

Domestic Violence: A Probation Officer's View

One of the most difficult skills that a probation officer must acquire is the ability to properly supervise the perpetrator of a domestic violence crime. More so than property or drug related crimes, the offender is usually in deep denial about his or her culpability and will usually blame the system for his current legal difficulties. This is not unusual. In fact there is a deep-seated denial in our society about the entire issue of domestic violence.

For the purposes of this discussion we will refer to domestic violence perpetrators as males. We acknowledge that there are same-sex and female perpetrators as well. However their numbers are very low compared with male offenders. Most DV counselors and educators agree that the contributing factors of Domestic Violence are scattered throughout our society. Some say that drugs, parental upbringing, violent tendencies, mental illness, and alcohol are often contributing factors. Others point to the reluctance of the medical, judicial, cultural and law enforcement communities to enforce and denounce crimes within a family unit. This paper will not resolve these arguments. It *will* provide some guidelines to assist the parole or probation officer in addressing what has historically been a rather uncoordinated response to the entire issue.

As law enforcement officers, PO's agree that our first priority is the protection of the community. However, we have been less than aggressive in reaching out to the women shelter and victim's assistance groups, the medical profession, the children protective agencies, and substance abuse programs. We are currently inundated with changes in domestic violence laws that we may have only partially understood in the first place. The federal Violence Against Women Act of 1996 has changed this landscape forever. The current changes in mandatory arrest laws, stalking orders, restraining orders, civil and criminal procedures at both the federal and state level compound an already complicated job. It also places probation departments in the front lines in the struggle against domestic violence, whether or not they are prepared.

Specialized caseloads are common in Probation Departments across America. We routinely supervise sex offenders, drug users, DUII cases, and the hyper-violent offenders by utilizing specialized caseloads. Most departments have found that specialization is an intelligent use of ever diminishing resources. The problem is that we are losing resources as fast as we are gaining additional offenders. This has resulted in the creation of "casebanks" of less supervised offenders.

Most of these casebanks contain misdemeanor cases and class C felons. Unfortunately this is where many, if not all, DV cases end up.

Even though our primary goal, as law enforcement officers, is the protection of the community, we are, nevertheless, placing many domestic partners, and their children, at risk by our failure to specialize. The U.S. Department of Justice reports that the majority of assault cases involve domestic partners. Since assaultive domestic situations teach children this type of 'relating', the children, all too often, will emulate this behavior thus perpetuating the cycle. This adds to an already overburdened criminal justice system. As ever more batterers cycle through the criminal justice system our society generates ever more victims.

A Second Look

A second look at this problem will usually involve a coordinated community response of some sort. This will most likely involve change in existing philosophies and existing procedures. As probation departments evolve, though, they will impact the other service and law enforcement providers in the area. No one department or agency has enough resources to address the entire problem.

The first step in taking a second look is to examine some basic assumptions of the staff culture of many Probation Departments.

- **Error #1** - "DV offenders are easy to spot"... Actually, these type of perpetrators cross the span from polite and cooperative to extremely sadistic. Only about 27% will have drug or alcohol addictions. Some will

have a terrible employment history and some will be pillars of the community. As Probation Officers, we cannot fashion our response to the problem of DV by our perception of how cooperative the offender may seem.

- **Error #2** - "Domestic Violence always happens because both participants in a relationship share at least *some* of the blame."...Accepting this theory means that physical violence is a natural result of certain *types* of relationships. This plays into the concept that the victim is a significant part of the problem. This follows from the theory that the woman is provoking the violence. That if she wants the violence to stop, she should change her behavior to comply with the wishes of the man. This takes responsibility from the offender and places at least part of it on the victim. In no other type of assault cases do we, the PO's, make this leap of logic. Actually, given our mission to protect the community we must always remember that **no one** deserves to be beaten.
- **Error #3** - "They should just leave"... This implies that *our* concept of the relationship is the correct one. Actually the woman may be in terrible danger if she chooses to leave. There may be long standing issues concerning children, family and, money. The victim is best able to judge when and if to terminate a relationship, not the Probation Officer. She may also have secondary issues of addiction, self medication or abuse that also affect or cloud her decisions. Often these secondary issues are directly related to her involvement in the abusive relationship.
- **Error #4** - "These DV cases are minor issues and generally just clog up the Courts and the Probation Office's ability to deal with serious offenses"... A beating at the hands of a family member is no less painful than a beating at the hands of a stranger. The very fact that the victim actually

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knows the perpetrator makes it more difficult (not less difficult) to prosecute. The opportunities for intimidation and additional violence are more readily (not less readily) available to the perpetrator. As PO's we should recognize the difficulty of the situation, not minimize it. A person that has been terrorized over months and years often suffers from an identification with the kidnapper, despite the fact of being kidnapped.

The Work Ahead

Imagine that your community does not have a coordinated support group in place for arrests and prosecutions of Domestic Violence cases. Imagine that the local police department and the local probation department are not active members of the local Domestic Violence committee. Imagine that officers in your Probation Department are not familiar with the federal Violence Against Women statute and routinely place misdemeanor domestic cases into some sort of casebank with little or no supervision. How would this 'system' look to you if you were ever a victim of this type of treatment ?

Now imagine that you had opted to return to the relationship in the past but were determined, in a particular situation, to end the relationship once and for all. You had vowed to take your children and flee. What resources could you count on in your community and what reception would you receive from the staff of the local Police and Probation Departments ? What is your means of transportation ? Where would you stay ? How long could you stay there until your money ran out ? Would the perception of your race or class affect the quality or availability of needed services ?

Sometimes the very systems purporting to protect the victims from this type of assault are too dangerous for the victim to use. As this imaginary victim, you must factor in the official response to enforcing a restraining order as well as your own legal problems. Will the State possibly intervene with your children ? Will you be more or less likely to be taken seriously, given your history in the community ? These are not considerations for someone who is the victim of a random assault. As a professional Probation Officer your first inclination is to prescribe a remedy for the victim that would work in other types of cases. These remedies may actually place the victim in further danger.

The Response Of Your Community

Every community is different. The issues put

forth here are certain to generate a great amount of debate about the role of law enforcement, the judiciary, and even of male, female, and same sex relationships. Some people in this group are very familiar with these issues. Others of us are just learning the degree to which Domestic Violence affects our children, our schools, our jails, and our very standard of living. As Probation Officers we all agree that more information is better than less information. That more education is better than less education. And that fewer victims are better than an ever increasing number of victims.

As your community initiates these types of discussions and begins to initiate various changes it will become very apparent that it will take a concerted effort by all affected agencies working in cooperation to address the issue of Domestic Violence. Just as smoking, drugs, and DUI's have become front page issues, DV will take a massive effort to address. As the discussions mature and refine themselves, the need to involve private agencies, school districts, churches, and other community agencies will appear. Rather than think of the problem as insurmountable, the development of such alliances will actually make community action easier.

A cooperative police department, engaged advocacy groups, an enlightened judiciary, an educated Probation Department, and proactive Children agencies and school districts will certainly facilitate the effort. It is our position that the role of the Probation Department is pivotal. All roads lead to keeping the offender accountable for his or her behavior. This includes quick and considerate response by the police, court orders with teeth, well staffed and financed Womens Violence groups, and especially an active, educated, and equipped community Probation Department. We can't affect everybody instantly. What we can do is empower ourselves. Remember ...our goal is to protect the community, the entire community.

Parole Officer Interviewing Skills

There are very few jobs in this country that require the interrogation skills of a detective, the counseling skills of a therapist, the persuasion skills of a salesman, and the imagination of a magician. As a PO, we have acquired most of these skills either at the police academy, in follow up training, or in on-the-job experience. The trick is to package these skills in a new way if we are to successfully deal with DV perpetrators.

Female Parle Officer's

Be aware that you are dealing with a man that thinks he can eventually bend you to his will. His world view is that he, by virtue of being male, has certain privileges. This attitude does not leave him at the Probation Department door. Indeed, he will begin probing as soon as he meets you. Because he is usually in deep denial, he will pour on the charm to prove that he is not at all as he is portrayed in the police reports. He will often try to point out that the victim is not as smart, professional, or sophisticated as you are. He will minimize that amount of physical damage inflicted and ignore any pattern of behavior within this relationship. He will focus on how he is 'helping' this woman who is obviously a lesser person than the PO.

If you are good at your job this effort will quickly fail him. Your position must remain firm...to protect the victim and enforce the court and restraining orders. His attempt at feigned cooperation will actually work to your advantage in the early stages. It is here that you can quickly get waivers of confidentiality signed, conditions of probation signed, and referrals for evaluation made to the appropriate agencies. Listen carefully to his promises and minimizations. Take notes. These statements will serve you very well in the coming months.

After a few sessions the offender may begin to begin the manipulation game. He will miss DV classes, alcohol classes, and violate the restraining conditions of his supervision. Challenge and sanction immediately. We *strongly* recommend that your first sanction be to extend the term of probation for an additional year. When the offender realizes that his attempts at manipulation have been factored into an overall supervision plan, he will usually become extremely defensive. Extremely defensive! For female PO's this may well take the form of his past efforts to intimidate his previous partners. He may exhibit rage, question sexuality, threaten 'loss of control', and make subtle remarks that could be taken as threats against the PO or her department. This will become a regular routine response that every specialist in DV probation supervision will come to expect.

Finally, the female PO should resist expecting the victim to behave as she would if *she* were involved in this relationship. This is a very strong temptation and can be very detrimental to both the efforts to supervise the offender and the efforts to establish a relationship with the victim. Allow the victim to do what she thinks she needs to do to survive.

You should become an ally in the community rather than a 'relationship solver'.

Male Parole Officer's

For male PO's the establishment of expectations, conditions and ground rules for the offenders is somewhat trickier. A certain percentage of men batter women. This is as true in the law enforcement community as it is in the general population. As part of our professional code of ethics it seems appropriate for these PO's not to perform domestic violence work. So rule #1 is to make sure that we as PO's, working these types of caseloads, do not have these types of issues in our private lives.

That having been said, male PO's face a culture of male privilege that has only been addressed since the end of the Second World War. That means we, as men, are the first and second generation born into an American culture that is only slowly becoming aware of the issues of assumed male privileges. Everything from the division of labor in the home to sexual conduct in the workplace is, for the first time in history, subject to negotiation and realignment. These issues will be resolved by others. Our issue here is to see where we are actually buying into arguments presented by the perpetrator and where these cultural expectations affect how we do business. The advantage we have is that we know where we are, culturally, while the offender needs education, in every sense of the word.

Being highly manipulative, the DV offender will probe the male PO to see what his reactions are to male/female issues. He will minimize the crime and attempt to blame the victim. As PO's we know this criminal thinking error very well. Next the offender may blame substance abuse. Finally he will insist it was a random occurrence. It is up to us to determine the existence of a pattern of behavior.

The offender will quickly try to enlist the male PO as an ally against women. He will make light of the offense and see if the PO joins him in observations about the peccadilloes of women as a group. He will ask rhetorical questions of the PO such as 'Isn't that what you'd do?' Or, 'what was I supposed to do?'. Rather than consider these questions, the professional will use them as an opportunity to denounce violence of any type under any situation.

The offender will try to see what behaviors are acceptable to the PO. 'I was only writing her a letter' or 'I was only trying to see my kids'. The PO simply cannot negotiate conditions of probation. This sends a message to the victim that the offenders can manipulate

the system. This is frightening to the victim and reinforces her perception of a system that cannot protect her from this perpetrator.

The strongest technique the offender can use on his male PO is the 'Look, we're both guys' approach. This is the single most disturbing, divisive, and dangerous argument for the PO to deflect. In what other crime category would this argument work? Burglary? Drugs? Rape? The typical response drilled into males in this country is not appropriate when working with DV offenders. The inclination to discuss females in the manner we have been culturally conditioned to is very dangerous in this line of work. A wink and a nod will tell the offender that this is not a serious crime. This is not a crime our community is concerned about. Treat statements by the offender about the victim as though he were talking about someone *you* care deeply about. This will help you conduct a professional interview. It will certainly set a standard of expectations that the offender will seriously consider.

The Traps

For all of us, as PO's, there are several basic traps the offender will try. These are well known in the DV literature and we will touch only briefly on them in this paper. The offenders will usually try one or more of these very early in the probation supervision period.

- *Different religions trap*: "In my religion, we practice beliefs that subordinate the woman. This conviction is a religious freedom issue"
- *Different culture trap*: "You are not of my culture. If you were, you would know that in my culture things with women are very different. This conviction show a lack of sensitivity to diversity in this country."
- *Crazy Maker trap*: "I am highly educated and well respected. This is a travesty. Why don't you spend time supervising bank robbers instead of me?"
- *Violence trap*: "*She* assaults me! I only weigh 110 pounds and I am a very sick man. Listen to *me*. How could I terrify anyone?"
- *Recovery trap*: "I've quit using drugs. I've been clean for 2 months now. Look how hard I'm trying. I'm doing this for her."
- *Cooperation trap*: "You're right. I've been unaware of my anger. This experience is just what I needed. It took *you*, a brilliant PO, to show me the error of my ways."

- *The Spouse trap*: "Look at her...just *look* at her. She uses drugs. Her grandparents have her kids. She can't keep a job. She keeps calling you up with untrue stories."
- *The Pitiful trap*: "I've lost my job, I can't see my wife or kids. She cleaned out the checking account. I have to pay these fines and *you're* on my case all the time."
- *The Judicial Error trap*: "Even *she* says it didn't happen. She told you *this* is a mistake and that she loves me. This is a huge miscarriage of justice by you people."

As a PO, answer any of the above statements in the affirmative and you'll see how quickly the offender can begin the manipulation of the Probation situation. Answer any of the questions with murmurings of understanding sympathy and make your our prediction about the PO/offender relationship 5 month (or five years) down the road. These are just some of the many traps that are very well known and very easily defused.

Working With The Offender

After you've taken a personal survey of your own ability to work with perpetrators of all types of violence and after you've looked at your susceptibility to the traps outlined above, you can face the offender with renewed confidence. Current thinking on the 'best practices' strongly supports a Coordinated Community Response (CCR). As probation officers, our role in this type of a CCR is holding the offender accountable and joining in the development of a 'common language'. Working with other agencies builds confidence and joint community planning consistently produces more effective results.

The first part of the plan is correct use of the language. We are actually 'on stage' when working with offenders so jokes, belittlement, or sexist remarks of any type are most definitely counterproductive. We must remember to control the interview. This is best done by listening to the offender. Interviews should be not be a 50/50 conversation. They should consist of the offender speaking about 85% of the time. Your comments should not be prescriptions to 'fix' the offender, but rather questions about what the offender has just said. Avoid the use of the word 'I', at all costs.

The message of your department, indeed your community, should be one of constant disapproval. Violence is wrong and won't be tolerated. Abusive behavior is illegal and will result in a sanction, every time.

Attendance at DV education or batterers intervention is not optional. Some courts will make a referral to an anger management program. It is essential that you remain true to 'the language' and call domestic violence what it is...a crime of violence, not anger. To remain on your caseload the offender must acknowledge that he will occasionally be tired, sick, or inconvenienced at times during the course of his probation. Nevertheless, he will always be sanctioned if he fails to attend treatment unless excused by a physician.

Contact with prohibited persons means *any* sort of contact. There are no situations where the offender can discuss the 'reasonableness' of a particular contact. No letters, no phone calls, no repeated chance encounters, no parking outside the residence, no meeting at motels or neutral locations. Contact will result in a sanction.

The offender must be closely supervised. If you undertake this work, you must have the resources to closely monitor compliance with the conditions of probation. Each condition of probation is as important as every other condition. Attendance at drug treatment is as important as maintaining employment, and so on. Send a strong message that this is serious supervision for a serious offense.

The treatment provider is an essential part of this effort. The Coordinated Community Response format respects all participants, service providers, and authority figures equally. All waivers must be signed at the outset. The type of treatment must be consistent with the overall program of accountability. The treatment provider/educator must regularly report the offender's status to the PO. The PO must expect that change will occur as a result of treatment or the offender will never take treatment seriously.

Look for 2 violence-free years as a goal. Some offenders are so compliant that they will do everything ordered by the court and document it to the last letter. And they will still be abusing their partners.

Know your victim (s). Become a steadfast resource, taking the quick actions on any violations. Too often the victim does not come to trust the agencies dealing with the abuser. Consistency is essential, so even if the victim says she disagrees with an action, she can come to predict the PO's response. Make unannounced home calls. Probably the most reassuring thing a PO can do is visit the residence of both the victim and the batterer. For the victim, there is reassurance that there is a system in place that has not forgotten her. For the perpetrator, the knowledge that the system has high expectations may move him along in the treatment process.

When Dealing With The Domestic Violence Client, Remember. . .

- Abuse is *different* than Assault
- Power, control, and terror are *not* usually random acts
- Do your homework...who *is* this person sitting in your office ?
- Find out *first and foremost* if this conviction stems from a long standing relationship. If it is, regardless of the crime of conviction, you now are supervising a DV case.
- Understand that domestic violence will be part of a chronic, ongoing, pattern in this relationship.
- Interview men and women *separately*.
- Be *aware* of manipulation techniques attempted by the offender
- *Always* exercise the option to obtain a drug and alcohol evaluation
- Upon *first contact* with the victim, be sure that you provide a referral to the local Women's DV advocacy group.
- Do *not* disclose any information given to you by the victim to this perpetrator
- Have offender sign release forms, contact the advocacy group, and maintain a strong partnership with a free flow of relevant information



Final Thoughts

In teaching this material from coast to coast, we have encountered many objections by PO's to the feasibility of this approach. The primary objection is the lack of resources. Things lacking include time, staff, jail space, administrative will, and a pervading sense that the issue is of such a magnitude that a systemic approach is hopeless. These are the very things the offender is counting on to avoid being held responsible for his actions. Think of the situation with drunk driving 20 years ago. Are your friends more or less likely to drive while intoxicated these days? How about cigarette use? Aren't most public buildings off limits to tobacco use? Was this even an issue when you were growing up? A concerted effort will have effects. It just takes time.

The argument that if we were to jail every DV violator we would run out of jail space is true. Our jails are filled and overflowing, in some areas. How many of these inmates witnessed domestic violence as an expected part of their upbringing? Of those, how many ever saw a PO remove the perpetrator from the home? Still, this knowledge does not free up jail beds. The intent of this article is to offer techniques and options in *sanctioning* offenders. Alternatives like work crews, public notifications, higher levels of supervision and electronic home detention are just some of the more recent innovations. But it really depends on our particular community and the weight it gives to the DV problem to initiate a solution. In this model we envision a continuum of sanctions with the first being a significant increase in the *length* of supervision, moving toward incarceration. At any given moment a fluid, proactive DV system will have offenders occupying all types of punitive slots, up to and most definitely including state prison.

Observations that local Parole and Probation departments are not staffed to take on additional specialized caseloads are also very true. This is a direct function of the philosophy of the community, the politicians, and the department itself. Locally, some hard questions have to be asked. Which PO is a member of the local Domestic Violence Task Force? Which administrator has been handling this issue in management team meetings. What are the PO's opinions of the local women's violence shelter? Why? Is this part of our department's culture? When were the anger/domestic/violence counselors last invited to a Probation Department's unit meeting? How do we speak to the local police agencies about females, victims, and the whole issue of Domestic

Violence in our community? What percentage of DV cases are prosecuted in relation to the number of DV arrests? What number of arrests are made in relation to the number of 911 DV calls to dispatch?

Questions like these are necessary to develop a true snapshot of where we are as an agency in addressing this issue. The current level of cooperation among agencies in your community is a reflection only of the priority your community places on affecting the Domestic Violence problem. Again, we must emphasize that every effective effort to work

with perpetrators will lead directly to the local Probation Department, no matter how the work ahead is divided. □

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We Need Your Assistance! Community Supervision Success Stories

All too often we present community supervision's importance to the public and policy makers through the use of statistics and academic studies. Although this is important information to share with these audiences, they are generally ineffective arguments for community corrections' existence when it comes to much of the emotional laded "get tough" rhetoric and fearful messages utilized by proponents of the "tail'em, nail'em and jail'em" mentality. Community corrections also needs to have emotionally charged success stories.

Therefore, APPA is interested in compiling success stories generated through community supervision efforts. Specifically, we are interested in individual or programmatic stories from diverse jurisdictions that highlight interventions or approaches that would be considered successful by the general public and policy makers.

Each submission should include a brief description of:

- the jurisdiction (e.g., rural or urban, state, city, etc.);
- the offender (no real names, please) or offender population (e.g., adult or juvenile, offense types, etc.);
- the type of intervention or program (e.g., community service, drug treatment, restitution program, victim/offender mediation, etc.);
- contributing factors to the successful outcome (e.g., who was involved? How?); and
- the result.

Please send submissions to:

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