jurisdictions modify probation status if the probationer has successfully completed the BIP and is not considered a high risk to re-offend. Information regarding the BIP certification process is explained in greater detail in *Chapter Nine*.

Statutory Mandates

When the court grants formal probation and/or orders a person to a batterer's intervention program, the probation department shall conduct an assessment that includes a biopsychosocial assessment of the defendant, treatment history, demonstrable motivation, and assessment of the future probability of the defendant committing murder (PC 1203.097 (b)(1) and (3)). Often this information is collected in the presentence investigation report and each county probation department decides which assessment tools to use in gathering this information.

Conditions of probation may also include, in lieu of a fine, that the probationer makes payments to a battered women's shelter; but not if it would impair the ability to pay direct restitution to the victim or court-ordered child support. The probationer may also be ordered to reimburse the victim for reasonable expenses that are the direct result of the offense, and if they are married the community property shall not be used to discharge this liability (PC 1203.097 (a)(11)(A) and (B)).



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DOMESTIC VIOLENCE SPECIFIC PROBATION CONDITIONS

Investigation and supervision efforts are guided by PC 1203.097 when the victim is a person defined in Section 6211 of the Family Code (see Chapter 2 of this manual). This chapter includes the mandated conditions as well as other relevant conditions used by various probation departments.

Mandated Terms & Conditions (PC 1203.097)

- o Minimum period of probation of 36 months (which may include a period of summary probation as appropriate (a)(1);
- o A criminal court protective order which may include residence exclusion or stay-away conditions (a)(2);
- o Notice to the victim of the disposition of the case (a)(3);
- o Booking the defendant within one week of sentencing if the defendant has not already been booked (a)(4);
- o A minimum payment of a \$500 fee (a)(5)
 - *Domestic Violence Fund-court may waive;*
- o Successful completion of a batterer's program (a)(6) and (7)
 - *Not less than one year, no more than three absences, pay all reasonable fees to the program;*
 - *Probationer shall file proof of enrollment within 30 days of conviction (a)(10)(B);*
- o Specified amount of community service (a)(8)



- o Make payments to a battered women's shelter (a)(11)(A)
 - *Not if it impairs the ability to make victim restitution or pay court-ordered child support;*
- o Reimburse victim for reasonable expenses that are a direct result of the offense (a)(11)(B)
 - Not allowed to use community property to discharge the liability;

Additionally, pursuant to PC 29805 (b)

- o Any person who is convicted, on or after January 1, 2019, of a misdemeanor violation of Section 273.5, and who subsequently owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine. (as of 1/1/2019-*AB3129*- it is a lifetime ban).

A term of probation may be considered invalid if it 1) has no relationship to the crime, 2) involves conduct that itself is not criminal, and 3) requires or forbids conduct that is not reasonably related to future criminality (*Lent, supra*, 15 Cal.3d at p.486). All three conditions must be present to invalidate a probation term (*Balestra, supra*, 76 Cal.App.4th at p.65, fn.3).

The following are other terms that are not state mandated but county-specific and may be ordered on persons convicted of misdemeanors as well

- o ALL domestic violence offenders are placed on Formal Probation: additionally, offenders are to be supervised by the DV Field Supervision Unit, or Non-Field Supervision/Minimum Supervision Unit (Telephone Reporting System).
- o Not change place of residence or leave State of California without approval from the Probation Officer.
- o Electronic Search orders
- o Alcohol and drug orders (no possession, search and testing terms)
- o Complete a substance abuse program
- o GPS Ankle Monitoring
- o Ordering PRCS probationers to BIPs (PC 3053.2)
- o Complete a parenting education program

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CRIMINAL PROTECTIVE ORDERS

Often probation officers find that they may have conflicting orders for their probationers. This chapter describes the protocol as listed by the California Judicial Council. In all circumstances though probation officers must act pursuant to their department policy and procedures.

Emergency Protective Orders, DV Protective/Restraining Orders, & Criminal Protective Orders

Emergency Protective Orders (EPO) [Judicial Council Form EPO-001⁷] are issued by a judge at the request of a law enforcement officer where there is a danger of domestic violence, child abuse, abduction or elder abuse. Usually the law enforcement officer has been called out to a person's residence for a disturbance. If the officer feels an emergency protective order is necessary, then the officer will contact the court to speak to a judicial officer. If an emergency protective order is issued, the protective order is only temporary (up to seven calendar days).

Family Court Domestic Violence Restraining/Protective Orders (DVRO) is issued by the Family Law Court.

Temporary Restraining Order (TRO) [Judicial Council Form DV-110⁸]

When a domestic violence victim requests a domestic violence restraining order from the family law court, she/he will fill out paperwork telling the judge everything that has happened and why a restraining order is necessary. If the judge believes the victim needs protection, a temporary restraining order will be ordered. Temporary restraining orders usually last between 20 and 25 days, until the court hearing date.

⁷ <http://www.courts.ca.gov/documents/epo001.pdf>

⁸ <http://www.courts.ca.gov/documents/dv110.pdf>



“Permanent” Restraining Order (Judicial Council Form DV-130⁹)

When the victim attends court for the hearing that was scheduled for the TRO, the judge may issue a “permanent” restraining order lasting up to 5 years. At the end of the 5 years (or whenever the order expires), the victim may request a new restraining order.

Criminal Protective Orders (CPO) (Judicial Council Form CR160¹⁰) are issued by the criminal court when criminal charges domestic battery/domestic violence related charges have been filed. CPOs can be either no contact or no negative contact.

Enforcement of Orders

If a law enforcement officer has probable cause to believe the restrained person had notice of the order and disobeyed the order, the officer must arrest the restrained person pursuant to PC836(c)(1). A violation of the order may be a violation of PC166 or PC273.6.

Conflicting Orders If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced according to the following priorities (PC136.2, Family Code 6383(h), 6405(b)):

1. Emergency Protective Order (EPO): If one of the orders is an Emergency Protective Order, and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. No Contact Order: If there is no EPO, a no-contact order that is included in a restraining order or protective order has precedence in enforcement over any other restraining or protective order.



9 <http://www.courts.ca.gov/documents/dv130.pdf>

10 <http://www.courts.ca.gov/documents/cr160.pdf>



3. Criminal Order: If none of the orders includes a no-contact order, a domestic violence protective order issued in criminal cases takes precedence in enforcement over any conflicting civil court order. Any non-conflicting terms of the civil restraining order remain in effect and enforceable.
4. Family, Juvenile, or Civil Order: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was last issued must be enforced.

Protective Orders issued in any state are enforceable in California pursuant to 18 U.S.C §2265.

Modifications of Criminal Protective Orders:

Sometimes domestic violence victims will request the court modify the no-contact order to a no-negative contact or no-harass order.

The Court may then refer the matter to the

probation department for a recommendation. PC 1203.097 (a) (10) (A) provides some similar considerations to consider as well as PC 1203.3 (6) (A-I) when making a recommendation for modification:

- o Whether the probationer accepts responsibility for the abusive behavior perpetrated against the victim;
- o Whether the probationer has been violence-free for a minimum of six months;
- o Whether the probationer is currently attending and actively participating in counseling sessions;
- o Whether the probationer has demonstrated an understanding of and practices positive conflict resolution skills, that the use of coercion or violence to maintain dominance is unacceptable in an intimate relationship;



- o Whether the probationer or supervised person has completed parenting counseling, or attended alcoholics or narcotics counseling.¹¹
- o Whether the probationer has moved from the state or is incarcerated.
- o Whether the probationer is still cohabiting, or intends to cohabit, with the subject of the order.
- o Whether the defendant has performed well on probation, including progress reports.
- o Whether the victim desires the change, and if so, the victim's reasons; whether the victim has consulted a victim advocate; and whether the victim has prepared a safety plan and has access to local resources.
- o Whether the change will impact any children involved, including consideration of any child protective services information.
- o Whether the ends of justice would be served by limiting or terminating the order.

Other considerations for the report may include¹²:

- o The seriousness of the facts before the court.
- o The probability of future violations.
- o The safety of the victim and his/her immediate family.

11 "alcoholics or narcotics counseling" should not be confused with Alcoholics Anonymous or Narcotics Anonymous, which are both self-help groups and not counseling.

12 PC273.5(j)

5

RISK ASSESSMENT TOOLS¹³

This is an evolving area of study that continues to be updated as new research is being conducted to inform the practitioner of best practices.¹⁴ Most important to note is that low risk does not mean “no” risk.

It is helpful to understand the concept of generations of assessments¹⁵:

FIRST:

- o Unstructured, no set process for interviewing or collecting information
- o Informal and not really tracked
- o Based more on “impressions” of the interviewer

SECOND:

- o Actuarial
- o Guides assessors to numerical ratings
- o Primary focus on historical or static factors

THIRD:

- o Included dynamic factors and criminogenic factors
- o Risk and Need factors
- o Empirically based, meaning they are not driven just by data
- o Example: LSI-R

13 Lux, J., Ph.D, & Kishimoto, E., MS. (n.d.). *Examining Domestic Violence Assessment, Case Planning, Treatment and Supervision Best Practices and Proven Strategies* (Rep.). Submitted by University of Cincinnati for Chief Probation Officers of California

14 <https://csgjusticecenter.org/reentry/posts/risk-assessment-what-you-need-to-know/>

15 <http://criminal-justice.iresearchnet.com/system/offender-classification/2/>



FOURTH:

- o Integrates case planning to enhance treatment and supervision
- o Incorporates professional judgment, but is grounded in research and theory

Whereas many counties currently conduct “general risk assessments” the presence of intimate partner violence creates the need for conducting assessments specific to domestic violence. There are a number of assessment tools available and it is important to note whether the risk being measured is to “reoffend” versus risk to be “lethal”. When there are seemingly conflicting scores between general and DV risk assessments many counties will defer to the higher score offered in the DV risk assessment tool.

An additional assessment tool that can assist with the requirement to determine the future probability of the defendant committing murder (PC 1203.097(b)(3)(I)) would be the Danger Assessment.¹⁶ It might also serve as an additional tool when seeking to justify an “override” of the aforementioned assessment scores.¹⁷

The following is a partial list of assessment screening tools currently available for DV risk assessment. Some are no-cost and in the public domain, while others are proprietary with varying fee structures.



16 Developed in the 1980s by Dr. Jacquelyn Campbell through Johns Hopkins University, School of Nursing, initially to provide a tool for victim advocates to use when counseling a victim of her increased risk of homicide. It has since been revised and used by law enforcement at the scene of the incident to recommend the victim seek advocacy services.

17 Campbell, J. C., Webster, D. W., & Glass, N. (2009). The danger assessment: Validation of a lethality risk assessment instrument for intimate partner femicide. *Journal of Interpersonal Violence, 24*, 653-674.

Assessments for measuring level of supervision or reoffending:

- o Domestic Violence Screening Instrument-Revised (DVSI-R)
 - Non-proprietary
 - 12 item checklist
 - Static risk factors primarily (employment status is only dynamic factor)

The DVSI-R was designed for use by probation departments.

- o Ontario Domestic Assault Risk-Assessment (ODARA)
 - Originally designed for first responders
 - Non-proprietary
 - 13 items
 - Strong reliability and validity results

The ODARA is empirically designed and any victim input must be included initially in the police report or given to victim advocate upon first contact. It can be used accurately by clinicians, law enforcement, the courts, etc. It measures the risk of reoffending which can be helpful in determining supervision levels.

- o Spousal Assault Risk Assessment (SARA)
 - 20 item instrument
 - Empirical, static and dynamic factors
 - Supports case plan development
 - Useful by psychologists and others working with DV offenders and victims
 - Generally considered effective in predicting future DV offenses

The SARA requires extensive training to accurately use the tool and some items are not associated with recidivism. It was shown to be more accurate when coded by researchers, not as effective when used by law enforcement.

Assessment for measuring level of lethality:

- o Danger Assessment
 - Collaborative process between probation and victim (includes survivor's fear of being killed)



- Originally designed as a lethality tool, also used as risk assessment
- 15 item checklist

*While some of the information can be obtained from law enforcement reports, the most accurate information is obtained directly from the victim. *Additional training is necessary to be fully certified to conduct the assessment.*

Other assessments:

- o Conflict Tactics Scales-2
 - Proprietary
 - Measures violent perpetration using 3 common tactics (physical assault, psychological aggression, negotiation)

The CTS-2 measures concrete acts of aggression/violence, but not necessarily in the context of the abuse (e.g. victims “defending” themselves). Not viewed as a useful tool for determining levels of supervision or likelihood of reoffending.

- o Violence Risk Appraisal Guide
 - Proprietary
 - 14 items
 - Designed for Pre-trial administration

The VRAG is used to predict male violent recidivism. It is an actuarial scale with statistical calculations.

To summarize, some key indicators (*red flags for the supervision officer*) of risk for reoffending and/or lethality are:

- o Strangulation of the victim (*research shows they are at a 7 times greater chance of being killed by their abuser*)¹⁸
- o Presence of a gun (*research shows a 3 times greater chance of homicide, victim or perpetrator*)¹⁹
- o A victim’s attempt to leave the abuser (75% greater risk of homicide up to two years post-separation)²⁰

18 Glass, N., Laughon, K., Campbell, J., Block, C. R., Hanson, G., Sharps, P. W., & Taliaferro, E. (2008). Non-fatal strangulation is an important risk factor for homicide of women. *The Journal of emergency medicine*, 35(3), 329-335.

19 http://ncdsv.org/images/NIJ_MenWhoMurderTheirFamiliesWhatTheResearchTellsUs_6-2010.pdf

20 Hotton, T. (2001). Spousal violence after marital separation. Canadian Centre for Justice Statistics.

6

SUPERVISION STRATEGIES

This chapter discusses strategies that experienced officers have identified as helpful to successfully supervise a domestic violence offender caseload. The research on Risk/Needs/Responsivity issues is briefly discussed to provide a framework for application to DV caseloads. Case planning recommendations, including some understanding of working with victims is also covered.

Much research has been conducted over the last few decades around the criminogenic risk/needs and responsivity principles which guide successful supervision efforts of criminal offenders.²¹ One useful tool to assist with targeting criminogenic needs is the STRONG assessment tool (Static Risk and Offenders Needs Guide). The STRONG assessment is a “living and breathing” document that is updated every six months or when there is a “significant change” (e.g. defendant finds gainful employment, finds housing or becomes homeless, positive drug test, etc.). By conducting a STRONG interview, the probation officer is provided an opportunity to engage in conversation with their client, and build rapport. Learned skills such as Motivational Interviewing skills-OARS (Open ended questions, Affirmation, Reflection, and Summary) can be employed for best results.

More research needs to be conducted specific to domestic violence offenders, but the following is a review of the principles and the application to DV caseloads.

o Risk

- The Risk Principle tells us **who** we should target with our resources. This is why conducting Risk/Needs evaluation assists not only with determining the supervision level, but also the likelihood of the probationer’s propensity to reoffend and level of lethality.

21 Lowenkamp, C. T., Latessa, E. J., & Smith, P. (2006). Does correctional program quality really matter? The impact of adhering to the principles of effective intervention. *Criminology & Public Policy*, 5(3), 575-594.



- Some risky thinking of batterers (*she deserves it/ she pushes my buttons-makes me mad/ what happens in my family is my business/ she's supposed to submit to me as head of household, I just "lost control"*)
- Due to the high propensity for domestic violence victims to recant and contribute to the dismissal of prior acts of violence, it is important to consider prior arrests, not just convictions for establishing risk of reoffending.²²

o Needs

- The Need Principle tells us **what** we should target. We target those factors contributing to reoffending, and we focus our efforts on those elements. As the domestic violence offender is viewed through the "Needs" lens, certain skills might be helpful for them to learn. This can be accomplished through the interactions with the probation officer in addition to the batterer intervention program.
- Skills such as positive conflict management/empathy for partner/ healthy relationship-equality behaviors/ self-soothing-calming behaviors are viewed as helpful in reducing violent recidivism.

o Responsivity

- The Responsivity Principle helps us with the **how**. Another word for responsivity is barriers, or how we orchestrate our work to reduce those roadblocks. Responsivity Principle dictates that the agencies should know "how" to intervene with offenders to ensure their ability to learn from the intervention is maximized. Social learning techniques, behavioral, and/or cognitive interventions have shown the most effective for changing offender's behavior. Using the "8 Principles of Evidence Based Practices"²³ can be helpful in designing your supervision strategies:
 - They include 1) Assess Actuarial risk/needs, 2) Enhance Intrinsic Motivation, 3) Target Intervention, 4) Skill train with direct practice, 5) Increase Positive Reinforcement, 6) Engage ongoing support in natural communities, 7) Measure relevant processes and practices, and 8) Provide measurement feedback.

22 King-Ries, A. (2006). An Argument for Original Intent: Restoring Rule 801 (D) (1) (A) to Protect Domestic Violence Victims in a Post-Crawford World. *Pace L. Rev.*, 27, 199.

23 <https://www.ncsc.org/-/media/Microsites/Files/CSI/Additional%20Learning%20Materials/Handout%2054%208%20Evidence%20Based%20Practices%20Principles.ashx>

Case Planning

“Evidence-based decision-making recognizes that public policy and practice should be informed by the best available research, and should be enhanced through ongoing performance. Scientific study has demonstrated that recidivism can be reduced when the risk, need, and responsivity principles are adhered to (Andrews & Bonta, 2010; Lowenkamp, Latessa, & Smith, 2006).”²⁴

Best practices show that the officer needs to supervise to the risk level of the offender using his/her time and energy for the offenders representing greatest risk. Dosage amounts are tailored to the needs of the offenders. Research shows greater treatment dosages were associated with reductions in recidivism across risk levels, and were most pronounced with high risk offenders: high risk offenders receiving high dosage (200 or more hours) compared to those receiving a moderate dosage (100–199 hours) recidivated at markedly lower rates.²⁵

California law requires a 52-week batterer intervention program and 2 hour per week mandated duration (104 hours), program length is mandated. Research reflects that the interactions with their probation officer can enhance the positive effects of change for offenders.²⁶ As previously discussed in the Risk section, it is important that officers be attentive, even for lower risk cases due to possible victim recanting, and that rapid initial contact and face-to-face contact is crucial with domestic violence offenders.

Some recommendations that officers have found helpful are²⁷:

- Respond to violations quickly; initiate pre-violation interventions as well;
- Keep your eyes open for stalking behaviors.... A variety of stalking behaviors can be precursors to threats to victims;
- Don't delay on absconders..... Initiate paperwork quickly;
- Get the transfer process started immediately, make informal contact with the new jurisdiction.

24 Carter, M. M., & Sancovitz, R. J. (2014). *Dosage probation: Rethinking the structure of probation Sentences* (Report No. 027940). Washington, DC: National Institute of Corrections, Center for Effective Public Policy. Retrieved from <https://s3.amazonaws.com/static.nic.gov/Library/027940.pdf>

25 Sperber, K. G., Latessa, E. J., & Makarios, M. D. (2013b). Examining the interaction between level of risk and dosage of treatment. *Criminal Justice and Behavior*, 40, 338–348.

26 Robinson, C. R., Lowenkamp, C. T., Holsinger, A. M., VanBenschoten, S., Alexander, M., & Oleson, J. C. (2012). A random study of staff training aimed at reducing re-arrest (STARR): Using core correctional practices in probation interactions. *Journal of Crime and Justice*, 35, 167–188.

27 Abner, C. (2009). Bridging the gap: Enhancing community corrections response to domestic violence. *Perspectives*, 40-49.



Guns are a significant predictor in law enforcement injuries associated with DV situations and key in lethality assessments (*see Danger Assessment in Chapter Five*). Domestic violence convictions result in the loss of being able to purchase or possess firearms so if possible it is recommended that officers run an Automated Firearms System (AFS) check at initial intake, and every six months thereafter.

Drug and alcohol abuse is also a common co-occurring issue which can exacerbate an offender's assault and increase the likelihood of greater injuries to the victim.²⁸ Research has shown that over 50% of men enrolling in batterer intervention programs report a problem with alcohol and/or drugs²⁹ Substance abuse history is a requirement for the probation department to assess after the court orders a defendant to batterer's program (PC 1203.097 (a)(3)(F). As a supervision officer, it is important to determine if the defendant may need to enroll in a chemical dependency program in addition to the batterer intervention program (PC1203.097(a)(10) (C).

Domestic violence offenders often deny or minimize their behavior so is important to avoid collusion by maintaining the focus on the abusive behavior as the responsibility of the offender. Case intervention should be survivor-focused and evidence-based supervision practices used to avoid mitigating batterer behavior.

- o *Batterers often try to present a "good" front to authority, somewhat more than other types of offenders. Because victims can sometimes further this "presentation" (due to a variety of reasons-fear, love, etc.) it is important for officers to understand this "unique dynamic" and maintain the focus on changes in criminal/anti-social thinking and behavior.*³⁰

Conversely, when working with victims it is important to understand that their behavior will be contingent on which stage of victimization they are experiencing.³¹ In the initial stages they may be unwilling to admit that abuse is still occurring and may not cooperate with the officer's investigation, desiring to still protect the offender. In later stages they may seem combative or resistant as they may no longer trust the system to protect him or her. More information regarding working with victims is available in *Chapter Eight*.

28 Brecklin, L. R. (2002). The role of perpetrator alcohol use in the injury outcomes of intimate assaults. *Journal of family violence, 17*(3), 185-197.

29 Werk, A., Caplan, T., & Seraganian, P. (1999). Violent substance abusers in domestic violence treatment. *Violence and Victims, 14*(2), 179.; Bhatt, R. V. (1998). Domestic violence and substance abuse. *International Journal of Gynecology & Obstetrics, 63*, S25-S31.

30 Yorke, N. J. (2015). Avoiding collusion with batterers through recognition of covert behavior for better outcomes in family court. *J. Am. Acad. Matrimonial Law, 28*, 563.

31 Burkitt, K. H., & Larkin, G. L. (2009). The transtheoretical model in intimate partner violence victimization: stage changes over time. *Motivational interviewing and stages of change in intimate partner violence, 273-303*.

7

DOMESTIC VIOLENCE SPECIALIZED COURTS



Problem-solving courts for crimes such as domestic violence emerged in the 1980s and 90s in response to frustration among victim advocates, judges and attorneys who saw the same people cycling through the justice system with minimal accountability. The Domestic Violence Court was designed to improve victim safety and enhance defendant accountability. Compared to non-specialized courts, DV court provides specialized judicial monitoring and intensive probation supervision as well as a higher level of collaboration across systems and providers. This chapter will review the benefits of having a DV court and some common attributes of these courts.

For those counties who have DV Courts they have found the following benefits:

- o A greater likelihood of imposed sanctions for noncompliance, and often more timely imposition of court responses;
- o Court policies that prioritize victim safety and reduce offender re-offense (through deterrence, rehabilitation and accountability) that can be effective in reducing recidivism;
- o Better enforcement of mandatory probation terms required by Penal Code Section 1203.097, such as BIP and CPOs.
- o More consistent enforcement of other case-specific terms such as substance abuse and mental health treatment.
- o One California study showed BIP completion rates are higher with DV courts and significantly lower recidivism rates among BIP completers.
- o A DV Court provides direct access to court for victims, who are often lost in the system in other non-specialized courts.



Each DV court has its own design and process, but some of the commonalities are that³²:

- The judge often has a special interest and experience in handling domestic violence cases.
- There is a more shared understanding of the court functions and the roles of participants which may include:
 - DV Court Coordinator
 - Better access to victim services
 - Better access to treatment programs for defendants
- There is usually clear and consistent communication of compliance expectations and more consistent application of incentives and sanctions.
- They have a dedicated calendar, whether half or a full day depending of the number of cases.

In counties with a dedicated domestic violence court, some officers handle their own cases, and in others there is an assigned court officer to handle the hearings.

32 Klein, A. R. (2009). *Practical implications of current domestic violence research: For law enforcement, prosecutors and judges* (Report No. 225722). Washington, DC: National Institute of Justice, U.S. Department of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/225722.pdf>

8

RESPONSIBILITIES TO VICTIMS/VICTIM SUPPORT



One of the most unique aspects of supervising a domestic violence caseload is the issue of working with the victim in addition to the probationer. This chapter will cover recommended strategies for victim contact and victim-centered offender supervision, as well as available services and resources for victims. Several questions regarding restraining orders and restitution issues will also be reviewed. Additional resource material for victims is available in Appendix A.

Mandates

Penal Code Section 1203.097 provides several mandates for the probation officer's interactions with the victim. These include the case disposition, notification of the probationer's requirement to participate in a batterer intervention program, as well as available victim resources (*a sample letter is provided in Appendix B*). The victim shall be informed that attendance in any program does not guarantee that the abuser will not be violent, and that the victim is not compelled to participate in the counseling program.

Victim Contact and Supervision Strategies

Some departments require victim contact be more than a letter. In some counties the officer is required to attempt personal contact with the victim, whether by phone call or face-to-face meeting. When personal contact is initiated officers find it helps them obtain additional information regarding the history of the relationship and provides an opportunity to build rapport, provide referral for services and answer questions the victim may have regarding the court system.



The following is a list of examples of questions probation officers should be prepared to answer for victims:

- How often you will meet with the defendant;
- What will take place during field searches and visits;
- Possible consequences for violations;
- How the process of paying restitution works;
- Explain circumstances around notification should the defendant be arrested or detained in county jail for new probation or new law violations;
- Explain court progress reviews, that they have a right to attend and they can provide information to the probation officer to convey to the court if they don't feel comfortable doing it themselves;
- Explain they have a right to be made aware of compliance or noncompliance issues regarding the probationer's attendance and participation in the batterer's program.



Restraining Order Issues

Another area of concern for victims is in regard to criminal protective orders. A more thorough explanation can be located in *Chapter Four*, but for the purposes of this section a brief explanation will be explored in an effort to reiterate the importance of discussing with the victim what a protective order is and what their rights are to assure their safety is taken into consideration.

In many jurisdictions the court orders a criminal protective order as an initial term of probation. If this is not routine practice it is helpful to inform the victim that a restraining order can be requested by anyone who has been threatened, harassed, abused or assaulted, whether or not you're married and whether or not you live with the person threatening or attacking you. If a person is married, they do not have to get a divorce to get a restraining order.

NOTE: It is important to stress to victims that it is a crime to violate a restraining order. Also that the only person who can be arrested and prosecuted is the person for whom the court has ordered the restraining order; that means the victim cannot "violate" the order if they are not in fact the "restrained person". This is a common misconception that allows the probationer to control and manipulate their victim when there has been an attempt at contact or possible reconciliation while the order is in effect. In some jurisdictions the officer informs the victim that if they wish to resume contact with the probationer it is better to ask the court to lift the order or modify it, rather than allow the probationer to violate an order of the court. The victim can be referred to the local victim services/shelter program for counsel on this decision. More information on this process can be located in *Chapter Four*.

The aforementioned scenario is one reason why it is helpful for the probation officer to understand the dynamics of the domestic violence cycle as well as common "red flag behaviors" exhibited by the victims when deciding whether or not a de-escalation of a protective order is warranted.

Victims may have conflicting feelings regarding their situation. It is not uncommon for victims to accept blame for their batterer's behaviors. This may be an indicator that a modification is not appropriate at this time. Some victims do not reach out to the probation officer until a major disagreement ensues and at that time they request that the probationer be arrested, that the probation officer "do something", or even request the no-harass order be elevated to a no-contact order. Victims may later recant their statements, minimizing the impact and may no longer wish to pursue any disciplinary actions. It is important that probation officers do not blame victims for their decisions but provide service and support referrals to assist them.



If these situations occur it is critical to document the behaviors of the victim and/or probationer in your case notes to justify not recommending the modification of the restraining order until the situation changes. This might also be an opportunity to refer the victim to an in-house advocate if available, or your local shelter program, for them to seek further counsel on their options.

The following are answers to common questions which can be provided to the victim regarding the existence of a restraining order:

- o Order the defendant to stay a specified distance away from you;
- o Order the defendant to stay away from your home, work, family's home, children's school, child care center or babysitter;
- o Order the defendant to move out of your home, even if the defendant's name is on the lease or he/she is co-owner;
- o Give you custody of your children and make visitation orders;
- o Order child or spousal support;
- o Order the defendant not to call or write you or do so through another person (third party);
- o Divide up some of your property;
- o Reimburse you for lost earnings and/or actual expenses caused directly by violence.

What Does the Victim do if the Defendant Violates the Restraining Order?

- o Call the police. Then notify the probation officer when safe.
- o Ask that a formal report be taken, even if the defendant has run away.
- o If the defendant is still there when the police arrive, and he/she is aware of the restraining order, you can request a Citizen's Arrest.
- o It is important to file a police report. The District Attorney will then review that report and file the appropriate charges.
- o Cooperate with the prosecution. It is important that the defendant understands he/she cannot violate the order.

Can a Restraining Order be modified to a lesser restricted order?

Yes, the probationer and victim can both request that a no contact order be modified to a no-harass order which allows both parties to have contact with each other, live together, co-parent, etc. More information on this process is available in *Chapter Four*.



Restitution Issues

NOTICE OF VICTIMS' RIGHTS

In 1983 Marsalee (Marsy) Nicholas, a college student, was stalked and killed by her ex-boyfriend. Her family's experience in the judicial system led to their fight for and eventual passage of an expanded Victim's Bill of Rights Act, now commonly known as Marsy's Law. It became a California Constitutional Amendment (Article I, §28) in 2008³³ and contains seventeen rights for victims and surviving family members. Included among these rights are the following as they pertain to restitution:

- o "All persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer."
- o "Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss."

33 https://www.oag.ca.gov/victimservices/content/bill_of_rights



SETTING RESTITUTION

Penal Code Section 1202.4 and the California Judges Benchguide [§83.55] provide for victim restitution recommendations which are based on the standard of reasonable and credible crime-related claims by the victim or next-of-kin. If the investigating officer is able to determine the amount of restitution prior to the completion of the Probation Officer's Report, said amount shall be included as part of the officer's recommendation, otherwise it is calendared for a later date after sentencing as *to be determined*. "The amount may be determined by referencing information in crime report, victim's statement and supporting documentation, such as: receipts, estimates, bills, insurance payments, pictures, appraisals, police reports, etc. However, a restitution recommendation may be made based solely on the victim's credible representation of their loss. The burden of proof lies with defendant.

In cases of domestic violence, adult victims have a right to restitution expenses incurred in relocating away from defendant, including but not limited to: temporary lodging, food, clothing and other related personal expenses. Additionally, expenses related to aiding in the criminal investigation or prosecution is allowable claims for restitution.

Pursuant to PC 1203.097 (a) (11) (B), the defendant shall not be ordered to make payments to a battered women's shelter if it would impair their ability to pay direct restitution to the victim or court-ordered child support. Also, if the defendant and victim are married, the community property shall not be used to discharge the liability of the offending spouse for restitution to the injured spouse.



9

BATTERER INTERVENTION PROGRAMS (BIP)

Batterer intervention programs are part of a Coordinated Community Response Model which partners with the courts and probation departments to provide a key opportunity to change an offender's thoughts, feelings and behaviors in regard to domestic abuse. However there is still much variance and more research still needs to be conducted to find what works with confidence.³⁴ This chapter will review the basic knowledge and subject matter required in the BIP delivery of services, as well as program design information and suggested ideas for the probation officer to consider in successful program implementation. Additionally, an overview of the certification process for BIPs and some options for the remediation process for underperforming programs will be discussed.

The goal of a batterers' program is to stop domestic violence.³⁵ It must have strategies to hold the defendant accountable for the violence in the relationship and couples counseling is prohibited. Currently the California Penal Code 1203.097 mandates attendance only at programs which have been certified by the Probation Department to provide services. The program must meet the criteria outlined in both PC 1203.097 and PC 1203.098 regarding subject matter content and appropriate staff training. It must have the capacity to provide 2-hour classes in a 52-week format. Quarterly progress notes are required to be sent to the probation officer (or Court) and only three absences are allowed before referring the probationer back to the referring agency for termination. Some key subjects which must be covered in the psychoeducational delivery include:

- o Gender Roles
- o Power & Control

34 Geffner, R. A., & Rosenbaum, A. (2001). Domestic violence offenders: Treatment and intervention standards. *Journal of Aggression, Maltreatment, and Trauma*, 5, 1-9.

35 CPC 1203.097 (c)(1)



- o Socialization and Nature of Violence
- o Substance Abuse and DV
- o Multicultural/Multiethnic/Diversity issues
- o Effects on Children and Others.

Program facilitators must also complete a 40-hour basic training, followed by 104 hours of internship and thereafter 16-hours of annual training with a minimum of eight hours in domestic violence issues. All training and supervision is to be conducted by an “experienced facilitator”³⁶ The 40 hour training must consist of the following subjects:

- o Basic domestic violence knowledge which focuses on victim safety and the role of domestic violence shelters in a community-coordinated response;
- o Multicultural, cross-cultural, and multiethnic diversity and domestic violence;
- o Substance abuse and domestic violence;
- o Intakes and assessments, group facilitation techniques;
- o DV law and ethics;
- o Group content focusing on the aforementioned subjects to be covered in a BIP.

There are many theories that frame program delivery such as Power& Control/Feminist/Patriarchy theory; psychological frameworks (social learning/attachment theory); Family Systems/Generational issues and these in turn inform the model the programs choose to use. Some models are based on the earliest program design known as The Duluth Model, while others incorporate more clinical interventions such as cognitive-behavioral therapy and Motivational Interviewing. Research is continuing to ascertain promising practices for the best method of delivery and approach that will contribute to increased retention and reduced recidivism. It is helpful for the probation officer to be aware of the curriculum being used in their county’s BIPs so as to have a point of reference for discussion and to help determine if the probationer is demonstrating an understanding of positive conflict resolution skills, that the use of coercion or violent behavior is unacceptable in an intimate relationship and if they are in fact participating in the batterer program.³⁷



36 CPC 1203.098

37 CPC 1203.097 (a)(10)(A)



The responsibility principle advises that agencies should know how to intervene with offenders to ensure their ability to learn from the intervention is maximized.

- Social learning techniques, behavioral, and/or cognitive interventions have shown the most effective for changing offender's behavior.
- *Look for program materials being used by BIPs with clearly defined objectives, goals, activities; ideally with a manual to foster consistency in the application of the program.*

Interventions should be tailored to match individuals' learning styles, skills and abilities (adult learning principles). The treatment approach should seek to build an alliance and assist them in exploring some personal reasons to consider change (Motivational Interviewing—not shame-based).

- This approach would include an environment that is engaging and comfortable to explore new options.

Core correctional principles have informed us that when evaluating programs it is helpful to consider if they are using a human services approach which includes a belief that people are capable of change and affords offenders opportunities to develop new skills to foster positive change rather than an approach that is punitive in nature and believes it is up to the offender to change (absent intervention).³⁸

- Failure of programs to adhere to the principles of effective intervention may diminish treatment outcomes and in some cases unintentionally increase risk levels and/or rates of recidivism.
- *This is the reason that BIP providers need to be trained and held accountable for effective intervention. They need to apply effective reinforcement for prosocial behavior and effective disapproval*³⁹

38 Lowenkamp, C. T., Flores, A. W., Holsinger, A. M., Makarios, M. D., & Latessa, E. J. (2010). Intensive supervision programs: Does program philosophy and the principles of effective intervention matter? *Journal of Criminal Justice*, 38, 368-375.

39 Dowden, C., & Andrews, D. A. (2004). The importance of staff practice in delivering effective correctional treatment: A meta-analytic review of core correctional practice. *International Journal of Offender Therapy and Comparative Criminology*, 48, 203-214.



Certification

Pursuant to PC 1203.097 (c) (5), the probation department has the sole authority to approve a batterer's program for probation. In addition to the requirements outlined earlier such as training and subject matter delivery, it is important for the program to have adequate administrative and operational capacity to operate the program successfully. Each county designs its own certification packet, with some counties detailing very specific requirements, and others requiring only what is outlined in the penal code.

Information that can be provided to the program:

- The defendant's arrest report, prior incidents of violence and treatment history⁴⁰
- The investigative information contained in PC 1203.097 (b)(1)
- A written referral stating the minimum sessions required by the court.⁴¹

Information that the program must provide to the probation department/court:

- Any violation of the terms of the protective order, including any new acts of violence or failure to comply with the program requirements⁴²
- Proof of enrollment, periodic progress reports, a final evaluation with recommendations for either successful or unsuccessful termination or continuation in the program.⁴³

Remediation

Sometimes the probation department determines that a program is not in compliance with standards set by the department and action is required to remediate the program into compliance. Penal code section 1203.097 (c) (2) (B) provides the steps which the department can take which will hopefully allow for the program to provide a plan of correction, but if not, there is the option to cease referrals of defendants to the program.

Most departments utilize an assigned officer to oversee and certify the batterer programs. Policies are initiated which direct the programs as to the requirements for certification. Annual audits are usually conducted on the programs to ensure they are complying with the important criteria of documentation of the probationer's attendance and other data gathering. The audits also serve as an opportunity for the probation department to assess the quality of program delivery as well as assessing the individual facilitators. Sample evaluation forms are contained in *Appendix B*.

40 CPC 1203.097(a)(7)(B)

41 CPC 1203.097 (c)(1)(N)

42 CPC 1203.097 (b)(10) (B)

43 CPC 1203.097 (c)(1)(O)

10

USING DATA EFFECTIVELY

While the phrase “data-driven decision making” may seem overused it nevertheless helps inform choices as to **how** to do the work, identifies **who** should receive the focus of limited resources and **what** strategies will be the most effective use of time and resources. Because of the new, emerging field of research focusing on domestic violence offenders in the criminal justice system, the data we collect can have a profound impact on the answers to those questions. This chapter will discuss the reasoning behind data collection, suggestions for what should be collected, and the benefits for the collection of data.

Why do we collect data on domestic violence caseloads?

The research into working with domestic violence offenders is still new regarding what works to reduce violence. As mentioned throughout this resource guide the dynamics of the domestic violence caseload are different than working with most criminal offenders. The complexities of working with victims who are still living with their batterers; victims who are no longer in a living arrangement but still have children to co-parent with their batterers; and more intensive interactions with the programs which treat the batterers require more knowledge, expertise and informed judgment than most other criminal offender caseloads. Data collection allows the department and individual officers to evaluate important decisions for deployment of resources, both financially and workload size, in a fair and just manner. Some examples of what to collect are:

- Recidivism rates for new crimes of violence, specifically intimate partner violence;
 - The risk assessment scores coupled with experience help the officer determine how often and at what intensity to supervise their domestic violence offenders.



- o Intervention program outcomes
 - What are the rates of retention⁴⁴
 - Failure to retain participants can lead to greater risk of reoffending
 - What are the rates of BIP graduation⁴⁵
 - Meta-analysis research shows a 40-60% dropout rate nationwide.

These factors can be used to determine which programs are most effective in reaching the goal of stopping the violence.

- o Curriculum outcomes

⁴⁴ Healey, K., Smith, C., & O'Sullivan, C. (1999). *Batterer intervention: Program approaches and criminal justice strategies* (Report No. 168638). United States Department of Justice: Office of Justice Programs. Retrieved from <https://www.ncjrs.gov/pdffiles/168638.pdf>

⁴⁵ Gondolf, E. W. (1997). Batterer programs: What we know and need to know. *Journal of Interpersonal Violence*, 83-98.



- New and emerging curricula are being utilized to determine “what works” for reducing domestic violence. As mentioned in Chapter Nine, there are a variety of theories and models available for programs to use.
 - *The measurement of retention, graduation and recidivism rates help inform the practitioner which curriculums are most effective in producing desired positive change.*

What data should be collected?

In September 2018, a new California law⁴⁶ was enacted to allow six counties to engage in a pilot project over the course of three years in which the probation department and batterer intervention programs will conduct assessments and evaluations to determine whether the current 52-week batterer intervention program is necessary and appropriate for all probationers sentenced

under the terms of PC 1203.097. The data collected will be crucial to answer this question.

Whereas PC 1203.099 will mandate specific data collection, each department determines what data is relevant for determining their supervision levels, evaluating program effectiveness, and what constitutes probationer success. Most departments will collect basic demographic information such as age, gender, ethnicity, employment and education levels. Other data pertinent to domestic violence such as prior arrests for DV and substance abuse, prior treatment history and status of relationship to victim is also usually collected to help inform supervision levels.

46 AB 372 (CPC 1203.099)



Benefits of data collection?

In addition to the obvious benefits of helping determine supervision levels and caseload size, the collection of data helps contribute to the body of knowledge and ongoing evidence of what works in terms of supervision strategies, keeping victims safer, authorizing more effective intervention programs and holding offenders accountable. Data collection can also inform officer safety precautions since domestic violence cases are believed to be more dangerous than other types of calls for law enforcement.⁴⁷

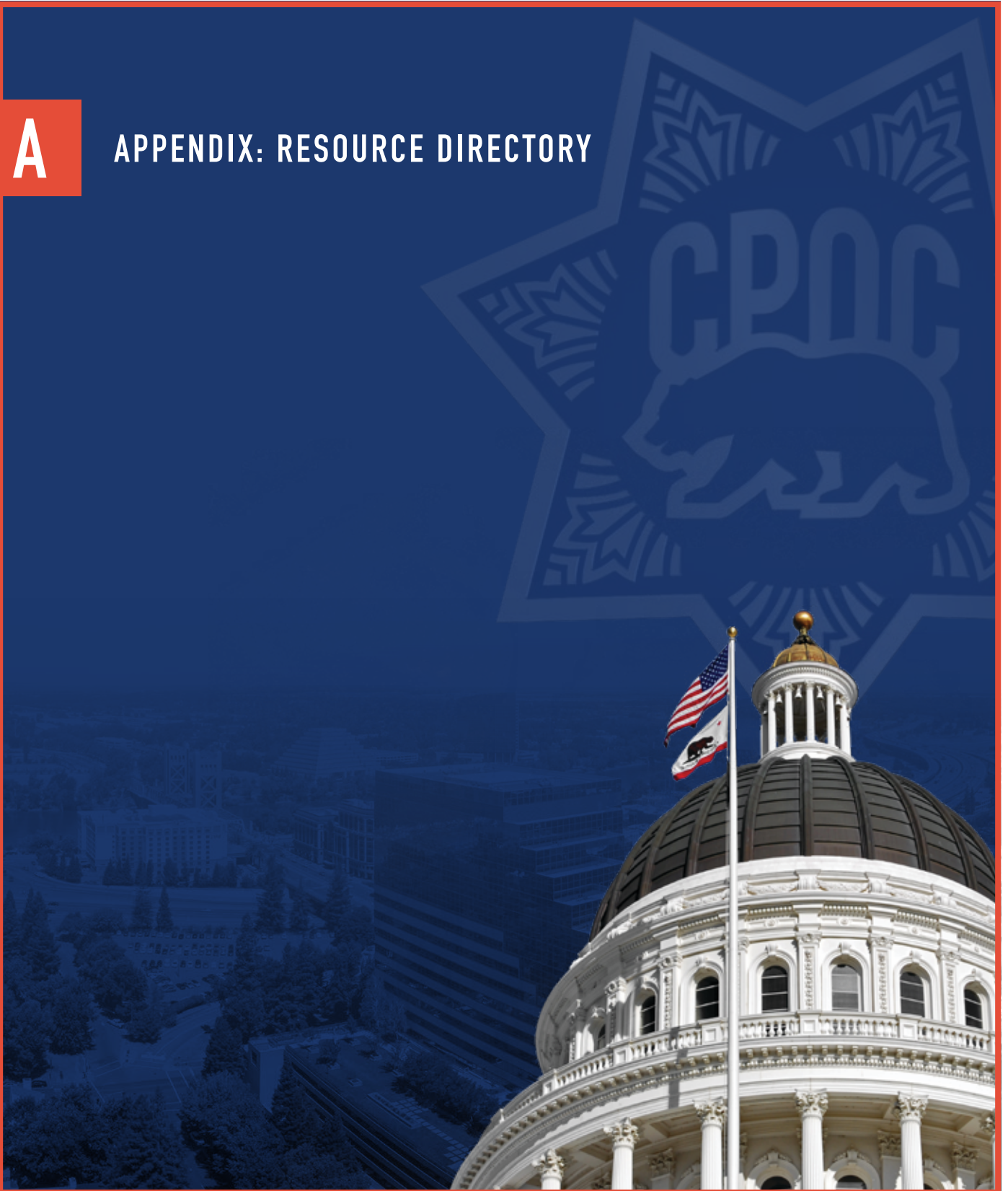
Considering that domestic violence is often a cycle of intergenerational proportions, the ability to target and provide tertiary prevention interventions may have a significant impact on future criminality for the current offender and the generation to follow.⁴⁸

47 Johnson, R. R. (2011). Predicting officer physical assaults at domestic assault calls. *Journal of Family Violence, 26*(3), 163-169.

48 Yorke, N. J., Friedman, B. D., & Hurt, P. (2010). Implementing a batterer's intervention program in a correctional setting: A tertiary prevention model. *Journal of Offender Rehabilitation, 49*(7), 456-478.

A

APPENDIX: RESOURCE DIRECTORY





DOMESTIC ABUSE INTERVENTION PROJECT
202 East Superior Street
Duluth, Minnesota 55802
218-722-2781
www.duluth-model.org

Services and Resources for Victims

NATIONAL

National Domestic Violence hotline- 800-799-SAFE (7233) <https://www.thehotline.org/>

National Dating Violence hotline- 866-331-9474 <https://www.loveisrespect.org/>

STATEWIDE

CA Domestic Violence Law Compendium (updated annually)

This Compendium provides attorneys, advocates, and survivors of domestic violence (DV) with brief descriptions of some of the most relevant California laws affecting DV survivors and their families. These include statutes, constitutional provisions, and resolutions—which can be found online (<https://leginfo.legislature.ca.gov/faces/codes.xhtml>); and rules of court—which can also be found online (<http://www.courts.ca.gov/rules.htm>). This document is only informational and is NOT legal advice. If you have any legal questions, please contact an attorney. Please note that text in italics and bold has been newly enacted. 2018 Compendium <http://fvaplaw.org/wp-content/uploads/2018/03/2018-Compendium-of-CA-DV-Laws-1.pdf>

California Partnership to End Domestic Violence

Coalition to shape policy, increase awareness and provide training and resources for professionals. Website has search capabilities for specific area codes and services. <http://www.cpedv.org/domestic-violence-organizations-california>

CalVCB

State victim compensation program for violent crime victims. It offers funding for domestic violence relocation, counseling and medical bills.

800-777-9229 | info@victims.ca.gov | <https://victims.ca.gov/>

Safe At Home

Confidential mail program. Provides victims of domestic violence a way to thwart abusers from finding them at home, work and school. Safe at Home participants are assigned a substitute mailing address. This address is accepted by California state, county and city government agencies in lieu of a residential or other mailing address where the victim can be personally tracked down, keeping the residence address confidential and out of the hands of their abusers.

877-322-5227 | <https://www.sos.ca.gov/registries/safe-home/>



Legal Aid Association of California

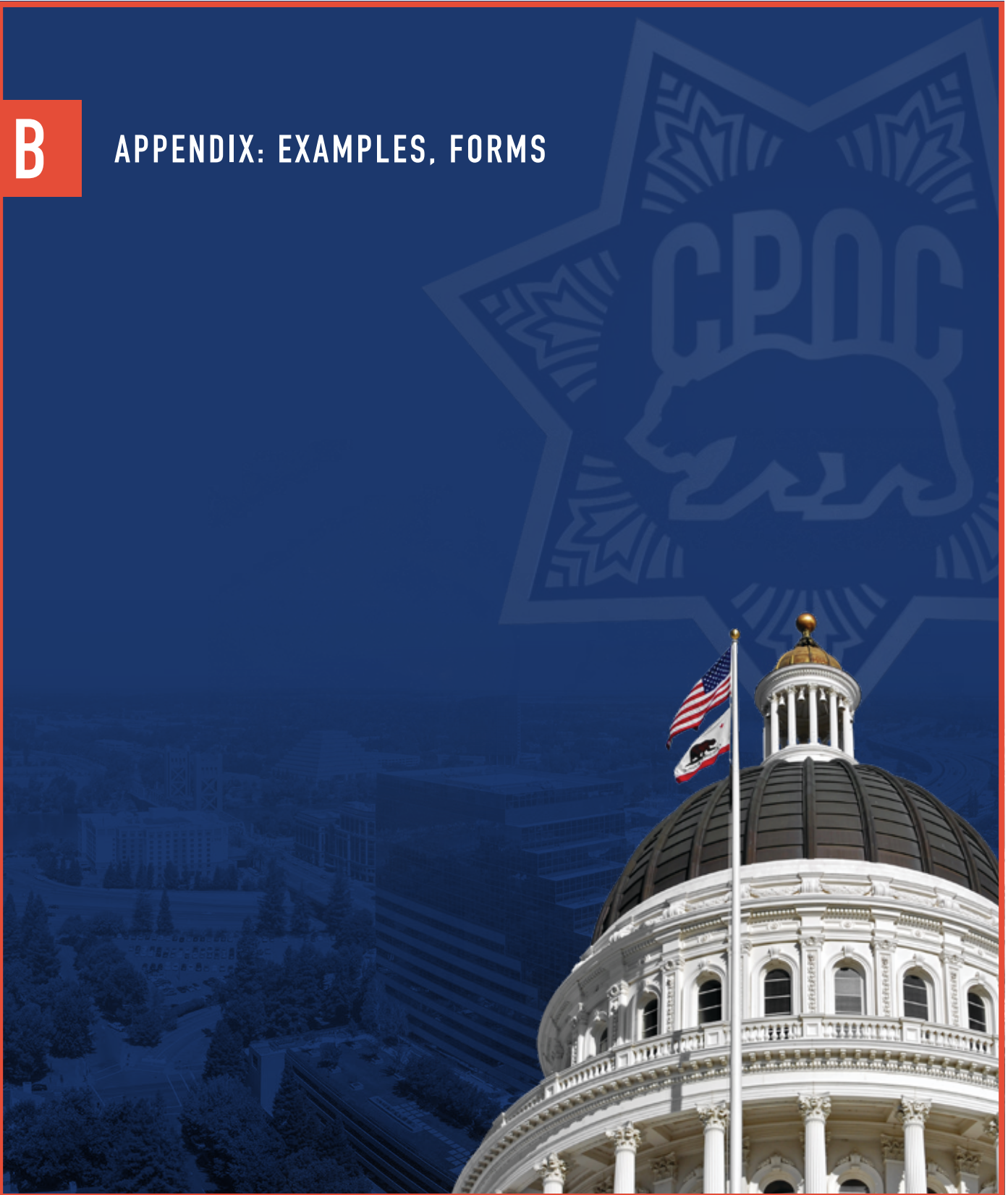
Legal Aid Association of California (LAAC) is the statewide membership organization for the almost 100 nonprofits funded through IOLTA (Interest on Lawyer Trust Account) grants by the State Bar of California. LAAC operates LawHelpCA.org which connects low income residents with free legal resources. <https://www.lawhelpca.org/>

Legal Services of Northern California

Legal Services of Northern California serves 23 counties in Northern California with eight office locations in Sacramento, Auburn, Chico, Eureka, Redding, Ukiah, Vallejo and Woodland.
916-551-2150 | <https://lsnc.net/>

B

APPENDIX: EXAMPLES, FORMS





Sample Victim letter

Date: _____

Re: _____

Offense: _____

Case#: _____

Date of Sentence: _____

Dear _____

The above offender has been placed on supervised probation for _____ months, followed by court probation for _____ months for a conviction of domestic violence in which you were the victim. Supervised probation requires the batterer's activities to be monitored by a probation officer for compliance with Court orders.

The batterer is required to immediately enroll and participate in a year-long batterer's treatment program (Penal Code Section 1203.097). Be advised that the offender's participation in a batterer's program does not guarantee he/she will not be violent. The batterer is also prohibited from further acts of violence, threats, stalking, sexual abuse and/or harassment. Additional conditions imposed by the Court include:

- _____ days/months county jail, _____ days credit
- Domestic violence/batterer's treatment program
- No contact with you, the victim
- Substance abuse/alcohol counseling
- Search and seizure
- No drugs
- No alcohol
- Chemical testing – alcohol/drugs
- Fees/Fines/Restitution
- Do not annoy, attack, strike, threaten, harass, stalk, assault, batter, disturb the peace of victim
- No weapons, firearms or ammunition
- Obey all laws
- Other: _____

Victims who have experienced wage loss or who have suffered physical or emotional damage may be eligible to receive compensation from the Victim Indemnity Fund. There is often a time limit in which a claim may be filed. Contact the Victim/Witness Assistance Program at (phone number of county's program) for information.

If the batterer has a "no contact" order as a condition of probation, he/she is not allowed to contact you directly or indirectly. If the batterer violates this condition, please contact this officer for assistance. If the batterer presents an immediate danger, call your local police agency immediately by dialing 911. It is important to document the batterer's exact behavior. Include the date and time of the incident, and obtain witnesses' names and phone numbers.

The batterer is prohibited for life from possession, use, or ownership of a firearm, if convicted of any felony or for 10 years for certain misdemeanors involving violence, including Sections 140, 240, 242, 243, 245, 246.3, 247, 273.5, 373.6, 417 and 646.9 of the Penal Code.

If the probationer is returned to Court, you have the right to appear, personally or through your counsel, at any probation violation hearing and to express your views to the Court (Penal Code Section 1191.1). Your presence is optional.

Domestic violence is a crime and you are not responsible for the batterer's behavior or his/her rehabilitation. Victims often do not know where to turn. You are invited to call the Domestic Violence Victim Advocate at (phone number of advocate) or this officer with any questions.

Sincerely,

By: _____

Deputy Probation Officer

Tel. # _____



FACILITATOR EVALUATION FORM⁴⁹

Facilitator Name _____

Date of Session _____

of Participants _____ Program started on time _____ Ended on time _____

Program used (circle all that apply): Lecture Videos Group discussion

Other: _____

Topic/Theme per PC 1203.097. Circle all that apply:

Power & Control Gender Roles Effects on Children Socialization/Nature of Violence

Substance Abuse Cultural/Diversity Issues Other _____

Rating Key:

1 = Not very well done

2 = OK, improve delivery; strengthen message

3 = Good

4 = Very well done

5 = Not applicable or not able to perform

Facilitator Rating						
BEHAVIORAL (PARTICIPANTS)						
1.	Control the group's behavior?	1	2	3	4	5
2.	Empathize with participants without collusion?	1	2	3	4	5
3.	Maintain neutral judgment / sensitivity to diversity of group?	1	2	3	4	5
4.	Redirect the group from blaming/ going off topic?	1	2	3	4	5
5.	Provide positive reinforcement?	1	2	3	4	5
6.	Provide corrective feedback to "errors in thinking"/personal accountability issues?	1	2	3	4	5
7.	Encourage total group participation/asking open-ended questions/ encouraging self-disclosure?	1	2	3	4	5
8.	Respond to the group (i.e., address questions)?	1	2	3	4	5
9.	Explain the direction/focus of the session?	1	2	3	4	5
10.	Engage the group in discussion of key points?	1	2	3	4	5
11.	Demonstrate respect and appreciation for cultural, racial, gender, and religious diversity?	1	2	3	4	5
12.	Maintain a degree of professionalism? Respectful?	1	2	3	4	5

⁴⁹ Compilation of information from Yorke Consulting and Napa County Probation Department. Used with permission.

INSTRUCTION (FACILITATOR)						
13.	Prepared for session / termination of group meeting	1	2	3	4	5
14.	Present key concepts? (read only or define, give examples)	1	2	3	4	5
15.	Adhere to the topic/subject matter and fidelity format?	1	2	3	4	5
16.	Use of time in relation to scheduled material & group feedback?	1	2	3	4	5
17.	Manage all the materials/handouts?	1	2	3	4	5
18.	Reinforced key healthy behaviors/addressed non-healthy behaviors	1	2	3	4	5
ENVIRONMENT						
19.	Organize a pleasant setting (e.g. refreshment setup, room arrangement)?	1	2	3	4	5
20.	Arrange room for viewing by all participants?	1	2	3	4	5

Additional Assessment:

Facilitator strengths

Areas to be improved



PROGRAM CERTIFICATION CHECKLIST

Program Name _____

Class Schedule (Days/times): M T W TH F SA SU

Times: _____

Current number of active participants _____

Program description/current curriculum being used _____

Which evidence-based interventions are being used (circle all that apply)

CBI *Structured social learning* *MI (Readiness to Change model)*

Solution-Focused *DBT (mindfulness)* *Adult Learning Techniques*

Other _____

Does the manual cover the 7 requirements per PC 1203.097/098? _____

Gender Roles/ Substance Abuse/ Effects on Children/ Nature of Violence/ Socialization of Violence/ Multicultural-Multiethnic issues/ Power & Control

_____ List all Facilitators and copy of training certificates (40-hr Basic; 16-hr CE)

_____ Describe new client procedure

_____ Progress report sample

_____ Describe exit conference procedure

_____ Explain Absence policy

_____ Describe what procedures will assess whether the offender would benefit from the program

_____ Describe procedures for when offender is not appropriate for the program, has a violation of probation and or violates restraining order

_____ Describe the procedure for offenders who are chronic users or serious abusers of drugs and alcohol

Recertification Issues:

List any changes to the program/forms _____

Probation officer's feedback regarding the program/program concerns _____

Summary and recommendations _____



CHIEF PROBATION OFFICERS

— OF CALIFORNIA —

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