

Community Corrections' Response to Domestic Violence: Guidelines for Practice

A project of the American Probation and Parole Association

Community corrections programs (probation, parole and in some jurisdictions, pretrial supervision) are now confronted with supervising intimate partner domestic violence offenders who rarely were designated as needing special supervision services in the past. The Violence Against Women Act (and subsequent legislation) promotes improved responses to domestic violence cases by law enforcement, prosecutors, courts and victims' services. Arrest, prosecution and sentencing of domestic violence offenders are crucial in deterring future violence. Nevertheless, victims often experience violence after offenders are charged and sentenced. Despite the risk of ongoing violence these offenders pose to their victims, most domestic violence perpetrators are released on community supervision either in lieu of or following periods of incarceration. Widespread use of batterer intervention programs has proven insufficient to deter further abuse by intimate partner domestic violence offenders in the community without concurrent criminal justice monitoring and effective responses for noncompliance. The risk of violence may increase if community corrections agencies do not monitor the offender in a way that promotes victim safety and offender accountability. Therefore, community corrections staff play a vital role in advancing victim and community protection goals.

Community corrections professionals who work with intimate partner domestic violence offenders usually report that these are among their most complex and challenging cases. The unique and difficult aspects of these cases mandate that they be supervised in ways that vary from usual community supervision. In recent years, some community corrections agencies have developed excellent protocols for supervising domestic violence offenders. However, federal and state statutes, courts and agency practices often are not rigorous enough to promote supervision of these offenders that effectively fosters victim safety. Appropriate sentencing, effective judicial oversight and vigorous supervision of domestic violence offenders on community supervision must become components of a

Some facts *about*

DOMESTIC VIOLENCE

Intimate partner violence is a pervasive social problem in the United States. An estimated 11 percent of all victims of violent crime in 2001 were victims of intimate partner violence (Rennison, 2002). In 1996, a study estimated that nearly 15 percent of men and women had experienced intimate partner violence sometime during their lives (Tjaden & Thoennes, 2000). Intimate partner violence affects all ages, ethnic groups and socioeconomic classes.

Both in frequency and severity, intimate partner violence is primarily, but not exclusively, a crime committed by men against their female partners. Women experience more violence, are more likely to be injured by the violence, and also are more likely to be the victims of homicide at the hands of their intimate partners.

- Of crime victims reporting in 2001 that the perpetrator of their crime was an intimate partner, 85 percent of the victims were female and 15 percent were male (Rennison, 2003).
- Of victims who were injured during intimate partner rapes and physical assaults in 1996, 88 percent were females and 12 percent were males (Tjaden & Thoennes, 2000).
- Females comprised 24 percent of all victims of homicides in 2000, but they were 74 percent of the victims of intimate partner homicides (Rennison, 2003).

BY ANN H. CROWE

Some facts *about*

DOMESTIC VIOLENCE

Domestic violence costs victims and society billions of dollars each year (National Center for Injury Prevention and Control, 2003).

- Health-related costs of intimate partner rape, physical assault, stalking and homicide are estimated to exceed \$5.8 billion per years.
 - \$4.1 billion for direct medical and mental health care.
 - \$1.8 billion for lost productivity.
- The average loss of lifetime earnings for intimate partner homicides is \$713,000 (National Center for Injury Prevention and Control, 2003).
- Added to these costs are those for criminal justice system services, social services and costs to businesses and industries.

comprehensive response to domestic violence. To achieve a coordinated and integrated approach, those providing community supervision of offenders must have the support and tools required to render the services needed after arrest, prosecution and adjudication. The justice system needs the power of effective supervision and appropriate sanctions to promote victim safety, hold offenders accountable and compel offenders to desist from and modify their abusive behavior. While the offender is being supervised there is an opportunity – albeit for a limited time – to reduce the offender's violent, controlling and manipulative behavior, enhance victim safety, and provide the offender with tools to effect behavior change.

Each action in the entire criminal justice process, from first police contact to the offender's termination from involvement in the justice system, offers an opportunity for appropriate intervention with domestic violence offenders. The ways in which all entities interact with offenders can be leveraged to produce change in these cases. Community corrections agencies and personnel are part of a larger system, including both civil and criminal remedies as well as community-based services, that must be coordinated to achieve the goals of effective intervention. The system must include:

- appropriate law enforcement response,
- prosecution of cases,
- serious attention to and appropriate sentencing of cases by the court,
- effective supervision in the community,
- group intervention programs for offenders, and
- close work with domestic violence victim advocates.

However, each part of the system typically has functioned relatively autonomously, and accomplishing the degree of coordination needed is a difficult task. Unfortunately, community corrections agencies often have not been included in coordinated efforts to improve community responses to domestic violence, nor have they received funding proportionate to the tasks they need to undertake to supervise these cases effectively.

The primary goal of supervision in domestic violence cases is victim safety. The specific work of community corrections agencies entails holding offenders accountable for the violence they have committed and intervening to change their behavior and thinking patterns. To achieve victim safety, community corrections professionals must have appropriate interaction with victims of domestic violence, more so than with other types of cases in which involvement with victims may be minimal. Community corrections personnel must understand that, unlike victims of other types of crimes (e.g., burglary, theft or assault by strangers), domestic violence victims may have reason to be ambivalent and even fearful of cooperating with justice system professionals.

Achieving offender accountability requires creative supervision strategies and swift response to violations of supervisory conditions. In domestic violence cases, risks of reoffense, violence and lethality are usually very high. The majority of domestic violence offenders continue to use power and control to abuse their victims. Typically, community supervision alternatives are used to decrease incarceration rates and focus on offender rehabilitation. However, with domestic violence cases, supervision may require periods of incarceration to set limits on abusive behaviors. Revoking community supervision and incarcerating offenders when they violate conditions of supervision may enforce behavioral limits for offenders, give victims a period of safety and respite, and offer a rapid constraint for dangerous offenders who pose serious risks to their victims.

Since 2000, the American Probation and Parole Association (APPA), in partnership with the Pennsylvania Coalition Against Domestic Violence and the National Center for State Courts, has been working toward the development of a set of guidelines for supervising domestic violence offenders in the community. The project began with a planning period to identify jurisdictions that already were implementing promising supervision programs. This was followed by staff making site visits to several of these jurisdictions to gain firsthand knowledge of their programs. Then a Working Group composed of probation professionals and domestic violence experts was convened to assist project staff with development of the guidelines. Forty guidelines have been drafted and the Working Group has met twice to discuss, review and enhance them. Project staff members are in the process of writing a document and developing a training curriculum that supports and explicates these

guidelines. Once completed, the guidelines and training curriculum will be tested in selected jurisdictions before the guidelines and training are provided to broader audiences. There is a website at www.appa-net.org/domestic_violence that provides information and updates about the project. Moreover, a series of workshops are being presented at APPA Institutes, and occasional articles will be submitted to *Perspectives*.

The accompanying article by Andrew Klein provides an overview of some important issues related to supervision of domestic violence offenders on probation. In his experience as Chief Probation Officer in Quincy, Massachusetts, he and his staff grappled with these issues in the process of developing a nationally recognized domestic violence supervision program.

The lessons learned from the Quincy program can be helpful to other agencies implementing such programs. However, a "one size fits all" approach is not feasible. The project's Working Group has debated many issues and has concluded that often there is not a single right answer. Each jurisdiction can use the guidelines to provide direction for program development and implementation and can benefit from the experiences of other agencies that have developed proactive programs to supervise intimate partner domestic violence offenders.

References

Greenfeld, L. A., Rand, M. R., Craven, D., Klaus, P. A., Perkins, C. A., Ringel, C., Warchol, G., Maston, C., Fox, J. A. (1998). *Violence by intimates: Analysis of data on crimes by current or former spouses, boyfriends, and girlfriends*. Washington, DC: Bureau of Justice Statistics, U. S. Department of Justice.

National Center for Injury Prevention and Control. (2003). *Costs of intimate partner violence against women in the United States*. Atlanta, GA: Centers for Disease Control and Prevention.

Rennison, C. M., & Welchans, S. (2000). *Intimate partner violence*. Washington, DC: Bureau of Justice Statistics, U. S. Department of Justice.

Rennison, C. M. (2003). *Intimate partner violence, 1993-2001*. Washington, DC: Bureau of Justice Statistics, U. S. Department of Justice.

Rennison, C. (2002). *Criminal victimization 2001: Changes 2000-01 with trends 1993-2001*. Washington, DC: Bureau of Justice Statistics, U. S. Department of Justice.

Tjaden, P., & Thoennes, N. (2000). *Extent, nature, and consequences of intimate partner violence: Findings from the National Violence Against Women Survey*. Washington, DC: National Institute of Justice, U. S. Department of Justice.

Notes

This project is supported by Grant No. 2001-WT-BX-K011 awarded by the Office on Violence Against Women, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. □

Ann H. Crowe is a Research Associate for the American Probation and Parole Association and is the Director of the project, Protecting Victims Through Community Supervision of Intimate Partner Domestic Violence Offenders.

For further information about this project contact:

Ann Crowe

American Probation and Parole Association

P. O. Box 11910

Lexington, KY 40578-1910

(859) 244-8198

Fax (859) 244-8001

acrowe@csg.org

www.appa-net.org/domestic_violence

Some facts about

DOMESTIC VIOLENCE

Only a fraction of actual cases of intimate partner violence are ever reported to police, and many of those cases never progress beyond initial police contact or arrest. Many domestic violence offenders are already known to the justice system because they have committed previous crimes.

- About half of victims of intimate partner violence between 1993 and 1998 reported the crimes to police (Rennison & Welchans, 2000), and the rates of reporting vary by the type of violence. Victims reported to police fewer than 20 percent of rapes, less than one-quarter of physical assaults, and half of the stalking perpetrated by intimate partners (Tjaden & Thoennes, 2000).
- Convicted domestic violence offenders often have prior contact with the criminal justice system. About two-thirds of state prisoners surveyed in 1991 who were serving time for intimate partner violence had a prior conviction and nearly four out of five inmates surveyed in 1995 in local jails for domestic violence had previous criminal justice involvement. Thirty-three percent of state prisoners and 58 percent of jail inmates had previous convictions for violent offenses; their previous victims were not necessarily intimate partners.
- Almost 38 percent of offenders in jail in 1995 for intimate partner violence were under justice system supervision at the time they committed their current offense (Greenfeld et al., 1998).