

**The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:**

**Document Title: Evaluation of the Rhode Island Probation  
Specialized Domestic Violence Supervision Unit**

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**Document No.: 222912**

**Date Received: May 2008**

**Award Number: 2002-WG-BX-0011**

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Department of Justice.**

# **EVALUATION OF THE RHODE ISLAND PROBATION SPECIALIZED DOMESTIC VIOLENCE SUPERVISION UNIT**

## **Abstract**

Prepared by

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**March 31, 2005**

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The American Probation and Parole Association, in collaboration with BOTEC Analysis Corporation and the Rhode Island Department of Corrections, received funding from the National Institute of Justice to evaluate the effectiveness of a specialized domestic violence probation supervision unit (DVU). Rhode Island operated a DVU in half of the State, and traditional probation strategies are used to supervise domestic violence offenders in the other half of the State.

A sample of 552 male misdemeanor domestic violence offenders on probation (370 DVU and 182 traditional) was selected and followed from January 1, 2003 through January 1, 2004 to measure recidivism as indicated by a new arrest, victim report, or police report. Offender characteristics and behavior were assessed to determine differences between the supervision strategies. The analysis included (1) descriptive analysis of offender characteristics, (2) analysis of survival times, and (3) regression analysis to determine recidivism and reabuse probabilities according to risk. Information about the probation agency, criminal justice system, and State laws was reviewed to contextualize the quantitative analysis. A sample of victims was interviewed about how probation officers affect victims' experiences related to probation supervision.

There were several major differences in how DVU and traditional probationers were supervised by their assigned probation officers including:

- DVU cases were seen more frequently.
- DVU victims were more likely to be contacted by their abusers' probation officer.
- DVU probation officers were more likely to return probationers to court for technical violations.

This evaluation found that specialized probation supervision of the majority of domestic violence offenders resulted in significantly lower rates of reoffending and arrest-free periods that were twice as long as those for the traditional supervision offenders. The DVU also had a positive impact on the level of victim satisfaction. DVU probation officers tended to hold offenders more accountable, as 44 percent of the DVU caseload were charged with a technical violation compared to 25 percent of those on traditional supervision.

The findings provide important preliminary guidance for the community supervision of domestic violence offenders that should be implemented and evaluated in other locations. This study undergirds the need for a coordinated community response to domestic violence. The Rhode Island model demonstrates that community corrections agencies, while making a difference, cannot completely address the problem of domestic violence without the support of the justice system, community resources and stakeholders.

# **EVALUATION OF THE RHODE ISLAND PROBATION SPECIALIZED DOMESTIC VIOLENCE SUPERVISION UNIT**

## **Executive Summary**

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Despite the extent and severity of intimate partner violence, many cases are not prosecuted as felonies. Rather, offenders often receive misdemeanor convictions and subsequently are placed on probation.<sup>1</sup>

Currently, probation efforts to respond to domestic violence are not based on research findings. Instead, many departments handle these cases similar to other misdemeanors, or they adapt existing intensive supervision models for domestic violence offenders. Other than process evaluations, little research has been conducted on the effectiveness of probation methods used in domestic violence case supervision. This report provides much needed information by evaluating two probation supervision strategies for domestic violence abusers in Rhode Island: specialized versus traditional supervision.

The American Probation and Parole Association, in collaboration with BOTEC Analysis Corporation and the Rhode Island Department of Corrections, received funding from the National Institute of Justice to evaluate the effectiveness of a specialized domestic violence probation supervision unit. In 1994, Rhode Island implemented specialized domestic violence probation units (DVU) in the northern part of the State. The southern part of Rhode Island continues to use traditional probation strategies to supervise domestic violence offenders on generic, mixed caseloads.

## **Research Methods**

A sample of 552 male misdemeanor domestic violence offenders who were on probation on January 1, 2003, was selected and followed through January 1, 2004 to measure recidivism. Recidivism was indicated by a new arrest for any crime or reabuse demonstrated by an arrest, victim report, or police report of domestic violence. This sample allowed for comparisons between 370 offenders in the specialized unit and 182 similar male offenders in a traditional

supervision unit. Using file data and arrest records, their characteristics and offending behavior were documented to determine similarities and differences in community performance between the different supervision strategies.

Recidivism and reabuse rates were compared between specialized and traditional supervision. The analysis proceeds along three tracks: (1) descriptive analysis of offender characteristics; (2) analysis of survival times; and (3) regression analysis to determine recidivism and reabuse probabilities according to risk.

Research continually identifies the importance of understanding the potential public safety risk presented by each offender.<sup>2</sup> The specialized unit in Rhode Island contains an intensive supervision component for individuals especially likely to reoffend. The offenders placed in the intensive unit of the DVU are considered high risk, with risk decisions based upon three criteria: (1) repeat domestic abuser, (2) caused serious injury, and (3) history of substance abuse or mental health problems. These criteria are used in regression analyses to compare the high- and low-risk offenders.

Information about the probation agency, criminal justice system, and State laws was collected and reviewed to contextualize the quantitative analysis. Traditional and DVU probation officers and other criminal justice officials were interviewed. Researchers also observed domestic violence court hearings. A sample of victims was interviewed to better understand how probation officers may affect victims' experiences related to the probation supervision. These qualitative data were analyzed and compared to determine differences between the two types of supervision.

## **Research Findings**

The data demonstrate that a specialized domestic violence supervision unit can contribute to victim safety by reducing the likelihood of reoffending. The specialized caseload also had positive effects on victim satisfaction and offender accountability.

### ***Differences in Supervision Strategies***

As of January 1, 2003, five officers with general, mixed caseloads, ranging in size from 282 to 472 active cases, supervised the five traditional caseloads described in this evaluation. The domestic violence cases supervised by these officers ranged from 27 to 55 cases.

The five DVU Probation officers for the sample probationers supervised 480 domestic violence probationers, of which 370 were included in the analysis. Caseloads ranged from 58 to 97 cases, with two of the caseloads designated as intensive. Department protocols called for intensive cases to be seen more often than nonintensive, but with 71 and 58 offenders respectively, the intensive caseloads were not substantially smaller than the nonintensive domestic violence caseloads that averaged 80 probationers.

There were several major differences in how DVU and traditional probationers were supervised by their assigned probation officers.

- DVU cases were seen more frequently. The intensity of supervision contact varied between those supervised on the traditional and specialized caseloads and between those designated intensive and nonintensive within the specialized caseload. Monthly office visits or other contact occurred for most probationers on traditional caseloads during the first six months of the probationary period. After batterer programs were completed, probation contacts occurred less often, if at all. During 2003, probation contacts for the traditional sample ranged from 1 to 12. With smaller caseloads, DVU probation officers

were able to see their probationers more often. The officers assigned intensive cases saw their probationers every two weeks. Those assigned nonintensive cases generally saw them on a monthly basis

- DVU victims were more likely to be contacted by their abusers' probation officer. For the traditional caseloads, the initiative for contact rested solely with the victims. The DVU officers routinely sent letters to victims inviting contact. However, to safeguard victims, letters were sent in plain envelopes with no return addresses. If the victim were no longer at the address on the envelope, the information was not returned to the probation officer, and the officer did not know if the absence of communication was the victim's choice or the fact that the letter was not received. From victim interviews completed by the Rhode Island Coalition Against Domestic Violence, only 15.8 percent of the traditional supervision victims reported contact with the probation officer, and that was limited to a single occasion. By contrast, half of the DVU victims interviewed reported contacts with the probation officers ranging from 2 to 10 times.
- DVU probation officers were more likely to return probationers to court for technical violations, which required officers to take specific action to enforce probation conditions. The DVU officers were more likely to bring technical violations against their probationers whether or not the probationers were also charged with a new domestic violence offense. The difference likely represents differences in the intensity and strictness of the probation monitoring.

All domestic violence offenders convicted of committing a domestic violence crime in Rhode Island are required by statute to participate in a batterer intervention program. No-contact orders also are statutorily imposed and become a condition of probation. However, judges may cancel

these orders, especially if the victim requests it. Domestic violence offenders also must pay a \$25 cost assessment earmarked for the State's general fund as a condition of probation. In this study, judges imposed additional special conditions (e.g., substance abuse or mental health treatment, restitution, community service) on only 13 percent of the offenders.

### ***Victim Safety and Satisfaction***

Specialized probation supervision of domestic violence offenders in Rhode Island resulted in significantly lower rates of reoffending and longer periods arrest-free for most domestic violence offenders. Low-risk offenders in the DVU group had about a 40 percent reduction in the risk of recidivism over low risk offenders who were in the traditional group, and they waited, on average, twice as long before offending. Supervision in the lower risk level in the DVU makes a difference. The average probability of rearrest is 0.46 in the DVU and 0.60 in the traditional supervision group. This is significantly different ( $p=0.03$ ). Although specialized domestic violence supervision in Rhode Island is most effective with lower risk level, it is important to note that the majority of probationers are classified as low risk.

Forty-eight victims were interviewed to determine if attitudinal differences existed among supervision groups concerning their relationship with the abusers' probation officer and the effects of the probationary sentences. Overall, there was limited contact between victims and officers, especially among those involved with the traditional caseload. Rhode Island's specialized domestic violence probation supervision unit had a positive impact on the level of victim satisfaction, and the interviewed victims expressed satisfaction with repeated officer contacts.

### ***Offender Accountability***

Besides increased offender-officer contact and modest victim contact, the major difference between the supervision of DVU and traditional unit probationers was the increased likelihood that the former would be brought back to court for technical violations. Although few had their probation revoked for these violations, the court generally continued to review the cases to ensure future compliance. One hundred sixty-three DVU probationers (44 percent) were charged with a technical violation as opposed to 45 (24.7 percent) of those on traditional supervision.<sup>3</sup>

### ***Probation's Challenges***

Despite the encouraging findings regarding lower rates of reoffending and longer periods before reabuse, many challenges face probation officers and the probation agency in Rhode Island when supervising domestic violence offenders. A majority of the defendants probated for domestic violence are repeat offenders, and few study probationers' criminal histories were restricted to domestic violence. On average, the study probationers had experienced more than three separate incidents that resulted in court arraignments. Further, their prior criminal history was more likely to consist of crimes against persons, as opposed to any other single type of crime. The majority of sample probationers had prior convictions (or pled *nolo contendere*) and a high number had been sentenced previously to probation or imprisoned for prior criminal offenses. The majority (58.7 percent) of the total sample recidivated during the study period as measured by rearrest, a police report for domestic violence, or a victim report of domestic violence. Most of the sample who were arrested for domestic violence crimes were arrested for a domestic assault (100), followed by violation of a no-contact order (51) and violation of a protective order (22), with the rest divided among domestic violence-related disorderly conduct,

vandalism and harassment. Most rearrested probationers (54.7 percent) were given suspended sentences. Twenty percent (20.3 percent) were dismissed or found not guilty. More than a third of those arrested for a new domestic violence offense were arrested more than once. Consistent with findings of previous studies,<sup>4</sup> prior record for any crime, not just domestic violence crimes, was a better predictor for reabuse than prior domestic violence crimes alone.

Age was another major predictor of recidivism as younger individuals are most likely to be rearrested. Specific items of prior criminal histories were examined to reveal which best predicted rearrest for domestic violence among the study sample. Those with prior records of imprisonment were the most likely to reabuse.<sup>5</sup> Victims who leave or separate from their abusers were just as likely to suffer reabuse (as measured by a new arrest), as were those who remained with their abusers. In fact, separated intimate partners and those with a child in common but never living together experienced the highest rates of reabuse based on rearrest data.

More than one-third (34.4 percent) of the sample probationers were arrested for a new domestic violence offense before they had been on probation for two months. However, the length of time it took for most to actually report to probation for the first time after court disposition was also two months. Therefore, the opportunity for the probation intervention or any individual probation officer (as opposed to the sentence itself) to have any effect on at least one-third of domestic violence probationers was extremely limited when measured by rearrest for new domestic violence. The “dosage” effect of probation within the first two months consists of one or two contacts at the most. Most of the probationers had not as yet begun their batterer program. More than half (59.9 percent) of the probationers were rearrested within the first six months. Even by six months, most probationers have only just begun the regimen of office visits and batterer program attendance.

## **Implications of the Research**

The findings of this study provide important preliminary guidance for the community supervision of domestic violence offenders that should be implemented and evaluated in other locations. Consistent with other research, this study underscores the tendency of many domestic violence offenders to be persistent abusers as well as general recidivist offenders. Caseloads of known domestic violence offenders are likely to increase, and it is likely that domestic violence offenders are already on probation caseloads for other criminal behavior.

The most important finding of this research is the potential for specialized case supervision of domestic violence offenders to both diminish reoffending and delay the time to reabuse. Although the Rhode Island probation model lacked some rigor in implementation, it nonetheless demonstrated a degree of victim protection potential among the majority of offenders – those demonstrating lower risk as measured by prior domestic violence probation, concurrent domestic violence sentences, and suspended or split sentences. This indicates promise for other agencies that combine increased contacts with probationers, heightened monitoring and enforcement of conditions, and increased victim contact in the supervision of domestic violence offenders.

This study coincides with previous research that has found age and criminal history to be fairly robust predictors of ongoing abuse. This provides community corrections agencies with readily available information to assess the likelihood that domestic violence offenders will reabuse their victims and to implement interventions to control and change abusive behavior.

This study further supports the need for a coordinated community response to domestic violence. The Rhode Island model demonstrates that community corrections agencies, while making a difference, cannot address the problem of domestic violence adequately without the

support of the entire justice system as well as community resources and stakeholders. This project underscores the need for a common understanding and mission among all the organizations and professionals who must address domestic violence in a concerted and cohesive manner. Most critically, prosecutors and courts must distinguish between those abusers who cannot safely be released to the community and those who can be released safely under probation supervision.

The potential effectiveness of probation to control or change the behavior of domestic violence offenders is hampered by both the rapidity with which offenders reoffend and the delay between sentencing and starting probation supervision in Rhode Island. This time may be crucial for preventing reabuse and suggests that policies should be implemented to “fast track” domestic violence offenders through the court and probation intake process. Deterrence theories of criminal justice recommend that interventions be implemented with certainty and swiftness to deter further offending.

Domestic violence offenses customarily are treated separately and apart from the rest of a defendant’s criminal career, rather than part of a continuum of antisocial, often violent, criminal behavior. The courts often ignored the nondomestic criminal record of study probationers in sentencing. For example, 95 of the study probationers had been sentenced to prison for prior offenses, yet only 14 were incarcerated (split sentence) for the study domestic violence offense. Thirty-two of these offenders had been incarcerated two or more times before the study domestic violence offense, yet only six were incarcerated for the study offense. Relatively few repeat domestic violence defendants were prosecuted and sentenced as second offenders, requiring a ten-day minimum jail sentence, or as third offenders, requiring a minimum one-year prison

sentence. Rather they were generally re-probated or given suspended sentences from 30 days to one year with probation supervision of from six months to one year.

## Notes

<sup>1</sup> See Thistlethwaite, A., J. Wooldredge, and D. Gibbs, “Severity of Dispositions and Domestic Violence Recidivism,” *Crime and Delinquency* 44 (3) (July 1998): 388–398; and Wooldredge, J., and A. Thistlethwaite, “Reconsidering Domestic Violence Recidivism: Conditioned Effects of Legal Controls by Individual and Aggregate Levels of Stake in Conformity,” *Journal of Quantitative Criminology* 18 (1) (2002): 45–70 (hereinafter “Reconsidering Domestic Violence Recidivism”).

<sup>2</sup> Andrews, D., I. Zinger, R. Hoge, J. Bonta, P. Gendreau, and F. Cullen, “Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-analysis,” *Criminology* 28 (3) (1990): 369–404.

<sup>3</sup> These include probationers who were charged simultaneously with technical and nontechnical violations.

<sup>4</sup> See, e.g., Klein, *The Criminal Justice Response to Domestic Violence*, Belmont, CA: Thomson/Wadsworth Learning, 2004: 36-37. (Discusses risk predictors found in criminal justice and hospital studies.)

<sup>5</sup> See, e.g., Center for Court Innovation, *Response to Domestic Violence in a Proactive Court Setting, 1999*, New York: Center for Court Innovation, 2004.

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## **Final Report**

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## **Abstract**

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## **Executive Summary**

Despite the extent and severity of intimate partner violence, many cases are not prosecuted as felonies. Rather, offenders often receive misdemeanor convictions and subsequently are placed on probation.<sup>1</sup>

Currently, probation efforts to respond to domestic violence are not based on research findings. Instead, many departments handle these cases similar to other misdemeanors, or they adapt existing intensive supervision models for domestic violence offenders. Other than process evaluations, little research has been conducted on the effectiveness of probation methods used in domestic violence case supervision. This report provides much needed information by evaluating two probation supervision strategies for domestic violence abusers in Rhode Island: specialized versus traditional supervision.

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## **Research Findings**

The data demonstrate that a specialized domestic violence supervision unit can contribute to victim safety by reducing the likelihood of reoffending. The specialized caseload also had positive effects on victim satisfaction and offender accountability.

### **Differences in Supervision Strategies**

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### **Victim Safety and Satisfaction**

Specialized probation supervision of domestic violence offenders in Rhode Island resulted in significantly lower rates of reoffending and longer periods arrest-free for most domestic violence offenders. Low-risk offenders in the DVU group had about a 40 percent reduction in the risk of recidivism over low risk offenders who were in the traditional group, and they waited, on average, twice as long before offending. Supervision in the lower risk level in the DVU makes a difference. The average probability of rearrest is 0.46 in the DVU and 0.60 in the traditional supervision group. This is significantly different ( $p = 0.03$ ). Although specialized domestic violence supervision in Rhode Island is most effective with lower risk level, it is important to note that the majority of probationers are classified as low risk.

Forty-eight victims were interviewed to determine if attitudinal differences existed among supervision groups concerning their relationship with the abusers' probation officer and the effects of the probationary sentences. Overall, there was limited contact between victims and officers, especially among those involved with the traditional caseload. Rhode Island's specialized domestic violence probation supervision unit had a positive impact on the level of victim satisfaction, and the interviewed victims expressed satisfaction with repeated officer contacts.

## **Offender Accountability**

Besides increased offender-officer contact and modest victim contact, the major difference between the supervision of DVU and traditional unit probationers was the increased likelihood that the former would be brought back to court for technical violations. Although few had their probation revoked for these violations, the court generally continued to review the cases to ensure future compliance. One hundred sixty-three DVU probationers (44 percent) were charged with a technical violation as opposed to 45 (24.7 percent) of those on traditional supervision.<sup>3</sup>

## **Probation's Challenges**

Despite the encouraging findings regarding lower rates of reoffending and longer periods before reabuse, many challenges face probation officers and the probation agency in Rhode Island when supervising domestic violence offenders. A majority of the defendants probated for domestic violence are repeat offenders, and few study probationers' criminal histories were restricted to domestic violence. On average, the study probationers had experienced more than three separate incidents that resulted in court arraignments. Further, their prior criminal history was more likely to consist of crimes against persons, as opposed to any other single type of crime. The majority of sample probationers had prior convictions (or pled *nolo contendere*) and a high number had been sentenced previously to probation or imprisoned for prior criminal offenses. The majority (58.7 percent) of the total sample recidivated during the study period as measured by rearrest, a police report for domestic violence, or a victim report of domestic violence. Most of the sample who were arrested for domestic violence crimes were arrested for a domestic assault (100), followed by violation of a no-contact order (51) and violation of a protective order (22), with the rest divided among domestic violence-related disorderly conduct,

vandalism and harassment. Most rearrested probationers (54.7 percent) were given suspended sentences. Twenty percent (20.3 percent) were dismissed or found not guilty. More than a third of those arrested for a new domestic violence offense were arrested more than once. Consistent with findings of previous studies,<sup>4</sup> prior record for any crime, not just domestic violence crimes, was a better predictor for reabuse than prior domestic violence crimes alone.

Age was another major predictor of recidivism as younger individuals are most likely to be rearrested. Specific items of prior criminal histories were examined to reveal which best predicted rearrest for domestic violence among the study sample. Those with prior records of imprisonment were the most likely to reabuse.<sup>5</sup> Victims who leave or separate from their abusers were just as likely to suffer reabuse (as measured by a new arrest), as were those who remained with their abusers. In fact, separated intimate partners and those with a child in common but never living together experienced the highest rates of reabuse based on rearrest data.

Nearly one-third (30.1 percent) of the sample probationers were arrested for a new domestic violence offense before they had been on probation for two months. However, the length of time it took for most to actually report to probation for the first time after court disposition was also two months. Therefore, the opportunity for the probation intervention or any individual probation officer (as opposed to the sentence itself) to have any effect on at least one-third of domestic violence probationers was extremely limited when measured by rearrest for new domestic violence. The “dosage” effect of probation within the first two months consists of one or two contacts at the most. Most of the probationers had not as yet begun their batterer program. More than half (56.5 percent) of the probationers were rearrested within the first six months. Even by six months, most probationers have only just begun the regimen of office visits and batterer program attendance.

## **Implications of the Research**

The findings of this study provide important preliminary guidance for the community supervision of domestic violence offenders that should be implemented and evaluated in other locations. Consistent with other research, this study underscores the tendency of many domestic violence offenders to be persistent abusers as well as general recidivist offenders. Caseloads of known domestic violence offenders are likely to increase, and it is likely that domestic violence offenders are already on probation caseloads for other criminal behavior.

The most important finding of this research is the potential for specialized case supervision of domestic violence offenders to both diminish reoffending and delay the time to reabuse. Although the Rhode Island probation model lacked some rigor in implementation, it nonetheless demonstrated a degree of victim protection potential among the majority of offenders—those demonstrating lower risk as measured by prior domestic violence probation, concurrent domestic violence sentences, and suspended or split sentences. This indicates promise for other agencies that combine increased contacts with probationers, heightened monitoring and enforcement of conditions, and increased victim contact in the supervision of domestic violence offenders.

This study coincides with previous research that has found age and criminal history to be fairly robust predictors of ongoing abuse. This provides community corrections agencies with readily available information to assess the likelihood that domestic violence offenders will reabuse their victims and to implement interventions to control and change abusive behavior.

This study further supports the need for a coordinated community response to domestic violence. The Rhode Island model demonstrates that community corrections agencies, while making a difference, cannot address the problem of domestic violence adequately without the

support of the entire justice system as well as community resources and stakeholders. This project underscores the need for a common understanding and mission among all the organizations and professionals who must address domestic violence in a concerted and cohesive manner. Most critically, prosecutors and courts must distinguish between those abusers who cannot safely be released to the community and those who can be released safely under probation supervision.

The potential effectiveness of probation to control or change the behavior of domestic violence offenders is hampered by both the rapidity with which offenders reoffend and the delay between sentencing and starting probation supervision in Rhode Island. This time may be crucial for preventing reabuse and suggests that policies should be implemented to “fast track” domestic violence offenders through the court and probation intake process. Deterrence theories of criminal justice recommend that interventions be implemented with certainty and swiftness to deter further offending.

Domestic violence offenses customarily are treated separately and apart from the rest of a defendant’s criminal career, rather than part of a continuum of antisocial, often violent, criminal behavior. The courts often ignored the nondomestic criminal record of study probationers in sentencing. For example, 95 of the study probationers had been sentenced to prison for prior offenses, yet only 14 were incarcerated (split sentence) for the study domestic violence offense. Thirty-two of these offenders had been incarcerated two or more times before the study domestic violence offense, yet only six were incarcerated for the study offense. Relatively few repeat domestic violence defendants were prosecuted and sentenced as second offenders, requiring a 10-day minimum jail sentence, or as third offenders, requiring a minimum one-year prison

sentence. Rather they were generally re-probated or given suspended sentences from 30 days to one year with probation supervision of from six months to one year.

## **Preface**

The American Probation and Parole Association, in collaboration with BOTEC Analysis Corporation and the Rhode Island Department of Corrections, received funding from the National Institute of Justice to evaluate the effectiveness of a domestic violence special supervision unit. Rhode Island offers an excellent opportunity to examine the differences between two probation case management strategies to supervise domestic violence offenders. Recently, Rhode Island made adjustments to probation policies for domestic violence offenders by implementing specialized domestic violence probation units (DVU) in the northern half of the State. The southern half of Rhode Island continued to use regular probation strategies to supervise domestic violence offenders. To better evaluate the effectiveness of the specialized domestic violence units in Rhode Island, similar probation offices in Rhode Island supervising domestic violence offenders in a mixed or traditional caseload were compared to the DVU offenders. The offenders in each supervision strategy are matched on several characteristics.

Information about the probation agency, criminal justice system, and State laws was collected and reviewed to contextualize the quantitative analysis. A sample of 552 male offenders who were on probation on January 1, 2003, was selected. This sample allowed for comparisons between 370 offenders in the specialized unit and 182 similar male offenders in a traditional supervision unit. Using file data and arrest records, their characteristics and offending behavior were documented to determine similarities and differences in community performance between offenders in the different supervision strategies. A sample of victims was interviewed by telephone to better understand how probation officers may affect victims' experiences related to the probation supervision.

This report is organized into seven sections. Following the introduction and literature review, the research methods, study context, and sample probationers are described. This is followed by the study findings, which include those related to victim safety, victim satisfaction, and offender accountability as well as recidivism and reabuse findings. The limitations of the criminal justice response to domestic violence are then explored with discussion and implications for probation in Rhode Island. This report ends with general discussion of the policy implications, the limitations of this study, and the need for further research.

## Introduction

Supervising persons convicted of domestic violence by probation and parole officers is a policy area in need of further research. Although the use of probation and parole has grown considerably in the past decade, only recently have researchers begun to scrutinize new programs seriously. There is no doubt that probation and parole departments are continually being turned to in hopes of alleviating institutional crowding and offering offenders opportunities to change their behaviors. However, it is necessary for policymakers and administrators to have reliable and accurate information regarding the quality of policy options. Therefore, this report provides much needed information comparing two probation supervision techniques for domestic violence abusers in Rhode Island—specialized versus traditional supervision.

Intimate partner abusers are of increasing concern given that criminal justice arrest and prosecution policies have become increasingly more aggressive over the past several decades. During this period, domestic violence has been transformed from its earlier perception as normalized violence to maintain household order, not in need of official State intervention, to becoming understood as a violent criminal behavior. Rather than being trained to shun arrests as law enforcement officers were in the 1970s, pro-arrest policies are now commonplace, reinforced by widespread training and mandatory arrest laws in most of the U.S. for either domestic assaults or violations of protective orders.<sup>6</sup>

Several decades ago, the majority of domestic violence arrests did not lead to prosecution, but now prosecutors have generally responded to escalating arrests with increased prosecution. In the initial study published in 1984 testing the efficacy of police arrest in Minnesota to deter repeat domestic violence, researchers noted that only 2 percent of the domestic violence arrests were subsequently prosecuted.<sup>7</sup> These findings were contested by

replications in other parts of the Nation. In fact, within just a few years, another similar research study in Omaha revealed a 61 percent prosecution rate.<sup>8</sup>

Although sentencing patterns vary, the increase in prosecutions has increased domestic violence sentences to probation or incarceration. Studies document that in jurisdictions noted for aggressive prosecution of domestic violence cases, the majority of those sentenced are placed on probation. For example, in San Diego, California, 98 percent of domestic violence sentences are to probation and in Everett, Washington, nearly 80 percent of sentences for domestic violence are to probation. (One exception is Omaha, Nebraska, where only 26 percent were probated.<sup>9</sup>) In California, the majority of defendants arrested for domestic violence were diverted pursuant to statute until 1996 when legislation was enacted mandating probationary sentences and 52-week batterer intervention programs.<sup>10</sup>

According to the Bureau of Justice Statistics, 7 percent of probationers in 2002 and 2003 were convicted of domestic violence, which constituted their most serious crime.<sup>11</sup> In 2003, that represented 285,179 probationers nationwide.

As a result of the increasing number of domestic violence defendants placed on community supervision, probation departments began to develop specialized responses to this newly visible population of offenders. In 1985, following specialization models widely adopted among police and prosecutors, the district court in Quincy, Massachusetts, became one of the first to establish a dedicated domestic violence supervision unit.<sup>12</sup> Other models soon followed, fueled in part by the availability of Federal Violence Against Women funding. Seeking to protect victims, hold offenders accountable for their behavior, and enforce behavior change among offenders, probation departments have begun to experiment with various supervision models to enhance their ability to maintain ongoing contact with victims as well as offenders.

The efforts of probation to respond to domestic violence are not based on research findings. Instead, many departments simply adapted existing intensive supervision models for domestic violence offenders. An early process evaluation of specialized probation supervision programs for domestic violence offenders in Illinois reveals a typical case example. In Champaign County, domestic violence arrests increased in the 1990s. The State's Attorney's Office received Federal funds to hire three additional staff to prosecute these cases. As a result, domestic violence probation caseloads increased from 60 in August 1996 to 313 by 1999, quintupling in size. In response both to the numbers of cases and the challenges presented by this caseload, the department of corrections established a specialized supervision unit to provide more intensive supervision of these probationers.<sup>13</sup>

Other models were also developed, including programs that extended periodic contact to the probationers' victims, integration of formerly stand-alone batterer intervention programs, and even use of polygraph evaluations, formerly limited to the treatment and supervision of probated sex offenders.

Other than process evaluations, little research on the effectiveness of probation methods used in domestic violence case supervision has been conducted. The field has a great need for further quantitative research to guide the development of the growing probation and parole response to domestic violence.

This research study was designed to begin to address this need. The research compares the effectiveness of domestic violence supervision of batterers who receive specialized probation supervision by trained domestic violence probation officers and those who receive general probation supervision by probation officers with mixed caseloads. It also reveals, for Rhode Island at least, a great deal about the nature of the criminal justice response to domestic violence.

## **Literature Review**

Despite the extent and severity of intimate partner violence, many such cases are not prosecuted as felonies. Instead, domestic violence offenders often receive misdemeanor convictions and subsequently are placed on probation.<sup>14</sup> Given this sentencing structure, it is obvious that probation services are frequently the criminal justice system's central intermediary in domestic violence sanctions.

To date, most research points to (1) the failure of criminal justice domestic violence interventions to prevent recurrent abuse; (2) the tendency of many offenders to be persistent law violators (e.g., general criminal activity); (3) criminal history as the best predictor of future offending; (4) the tendency for repeat offenders to be younger, unmarried, unemployed, and lack stable residency; and (5) the promising strategy of multiagency approaches (e.g., combining the law enforcement, judiciary, correctional subsystems and victims services in multilateral communication and response).

## **Domestic Violence Offenders and Victims**

Domestic violence is unlike other forms of criminal victimization as it is often repeated abuse perpetrated by the same offender toward the same victim over long periods. Frequently victims are intimidated by the court process, fearful of further victimization, economically dependent upon their abuser, or have other reasons for not reporting the abuse. It is estimated that only about half of the intimate partner abuse against women is ever reported to the police.<sup>15</sup> Nearly 12 percent of intimate partner violence is referred to as series victimizations, meaning that someone has been victimized at least six times by the same offender (about 6 percent of all violent crimes are series).<sup>16</sup> According to the Bureau of Justice Statistics (BJS), there were nearly 600,000 intimate partner victimizations against women in 2001 (accounting for 85 percent of all

intimate partner violence).<sup>17</sup> BJS defines intimate partner violence or domestic violence as rape, sexual assault, robbery, aggravated assault, and simple assault committed by a current or former spouse, boyfriend, or girlfriend.

Since the early 1990s, the incidence and prevalence of domestic violence has declined, but still accounts for one-fifth of all nonfatal violent crimes women experience and one-third of all female homicides.<sup>18</sup> In 1995, the FBI's Uniform Crime Report (UCR Supplemental Homicide Report) documents that spouse abuse made up more than 13 percent of all violent crimes and more than 46 percent of all family violence (33,126 reported cases). This pervasiveness signals the need for familiarizing criminal justice practitioners with the important problem of intimate partner violence and strategies for addressing it.

Many intimate partner abusers are under community supervision or have another criminal justice status at the time of their arrest for abusing a domestic partner. In fact, one BJS report documents that about 40 percent of jail inmates convicted of a violent crime against an intimate had a criminal justice status at the time of their crime (i.e., 20 percent were on probation, 9 percent on a restraining order, and 10 percent were either on parole, pretrial release, or other status).<sup>19</sup> This same report indicates that State prison inmates serving time for intimate partner violence made up 7.3 percent of all violent offenders, with these offenders more likely to have committed a homicide (41 percent). Most local jail inmates incarcerated for intimate partner violence had a history of violent convictions other than domestic violence, suggesting their use of violence as a means for conflict resolution. Although not suggesting a single explanatory factor, more than half of prison and jail inmates convicted for violence against an intimate were drinking or using drugs at the time of the incident.<sup>20</sup>

Domestic violence is not a crime of opportunity; rather, it is purposeful illegal and noncriminal behavior designed to control, intimidate, or punish a current or former intimate partner. Not all cases of domestic violence are severe or brutal violent acts; many incidents do not involve any physical abuse, which complicates understandings of domestic violence. Although BJS records physical victimization between intimate partners, a joint project completed by the National Institute of Justice and the Centers for Disease Control surveyed 16,000 individuals to determine the existence of numerous behaviors used to control, intimidate, and abuse intimate partners.<sup>21</sup> “These behaviors,” Tjaden and Thoennes<sup>22</sup> summarize, “may include acts such as verbal abuse, imprisonment, humiliation, stalking, and denial of access to financial resources, shelter, or services.” This definition is more inclusive than other official definitions, and uncovers a wide variety of abusive acts unrecognized by prior research. Besides these abusive acts, Tjaden and Thoennes estimate that slightly more than half a million females were stalked by an intimate partner in the 12 months prior to being surveyed (or five per 1,000 women 18 years and older).<sup>23</sup>

Victims of intimate partner violence suffer psychological, physical, and other consequences of abuse, with many offenders feeling entitled to abuse their family members. BJS reports that between 1993 and 1998, intimate partners murdered 1,320 females, raped or sexually assaulted more than 63,000 females, and victimized about one million women annually.<sup>24 25</sup> Of all female intimate partner abuse victims, those between 16 and 24 years of age indicated the highest rate of victimization for all age categories (19.6 per 1,000). African-Americans and those with an annual household income of less than \$7,500 were also the more likely to indicate being victimized by an intimate partner. Intimate partner violence was more prevalent among unmarried women who did not own their home and lived in urban areas. Rennison and

Welchans<sup>26</sup> state that nearly half of the female abuse victims indicate suffering a physical injury and about 40 percent of those experiencing an injury sought medical assistance.

The National Violence Against Women (NVAW) survey attempted to develop predictive models of abusive behavior using logistic regression. The strongest models found significant positive associations between abuse and unmarried, cohabitating couples ( $\beta = 0.556$ ,  $p = 0.018$ ) and abuse of the victim as a child ( $\beta = 0.954$ ,  $p = 0.000$ ). A negative association with intimate partner violence was found if the victim was white ( $\beta = -0.417$ ,  $p = 0.021$ ). This model also found significant relationships between abuse and offender jealousy ( $\beta = 0.959$ ,  $p = 0.000$ ), partner isolation of the victim ( $\beta = 0.446$ ,  $p = 0.031$ ), and verbal abuse of the victim by the partner ( $\beta = 2.03$ ,  $p = 0.000$ ). Tjaden and Thoennes<sup>27</sup> suggest that these regression coefficients offer empirical support to what Johnson<sup>28</sup> refers to as “patriarchal terrorism.” In their view, intimate partner abuse is often “violence perpetrated against women by male partners as part of a systematic pattern of dominance and control.”<sup>29</sup>

As social science data becomes more accurate, researchers are better able to empirically verify (or reject) various theoretical causal assumptions. This is not to suggest that all incidences of domestic violence are similar. Rather, it is commonly known that intimate partner violence has only recently received serious criminal justice scrutiny, especially in the way abuse is recorded, and researchers are in the initial stages of theoretical development and verification. Recent research, for instance, questions the correlation between race and domestic violence by suggesting that social disorganization variables are potential confounds.<sup>30</sup> That is, previous indicators point to African-Americans as having a higher incidence of intimate partner abusive behavior. Many researchers, however, have neglected to consider community contextual factors

that influence the collective efficacy of an area through the diminishment of informal social control mechanisms.<sup>31</sup>

Benson et al.,<sup>32</sup> borrowing from social disorganization theorists, suggest that “area racial composition and violent crime rates can be explained by other structural correlates of race.” High unemployment, poverty, family fragmentation, economic hardship, and isolation from conventional society are all features that potentially reduce legitimate opportunity structures and weaken informal ties and control, which is said to foster increased crime and violence.<sup>33</sup> Using data from the National Survey of Families and Households and the 1990 U.S. Census, Benson et al.<sup>34</sup> entered a neighborhood disadvantage variable in a regression model. This variable was highly significant ( $p = 0.001$ ) and reduced the odds ratio for race, “suggesting that neighborhood disadvantage is responsible for much of the covariation between race and domestic violence.”

However, their analysis found age negatively associated with violence and economic distress (i.e., subjective financial strain and male job instability) and a significant positive association between male alcohol problems and domestic violence. This research sheds important empirical light upon the race-domestic violence connection by suggesting that varying ecological factors are more powerful predictors. Moreover, Benson et al.’s<sup>35</sup> findings bolster social disorganization arguments by explaining that “the rate of intimate violence is highest in the most disadvantaged communities and lowest in the least disadvantaged communities.”

Social disorganization theories are not the only theoretical attempts to explain domestic violence. Okun<sup>36</sup> noted nearly two decades ago that there are more than 20 theories explaining domestic violence. Traditionally, domestic violence research envisioned offenders as antisocial, maladaptive, or otherwise psychopathic, especially repeat offenders. Interested in the connection between personality disorders and domestic battery, Gondolf and White<sup>37</sup> conducted a 15-month

follow-up analysis of 580 domestic violence offenders from four cities. The researchers discovered that only “11 percent of repeat re-assaulters exhibited primary psychopathic disorder,” nearly half of the repeat batterers did show some indications of secondary psychopathic disorder, a much broader and more benign classification. The authors note that almost two-thirds (60 percent) of the batterers have “subclinical or low levels of personality dysfunction” and that the offenders possess a multitude of personality types, with reassaulters no more likely to have a psychopathic disorder than others.<sup>38</sup> That so many domestic violence offenders are not psychopathic challenges the stereotypical belief that all domestic violence offenders are deranged or crazy.

This is not to discount completely any psychological theories explaining domestic violence. Rather, it is important to understand that male abusers do not victimize their intimate partners due solely to some psychological dysfunction. Gelles and Straus<sup>39</sup> determined that only about 10 percent of intimate partner violence is due to mental disorders. If psychological theories cannot explain 90 percent of intimate partner abuse, then there must be alternative causal explanations. DeKeseredy and Schwartz<sup>40</sup> posit that males operate in abuse-supporting peer groups that reinforce social norms allowing males to abuse females. These social supports do not operate in a social vacuum, but rather are bolstered by dominant social patriarchal patterns and coalesce with traditional perceptions of masculinity, secrecy, sexual objectification of women, and heavy alcohol use. DeKeseredy and Schwartz, although hinting at macro-social masculine features of power, fall somewhat short of more traditional feminist positions. Beirne and Messerschmidt<sup>41</sup> suggest that “the most important relations in any society are found in patriarchy (masculine control of the labor power and sexuality of women); all other relations (such as class) are secondary and derive from male-female relations.”

Criminological theories explaining domestic violence are too numerous to fully discuss here, and the research that currently exists suggests that sociocultural variables (e.g., education, income, neighborhood context) have some predictive power, not to be confused with causal power. Domestic violence cases, more so than other types of victimization, are perplexing because they usually involve the repeated abuse and control of the same victim by the same offender involved in a close relationship. Nevertheless, domestic violence is often explained with very simple myths such as: (1) it only happens among the very poor or uneducated; (2) only a few women are affected by this violence, or women are as violent as men; (3) it is a one-time occurrence resulting from loss of temper; and (4) alcohol and other substances *cause* people to lose their temper. These myths certainly do not capture the reality of domestic violence. It is important not to confuse popular myths with scientific theories, as myths use value-loaded language, present opinion as fact, and create criminal stereotypes without scientifically rigorous empirical verification.<sup>42</sup>

## **Domestic Violence Laws**

Men have long used violence to control their intimate partners, whether in the form of physical abuse, verbal assault, control of economic and material resources, or psychological trauma. In the United States, men have tended to discipline their wives physically with varying levels of legal support.<sup>43</sup> There is no doubt that laws have changed to forbid such treatment, but it was not until recently that the courts have taken intimate partner abuse seriously. Despite these legal changes, Klein<sup>44</sup> identifies the criminal justice response to domestic violence today as not fully adequate, with many States yet to allow spouses compensation through victim compensation programs.

Discussing the nature of domestic violence laws in the U.S. is difficult due to the 50 independent States having separate legal systems. However, most of the States recognize intimate partner violence as acts that occur between spouses, ex-spouses, individuals in a dating relationship or prior dating relationship, cohabitation or previous cohabitation, and child in common. Some jurisdictions weigh the length of the relationship, the type of relationship, and the frequency of the interaction between the parties. All State laws forbid the willful use of physical assault or threatened assault between intimates, and some States have broadened their legal definitions of domestic violence to include controlling, intimidating, and coercive behaviors among persons involved in an intimate relationship.<sup>45</sup>

This recent trend of expanding domestic violence laws beyond physical assaults to include other abusive behaviors identifies the potential for such abuse to create a frightening atmosphere for the victim. In 1994, the Federal government passed the Violence Against Women Act that identified violence against women as a crime having consequences beyond the female victim. This Act recognized intimate partner violence as negatively affecting children and society in general. The 1994 Act utilized the Federal government's power to prohibit interstate travel to commit domestic violence, interstate stalking, and interstate travel to violate an order of protection. Besides these prohibitions the Federal government took a strong stance against domestic abusers owning firearms by prohibiting individuals subject to orders of protection from possessing firearms and extending prohibitions to individuals convicted of misdemeanor domestic violence.

## **Criminal Justice Interventions**

### **Law Enforcement**

One of the first criminal justice-based evaluations investigating the effects on reducing repeat domestic violence incidents was conducted by Sherman and Berk.<sup>46</sup> The authors were interested in determining the effects of arresting misdemeanor domestic violence offenders over a six-month follow-up period by using police written reports of repeat abuse and victim interview statements of (broadly defined) repeat incidents. Analyses revealed that arrested offenders were significantly less likely to reoffend their intimate partner when compared with a randomly selected group of offenders separated temporarily from their partner by police. It was determined that offenders did not retaliate against their intimate partner following the arrest, as there were no abusive incidents within a 24-hour period following reuniting the victim and offender. However, only 3 of the 136 offenders included in the study received further justice system sanction (e.g., fine, incarceration). Recognizing the need for a coordinated multiagency response, Sherman and Berk suggest that “the swift imposition of a sanction of temporary incarceration may deter male offenders in domestic assault cases.”<sup>47</sup>

Subsequent reviews of pro-arrest domestic violence policies yield ambivalent findings regarding individual interaction effects between informal and formal social control sanctions.<sup>48</sup> Replications of Sherman and Berk<sup>49</sup> did not find consistently statistically significant negative correlation between arrests and reoffending (i.e., reduced recidivism). Instead, subsequent analyses (i.e., Milwaukee, Omaha, Colorado Springs, and Dade County, Florida) revealed that arrests had a significant effect only on employed and married offenders, who had a “stake in conformity.” Contradicting deterrence theories and offering limited support for labeling perspectives, these replication studies found that offenders lacking these two key indicators of

conformity had “significant increases in subsequent assault associated with arrest.”<sup>50</sup> These initial evaluations do not suggest abandoning pro-arrest policies, but rather suggest the need for multifaceted and multiagency strategies to curb repeat violence. Berk et al.,<sup>51</sup> for example, suggest that “bad risks might be required to remain in jail until bail is set and the bail could be made high. Special efforts might also be made to help the victim obtain a protection order or find sanctuary in a shelter.”

These initial evaluations of mandatory arrest policies hint at several important implicit findings relevant to reducing recidivism. First, the mixed results of mandatory arrest policies nonetheless unequivocally support immediate law enforcement action. Second, individual characteristics influence the effectiveness of arrest (e.g., employment, stable residence, married).<sup>52</sup> Third, the mandatory arrest studies signal a need for multiagency responses. That is, Sherman and Berk found very little system intervention following arrest, with few offenders incarcerated, placed on community supervision, or fined.<sup>53</sup> These findings correspond with more recent research into the severity of punishment when controlling for stake in conformity variables and the need for multiagency partnerships in response to domestic violence. Reducing repeated domestic violence requires a coordinated criminal justice system strategy, combining law enforcement, the courts, corrections, and victim advocates.

### **Prosecution**

Kingsnorth, MacIntosh, and Sutherland<sup>54</sup> identify the potential measurement error when evaluating probationer performance due to the multiple punishment alternatives available to prosecutors. That a probationer is arrested and later has the charges dismissed does not signal a lack of punishment. Instead, elaborating on Feeney, Dill, and Weir, Kingsnorth et al. found that many of the dismissed criminal charges are prosecuted as probation violations. This research

analyzed domestic violence offenders and found that prosecutors typically want to avoid “risking an acquittal” as probation violations have a diminished standard of proof and prosecuting violations “serves important organizational goals.”<sup>55</sup> These findings highlight the importance of analyzing both technical probation violations and new arrests, not just reconviction for a new crime.

### **Batterer Intervention Programs**

Mandatory arrest policies for domestic violence offenses fostered several changes in system response outside of law enforcement. One such response related to the current research is batterer intervention programs promoting cognitive-behavioral changes in batterers.<sup>56</sup> These are alternatives to incarceration and are often court-ordered in conjunction with probation supervision. Some States (including Rhode Island) also have mandated by statute that convicted domestic violence offenders participate in these programs, and in some cases they are the only intervention required. It is important to understand the effectiveness of these programs in fostering victim safety. Batterer intervention programs are far from standardized, but increasingly they use cognitive-behavioral, psychoeducational techniques provided in a group format. The research findings on batterer intervention programs are equivocal. Despite court-ordered participation, many batterers never attend, and if they enroll, many do not complete these programs. Factors affecting attendance and completion are reported in two recent studies. Daly, Power, and Gondolf<sup>57</sup> studied 220 men in batterer programs and found those who attended fewer sessions tended to be less educated, unemployed, and to have a history of alcohol problems. Those who were ordered to participate in the program by the court had better attendance records than those who were not court-ordered. Similarly, Dalton<sup>58</sup> found that among a sample of 85 batterer program participants, those least likely to complete the program had

symptoms of drug abuse and were unemployed. Research also suggests that noncompleters represent a greater risk to their victims.<sup>59</sup>

There are several difficulties with batterer program research. Among these are definitions of success and measures of recidivism. Taking this into account, research reports vary in their conclusions about the effectiveness of batterer programs. In one experimental study, 376 male domestic violence offenders were assigned randomly to either a 40-hour batterer treatment program or 40 hours of community service. Those assigned to the batterer program showed lower recidivism based on outcome measures taken from official records; however, when victims were questioned, the treatment group achieved less success.<sup>60</sup> In a review of batterer program studies, Tolman and Edleson<sup>61</sup> reported general evidence of lower physical abuse among participants.

Little variance was found in recidivism rates among program participants in four Canadian batterer programs, regardless of different program philosophies and implementation approaches. The evaluators concluded that "we have yet to discover what really works with abusive men."<sup>62</sup> A study conducted in Broward County, Florida, most closely approximates the circumstances found in Rhode Island. All men convicted of misdemeanor domestic violence during a five-month period in 1997 were randomly placed in either an experimental group (n = 216) receiving a one-year probation sentence and a requirement to participate in a 26-week group counseling program or a control group (n = 188) that received probation only. Self-reports from the men, victim reports, and official records were used to assess ongoing violence. Results indicated no significant differences in attitudes, beliefs, and behaviors between the two groups; men in both groups were equally likely to engage in partner abuse and to be rearrested, suggesting that offender behavior did not change over time.<sup>63</sup> The results of studies of batterer

programs suggest that these alone are not likely to affect rates of violence significantly and that many offenders ordered to such programs do not complete them, especially those who are unemployed or have substance abuse problems.

Feder and Dugan<sup>64</sup> point out that “ineffective treatment may be more dangerous for the victim than no treatment at all.” Research demonstrates that one of the best predictors of an abused victim returning to her abusive partner is his enrollment in a batterer intervention program.<sup>65</sup> This leads to a consideration of other measures to accomplish the goal of ending the violence.

Current research yields inconclusive findings about the potential for court-ordered intervention to effectively reduce domestic reassault. Canadian researchers, for example, found that male batterers randomly assigned to mandated treatment were significantly less likely to reassault their partners than a control group (10 percent vs. 31 percent).<sup>66</sup> Forde and Regoli<sup>67</sup> compared batterers randomly assigned to either pretrial diversion with a batterer intervention program only, probation with a batterer intervention program, or a control group given no counseling. The researchers compared low risk men (e.g., no previous violent felonies, not prosecuted for assaulting the same victim, and not posing a significant threat to victim) charged with misdemeanor domestic violence and found no statistically significant differences between experimental and control groups regarding reassault. Dunford<sup>68</sup> randomly assigned 861 couples from a San Diego Naval Base to one of four groups: (1) one year of batterer intervention (i.e., men’s group), (2) 26-week sessions with victim and offenders (i.e., conjoint group), (3) case management-oriented with individual treatment for one year by a Navy superior officer (i.e., rigorous group), and (4) control group. “The cognitive-behavioral model failed to produce meaningful changes in the behavior they were designed to impact,” as meaningful differences

were not found between treatment and control groups.<sup>69</sup> These research studies ambiguously support a negative correlation between program length and domestic violence reassault—longer programs lead to less assaultive behavior. Davis, Taylor, and Maxwell<sup>70</sup> compared 376 male abusers randomly assigned to a batterer intervention program (either 8- or 26-week program) or community service. Results revealed that batterers completing the 26-week program were significantly less likely to reoffend (based on official reports and victim and offender surveys) than offenders in the 8-week program or the control group.

### **Probation**

The function, organizational structure, and expectations for probation agencies vary depending on jurisdiction. There is little research documenting contemporary probation practices or evaluating their effectiveness, as few departments are equipped with adequate research divisions. This lack of data collection and varying administrative and practical roles for probation has created “...serious gaps in our knowledge, and what [research] does exist is not easily accessible or summarized.”<sup>71</sup>

Probation is a growing and crucial criminal justice practice that has both supporters and detractors. Both the size of the offender population served and the tasks expected of probation agencies have increased dramatically. Fitzharris<sup>72</sup> surveyed probation departments and determined that they continue to struggle with a dichotomy of purpose (i.e., rehabilitation vs. punishment), as has been the case historically. Agencies revealed that they perform such disparate functions as stepparent adoption investigations, minority-age marriage investigations, and traditional surveillance.

Community supervision is one of the fastest growing arms of the criminal justice system. The Bureau of Justice Statistics in the Annual Probation Survey indicates that adult probation

populations alone have increased about 32 percent between 1995 and 2003, with an average annual increase of nearly 3 percent. Currently, there are more than four million adult men and women under some sort of probation supervision, of whom nearly half received a felony conviction and 7 percent were convicted for domestic violence.<sup>73</sup> It is also likely that other domestic violence offenders are included in probation caseloads because domestic violence crimes are not always labeled as such, and some offenders commit domestic violence offenses as well as engaging in other criminal activities, which may be the reason for their convictions. Probation is seen as a way to alleviate jail and prison crowding problems, deliver serious punishment, promote public safety and contribute to rehabilitating offenders. Probation performs numerous functions to accomplish these goals (e.g., home contacts, treatment referrals, victim assistance, surveillance, violations).

To better understand how probation accomplishes these multiple goals, Petersilia<sup>74</sup> discusses three types of probation conditions: (1) standard, (2) punitive, and (3) treatment. Standard conditions are granted to most probationers and require offenders to attend probation appointments, report address changes, maintain stable employment, and avoid leaving the jurisdiction without permission. Punitive conditions are reserved for individuals committing serious (e.g., violent) offenses, having prior criminal records, or both, and may include fines, community service, restitution, home confinement, and drug testing. Treatment conditions require offenders to attend counseling programs for substance abuse problems, employment training, mental health issues, and others. Although these types of conditions are not codified, they do serve as analytic tools to better understand probation functions. These condition types are not mutually exclusive categories, but rather they tend to merge with one another depending

upon jurisdiction (e.g., departments may blend standard conditional requirements with treatment conditions).

Probation is central to criminal justice functioning as it engages with other agencies, gathers important information to inform system actors, assists in treatment placement, and supervises the offender in the community.<sup>75</sup> The Bureau of Justice Statistics reports the number of offenders under probation supervision and type of conviction (i.e., felony, misdemeanor), but it is important to understand how probation placement decisions are made as well. An initial evaluation of probation practices found that about 25 percent of felony probation placements were indistinguishable from those sentenced to prison.<sup>76</sup> This evaluation reviewed the case files and criminal records for about 16,500 convicted male felons in California. The research attempted to determine if differences existed between offenders sentenced to probation and those sentenced to prison when controlling for the current conviction, jurisdiction, and year of conviction. The authors determined that certain individual criminal variables were influential in about 75 percent of the sentencing decisions (e.g., multiple convictions, prior convictions, under community supervision at the time of arrest, substance abuse issues, weapon use during recent crime). Other influential extra-legal variables affecting sentencing decisions included type of attorney (public vs. private), with offenders using public attorneys more likely to go to prison, and pretrial release also diminishing probability of going to prison.<sup>77</sup>

Probation is often criticized for failing to punish offenders and for not holding them accountable for their crimes or responding harshly enough to new crimes and technical violations. Recent figures indicate that as many as 40 percent of probationers do not successfully complete the terms of their supervision, but only 16 percent are returned to incarceration.<sup>78</sup> Langan<sup>79</sup> analyzed survey data from 12,370 State probationers convicted of a felony for a three-

year follow-up period. This analysis discovered that few probation departments adequately enforce conditions, as 69 percent did not pay supervision fees, 40 percent failed to pay restitution, and 32 percent never received ordered drug treatment. Langan reasons that probation's soft-on-crime image diminishes its legitimacy in times of political and media calls for punitiveness and hampers its ability to receive adequate funding.<sup>80</sup> Despite the massive growth in probationers and services performed, funding has not increased, and in some areas it has been scaled back.

The soft-on-crime image for probation is potentially warranted if it fails to protect the public. When comparing probation rearrests to prison releases, Langan<sup>81</sup> found that about 43 percent of probationers and 62.5 percent of prisoners are rearrested during a three-year follow-up period. Initially, this suggests that probation has the potential to reduce future criminality when compared with prison, save correctional funds, and alleviate jail and prison crowding as others assert.<sup>82</sup> However, when controlling for prior criminal record, this near-20 percent difference virtually disappears with probationers faring only slightly better than released prisoners.<sup>83</sup>

Petersilia and Turner<sup>84</sup> were interested in determining if different probation programs are more effective than others in reducing recidivism. They randomly assigned similar offenders in either traditional probation supervision or an intensive supervision program (ISP) (e.g., more officer-offender interaction and increased conditions) in three California counties. Their analyses did not find ISPs to be more effective than routine probation in reducing recidivism overall despite having significantly more contact with offenders. The ISP programs evaluated in California, interestingly, were found to have higher failure rates among ISP probationers than regular caseloads. The authors suggest four reasons for this failure: (1) higher risk candidates were selected for ISPs (up to 80 percent in some areas were defined as high risk), (2) specialized

units tend to strictly enforce all technical violations, (3) conditions failed to deter probationers with increased sanctions, and (4) supervision without substantive treatment evidently has little effect on probationers' underlying criminal behavior in reducing violations and arrests.<sup>85</sup>

The bulk of research documenting probation outcome effectiveness points out that certain populations of probationers appear more amenable to rehabilitation (i.e., not reoffending or committing technical violations). Petersilia and Turner<sup>86</sup> suggest that probation research needs to move beyond asking simply "did it work?" Instead, administrators and researchers need to ask "for whom did it work best?" When measuring probation effectiveness by offender characteristics, numerous researchers identify similar offender and programmatic characteristics leading to greater probability of success. These include education, employment, counseling, community service, home confinement, lack of prior crimes/convictions, and no substance abuse.<sup>87</sup> In the end, then, it appears that probation practices should attempt to incorporate both surveillance and treatment functions, respond quickly to violations and new crimes, and target treatment to offender characteristics.<sup>88 89</sup>

### **Probation and Domestic Violence**

Minimal research documents the effectiveness of probation supervision of domestic violence offenders. However, a few studies point to the conclusion that an important role for probation and the courts may be holding offenders accountable, promoting changes in their behavior, and restricting their access to victims. Olson and Stalans<sup>90</sup> compared 124 offenders on probation for domestic violence offenses with a group of 287 probationers convicted of other violent offenses. The two groups were similar on measures of probation outcomes including rearrests, technical violations, and probation revocations. The domestic violence offenders tended to receive shorter probation sentences than other violent offenders, although they were

more likely to revictimize the same individuals than their counterparts in the generally violent offending group.

Research on the combined effects of batterer intervention programs and probation supervision, most of which had a one year or less follow-up period, has yielded mixed results. Gondolf<sup>91</sup> followed 618 adult batterers across four cities for two-and-one-half years conducting quarterly telephone interviews with victims or new partners of offenders undergoing court-mandated batterer intervention programs. The bulk of reassaults occurred early in the follow-up period, with 37 percent of the first reassaults happening in the first three months and more than 60 percent of all reassaults occurring within the first six months. Murphy, Musser, and Maton<sup>92</sup> observed 235 cases of male on female domestic violence and found a statistically lower recidivism rate for offenders due to the “cumulative effects of successful prosecution, probation monitoring, receiving a court order to counseling, attending counseling intake, and completion of counseling.” The authors were optimistic about the recidivism reducing effects of probation monitoring, and suggest that more research and development is needed in the area of specialized probation units.<sup>93</sup>

Thistlethwaite, Wooldredge, and Gibbs<sup>94</sup> evaluated the effectiveness of more severe sanctions in a community (i.e., Cincinnati) with mandatory arrest policies. They wanted to discover how post-arrest system treatment (e.g., punishment, sanctions) worked to reduce repeat abuse. The research seeks to determine if offenders receiving more severe punishments are less likely to reoffend and more likely to view their offense as serious and begin to understand their responsibility for the crime (especially when contrasted to offenders whose charges are dropped, acquitted, or dismissed). The research followed a sample of 683 adults arrested for misdemeanor

domestic violence for one year and analyzed arrest reports, intake interview forms, court files, and the 1990 Census of Population and Housing.

The findings suggest that sentence severity—jail and probation—is significantly more likely to reduce repeat abuse, although length of sentence was not significant; sanctions were most effective with individuals having a strong stake in conformity.<sup>95</sup> The authors reasoned that domestic violence offenders with stable employment and residency, and living in a higher socioeconomic status census tract are most likely to curtail their abusive behavior in response to criminal justice sanctions, and that sentence severity, not length of punishment, is the determining factor for reducing reoffending. The evaluation found that combined sentences of jail and probation are most effective at reducing recidivism, with subsequent analyses finding support for combinations of criminal justice sanctions and counseling.<sup>96</sup> Thus, research identifies the importance of arresting domestic violence batterers and following this with strict court-ordered supervision. Tolman<sup>97</sup> recommends a combined criminal justice response (e.g., probation supervision with batterer treatment or electronic monitoring<sup>98</sup>), and encourages rigorous enforcement of sanctions and system accountability.

In Champaign, Illinois, the criminal justice system was forced to respond to a rapidly growing volume of domestic violence cases, with a near 70 percent increase for domestic violence offenders on probation. The Enhanced Domestic Violence Program (EDVP) was created to bring together multiple criminal justice professionals, victims' advocates, and treatment providers to better protect victims and hold offenders accountable. Offenders placed in the EDVP were placed on the highest or most stringent level of supervision, which includes undergoing random drug and alcohol tests, submitting to random home and automobile searches, complying with a curfew, successfully completing a batterer intervention program, complying

with no-contact orders, and if not employed or a full-time student, reporting daily to the department to receive a public service work assignment.

The Champaign domestic violence probation program fostered communication and interagency practice among several criminal justice and treatment agencies to supervise domestic violence offenders more effectively. Controlling for individual risk level, the EDVP participants experienced a reduction in recidivism related to the effects of prosecution, community supervision, and court-mandated counseling. The Champaign evaluation makes three recommendations for better domestic violence supervision: (1) increase offender compliance with supervision conditions, (2) increase batterer intervention program completion, and (3) maintain close offender supervision and adjust conditions according to behavior.<sup>99</sup>

As part of the evaluations in Illinois, Burke<sup>100</sup> reports results from three counties' domestic violence probation programs. Evaluators used domestic violence probation cases as the unit of analysis with samples in Lake County (n = 161), Winnebago County (n = 205), and Kankakee County (n = 52) between 1999 and 2000. These counties developed "domestic violence probation programs combining supervision and treatment for offenders who failed to meet the conditions of the diversionary domestic violence court program, or who were convicted of domestic violence offenses in criminal court."<sup>101</sup> In Lake County, domestic violence probationers were held accountable by both a "regular probation officer" and a surveillance officer. Surveillance officers took an extremely proactive approach to monitoring offenders by (1) conducting unannounced visits at offenders' home, workplace, or treatment center; (2) speaking with police, victim, and the offender to assess offender compliance and progress; and (3) more effectively enforcing conditions and holding offenders accountable.

In Winnebago County, the domestic violence probation program was a collaborative project incorporating the judiciary, prosecutors, and probation officers to increase victim safety, offender accountability, and supervision effectiveness. This coordinated criminal justice response created a victim contact sheet to record officer interaction with victims, developed a probationer risk classification system to determine supervision levels, and instituted regular meetings between other criminal justice professionals and service providers with probation officers. Not only did the Winnebago probation program increase system efficiency and create interagency bonds (e.g., made larger caseloads easier to handle, increased communication between surveillance and batterer intervention program providers), it also increased victims' confidence in the criminal justice system's response to domestic violence cases.

Kankakee County also involved the judiciary (i.e., domestic violence court) with probation supervision and specialized intervention for those convicted for domestic violence. The Kankakee County domestic violence probation program involves three progressive phases: (1) offenders meet biweekly with a probation officer and undergo monthly home visits, (2) offenders attend monthly office visits with a probation officer and receive monthly home visits, and (3) offenders have bimonthly home and office visits. Probationers are required to submit to alcohol and drug treatment (if needed), participate in batterer intervention programs, and maintain full-time employment. The Kankakee County probation program also encouraged and provided victims with educational opportunities on the court process, victim testimony, the cycle of violence, and offender accountability. These domestic violence probation programs have certain systemic differences, but are nonetheless similar in their blending of domestic violence courts with "supervision, treatment, and sanctions...for offenders" as well as "increased victim involvement and safety."<sup>102</sup> These evaluations, essentially, identify the need to incorporate the

judiciary with probation departments' efforts to punish and monitor offenders, and protect victims.

The Center for Court Innovation<sup>103</sup> compared a sample of batterers sentenced to one of three treatment groups (n = 439) with a sample receiving traditional sanctions (n = 870) (e.g., jail, probation, conditional discharge) in an evaluation of the Bronx Misdemeanor Domestic Violence Court. The treatment groups included (1) batterer intervention only, (2) batterer intervention and substance abuse treatment, and (3) substance abuse treatment only. The evaluation concluded that treatment participants most likely to complete treatment and abstain from arrest were older and employed, had no (or limited) criminal history, participated in the batterer intervention only group and were in compliance at the first monitoring appearance.<sup>104</sup> The analysis revealed that during a two-year follow-up period, 62 percent of program participants and 78 percent of the comparison group were rearrested. The evaluators concluded that the most powerful predictor variable (across both samples) for recidivism was prior criminal history, suggesting that criminal justice officials “possess powerful tools for predicting negative outcomes” as criminal history and initial noncompliance with court sanctions are both readily available information.<sup>105</sup> These findings support previous research such as Buzawa, Hotaling, Klein, and Byrne<sup>106</sup> finding 84 percent of 355 study defendants in a domestic violence court who were tracked for two years had prior criminal records, 55 percent were rearrested, and 40 percent were brought back to court for at least one incident of reabuse.<sup>107</sup>

There is no doubt that criminal justice system intervention and response to domestic violence cases has improved over the past several decades. Research demonstrates that mandatory arrest laws in conjunction with increased sanctions and stricter probation monitoring and group intervention programs have the potential to decrease repeated abuse.

## Research Methods

This study uses several data collection strategies to better evaluate and compare two domestic violence offender case management strategies. The quantitative analysis is based on the findings from a nonrandom representative sample of 552 male probationers drawn from the nearly 3,000 misdemeanor domestic probationers in Rhode Island as of January 1, 2003. These offenders were (at the time of their sentencing) placed in either a regular or specialized domestic violence caseload determined by probation policies for each of the 10 caseloads included in the study. The offenders in the southern tier of Rhode Island were generally placed on traditional supervision (n = 182), while offenders in the northern tier were placed in a specialized domestic violence unit (n = 370). The probationers were tracked through January 2004 to determine recidivism and reabuse differences between these supervision approaches.

Even though the selection was not random, the two sets of probationers proved equivalent based on defendant, victim, and incident characteristics. Because the probationers began their probationary periods at different times, the time that elapsed between probation placement and last record check differed. The longest elapsed period was just over two years for defendants placed on probation more than a year before January 1, 2003. The shortest elapsed period was just over one year for defendants just placed on probation as of January 1, 2003. The latter defendants could have been under supervision all but a month or two before the final record check, while the former defendants may have been off their study probation for more than a year. Even though the different measurement lengths affect opportunities for reabuse and rearrest, the same ranges were equivalent between control and treatment cases.

## **Measures of Recidivism and Reabuse**

There were three measures used to determine reabuse and recidivism: (1) rearrest for either an offense classified as domestic violence<sup>108</sup> or for any other offense resulting in the defendant being charged and arraigned in a Rhode Island court; (2) a police report filed for an incident classified as domestic violence, whether or not an arrest was made; and (3) a victim report of domestic violence obtained in study interviews (victim interviews were conducted with only a small portion of victims of the offender sample).

## **Selection of Study Sample**

Approximately 3,000 misdemeanor offenders were on probation supervision for domestic violence in Rhode Island on January 1, 2003. The evaluation sample consisted of 552 adult male misdemeanor domestic violence probationers constituting all eligible domestic violence probationers found on the caseloads of 10 probation officers as of January 1, 2003. The probation department provided the researchers with a list of male offenders with female intimate partner victims.<sup>109</sup> Half of the 10 selected probation officers supervise a mixed, general caseload, and the other half supervise a special domestic violence unit (DVU). DVU officers, as compared to traditional probation officers, had more frequent contact with offenders, attempted to contact victims, and held offenders more strictly accountable as evidenced by greater technical violations. The DVU probationers were further divided to include a subset judged to be in need of intensive supervision. Although the classification was informal, those selected for intensive supervision tended to be recidivist probationers. They received more frequent face-to-face contact than those supervised by other DVU officers. There was no equivalent breakdown of probationers supervised by the general team. Adult and juvenile probation are handled by

separate agencies in Rhode Island. The researchers did not have access to records for any domestic violence offenders under age 18.

Exhibit 1 identifies the location and supervision strategy for each of the officers and probationers included in this study. The officers using a traditional supervision strategy were located in East Providence and Washington County, and officers working with the special unit were located in Kent County, Woonsocket, and Cranston. The specialized unit was further separated to identify the number of offenders placed in intensive supervision within the specialized unit.

**Exhibit 1: Study Sample Composition**

<b>Caseload</b>	<b>Location</b>	<b>DVU Nonintensive</b>	<b>DVU Intensive*</b>	<b>Traditional*</b>
10A	E. Providence			33
10E	Washington County			38
10F	Washington County			40
10G	Washington County			27
10I	E. Providence			44
12C	Woonsocket	60		
12D	Woonsocket		71	
12E	Cranston	84		
12F	Cranston		58	
12G	Kent County	97		
Total		241	129	182

\* Traditional cases were not classified by intensity.

### **Data Sources, Procedures, and Instruments**

Multiple data sources were used to determine probationer performance. This approach allows for contextualizing findings from the individual analysis of offenders to understand better the organizational dynamics of the probation department and court system included in this project. Specifically, court records, probation case files, and police arrest records were analyzed to collect offender data (e.g., previous convictions, current sentence, subsequent arrests) to determine individual community performance (e.g., determining time until reoffending). These

official records are bolstered by a small sample of victim interviews to check the accuracy of official reports of abuse or rearrest and reveal victim opinions. Moving away from the individual analysis, interviews were conducted with several probation officers (all but one), administrators, and the chief of the attorney general's domestic violence prosecution unit. Several hours of court observation were completed to understand the program context further.

The New England Institutional Review Board and the Rhode Island Department of Corrections research office approved the research design and implementation to ensure the rights, privacy, confidentiality and safety of victims, and all data subjects were fully protected.

### **Court Records**

The court's automated "CourtConnect" file contains each complaint brought in district and superior court, descriptions of each court hearing by date, as well as dispositions and subsequent probation violation proceedings in both courts. The file also contains any special conditions imposed by the judge, how the defendant pled, the police department that brought the case and the identities of the prosecuting and defending attorneys as well as the judges or magistrates who conducted each hearing from the initial court filing date until the case was concluded. The file notes court defaults (i.e., failure to appear) and the issuance dates of warrants and their removal dates. No-contact orders are also noted, including motions to vacate no-contact orders and the outcome of court hearings on these motions.

Researchers accessed the CourtConnect data to obtain information on any prior or new domestic or nondomestic arrest that led to charges being filed in a Rhode Island court. The last record check for subsequent cases was completed in January 2004. Prior court records were available for felony cases entered after 1979 and some misdemeanor cases entered after 1986. In 1986, only drunk driving cases from select district courts were entered. Between 1986 and 1991,

all of the State's district courts began to record all misdemeanor cases in the system. As a result, the criminal histories contained in the study are only complete for all court cases, misdemeanor and felony, entered after 1990.

### **Probation Case Files and Probation Officer Interviews**

Although sentencing practices are uniform across the State,<sup>110</sup> the supervision practices of the traditional model and of the specialized unit differ greatly. To document the differences, researchers reviewed more than 100 study probationer case folders from the traditional and specialized domestic violence units. The files contained case notes that, among other things, listed contacts between officers and probationers. All 552 files were made available to researchers who randomly selected cases for review from six of the 10 caseloads, split between DVU and traditional cases.<sup>111</sup>

Researchers counted the number of direct probation officer and probationer contacts, letters sent to victims by date, and relevant face sheet information, where it existed, profiling the probationer. Many of the files did not contain completed face sheets with information regarding probationers' employment and social history.

This project is interested in providing policymakers, administrators, and researchers with needed information to better understand the differences in effectiveness between traditional and specialized supervision. For this reason, it is necessary to collect information not only on probationers but also on the probation personnel. Interviews were conducted with all officers supervising a traditional caseload and all but one officer supervising a special domestic violence unit. Besides line officer interviews, in-depth semistructured interviews also were completed with supervisors from each unit. (See the appendix for interview and confidentiality consent forms.) Additionally, researchers attended several staff meetings for officers in the specialized

domestic violence unit and gained greater insights into internal organizational structure through many conversations with the Assistant Probation and Parole Administrator. Because the researcher became familiar to all of the probation officers included in the study, and the researcher was able to observe over time, there was no concern that probation officers were changing their typical behavior just when the researcher was present.

### **Office of the Attorney General**

The researchers interviewed the Assistant Attorney General in charge of the Domestic Violence Prosecution Unit for further insights into the handling of domestic violence cases in the State.

### **Court Observation**

Central to this evaluation of the probation effectiveness of a specialized domestic violence supervision unit are the interconnections between other criminal justice subsystems. As is commonly known, probation practices are often constrained by court decisions. Therefore, before determining the recidivism reducing potential of the specialized supervision unit, it is necessary to understand how judicial decisions and personnel interact with probation practices. It is essential for evaluators to gather first-hand information by observing courtroom interactions during probation hearings. Besides these observations, the presiding judge was interviewed to collect background information on the sentencing of domestic violence offenders and their supervision. While it is likely that the judge knew he was being observed, after also interviewing probation officers, it did not appear that the judge altered his behavior because of the observations.

## **Victim Interviews**

To create effective probation policies, it is helpful to understand victim experiences. The Rhode Island Coalition Against Domestic Violence (RICADV) was included in the research to conduct telephone interviews with victims of the sample probationers. The full sample was cross referenced with RICADV's victim files to attempt speaking with victims willing to participate in the research project. Contacting a random sample of victims for interviews was not possible due to the difficulties and sensitivities associated with domestic violence. These obstacles were overcome and a convenience sample of 48 victims (about 9 percent) was successfully interviewed. The RICADV recognized the difficulty and the potential intrusiveness of continuing the interviews, realized they lacked the resources to complete more interviews, and terminated this data collection phase. The interviews were conducted between April and December 2003. (See the appendix for a copy of the interview and consent forms.)

## **Domestic Violence Training and Monitoring Unit**

Researchers accessed the Domestic Violence Training and Monitoring Unit data file that contained police reports of more than 90 percent of the study cases. The individual files were accessed by probationer name and were used to determine the relationship of the probationer and study victim and any subsequent victim contained in succeeding police incident reports filed. As this file is based on domestic violence incidents, not just those that resulted in arrests and court filings, it was also used to determine all new incidents of domestic violence reported by police that were recorded subsequently in the police data bank as required by law. Although a comparison of probation case files and domestic violence files revealed more than 90 percent police compliance in incident form submission for the cases prosecuted in court, it is unknown whether police filings for incidents that did not result in court cases were routinely entered.

Researchers could not determine the existence, if any, of incident reports that did not result in court records.

## **Data Analysis**

### **Quantitative**

Recidivism and reabuse rates were compared between the specialized and traditional probation supervision units. The analysis proceeds along three tracks: (1) descriptive analysis of offender characteristics, (2) analysis of survival times, and (3) regression analysis to determine recidivism and reabuse probabilities according to risk. The descriptive analysis determines if differences exist between and within the two probation case management units. Next, survival analysis was completed to determine if significant differences exist between offenders in either a traditional or specialized caseload. For this project, “survival” refers to the state of not recidivating. The survival analysis uses the covariates discussed earlier to explain the behavior of individual offenders over intervals of time until the recidivism event occurs or the evaluation ends. Survival analysis is particularly relevant for recidivism research as it allows for the identification of crucial time periods in offenders’ supervision. Specifically, Gondolf<sup>112</sup> and others have routinely found that the bulk of probation failures occur early in the supervision period. It is possible that by better understanding the failure process of domestic violence offenders, probation policies can adjust to better anticipate probationers’ behaviors, thus increasing efforts during the initial phase of supervision while making subsequent adjustments in supervision (either more or less intensive) determined by probationer behavior.

Third, research continually identifies the importance of understanding the potential public safety risk presented by each offender.<sup>113</sup> These assessments are essential for making effective supervision decisions. The specialized unit, as mentioned above, contains within it an intensive

supervision component for individuals especially likely to reoffend. The offenders placed in the intensive unit of the DVU are considered high risk, with risk decisions based upon three criteria: (1) repeat domestic abuser, (2) caused serious injury, and (3) history of substance abuse or mental health problems. These criteria are used in regression analyses to compare the high risk offenders, those qualifying for intensive supervision whether placed in it or not, and low risk offenders, those not qualifying for the intensive unit.

These risk criteria capture crucial aspects of domestic violence reassault. There is no doubt that perfect prediction of offender behavior is impossible, but research demonstrates that offender past behavior is the best predictor of future behavior and is useful to include as a measure of risk. Another important explanatory variable for domestic violence recidivism is mental health and substance abuse issues, either of which makes it more difficult for offenders to become self-sufficient (e.g., self-supporting, law abiding). It is expected that high risk probationers will have a higher recidivism rate and shorter survival times (i.e., time in compliance).

### **Qualitative**

An opportunistic sample of victims of traditional and DVU sample probationers was interviewed. They were asked to rate their responses to specific possible viewpoints regarding probation supervision as well as whether the probationer revictimized them. The answers were quantified and compared between the two groups of victims.

Traditional and DVU probation officers were interviewed and asked a set of specific questions regarding their viewpoints and practices in the supervision of domestic violence offenders. The answers were analyzed and compared to determine differences between the two groups of officers.

## **Study Context: The Criminal Justice Response to Domestic Violence in Rhode Island**

Probation exists within a much larger criminal justice system composed of several subsystems that have fundamentally different purposes, policies and practices. Probation, and community corrections in general, lacks uniform policies across the 50 States making it virtually impossible to refer to a typical probation department. The lack of national practice standards for probation departments raises potential difficulties when trying to transfer research findings from one location to another. Therefore, it is necessary to provide contextual information to understand better the organizational dynamics within the probation department and how probation decisions are influenced by legal issues specific to Rhode Island.

Not only is this deeper understanding important to making sense of the individual analysis of offenders, but it is necessary to accomplish one of the central goals of this evaluation. That is, to contribute to developing evidence-based practices to improve probation functioning nationally (i.e., using research and evaluative techniques to lend administrators and policymakers unbiased, accurate information on which to base decisions). Probation's caseload is determined by arrest, prosecution, and court sentencing practices over which staff have little control. How that caseload is supervised is also greatly influenced by jurisdictionally determined criminal justice practices and policies outside the control of probation personnel. These decisions include, but are not limited to, court-ordered conditions, whether probation absconders are warranted and arrested by police or whether violators are imprisoned or maintained on probation. A brief discussion of Rhode Island domestic violence statutes is provided to give more understanding of the context within which the specialized domestic violence unit operates

## **Rhode Island's Domestic Violence Laws**

Rhode Island defines domestic violence broadly and mandates arrest and treatment of abusers. Rhode Island General Laws §12-29-2 defines “domestic violence” offenses as those offenses involving qualifying “domestic” relationships, including a “family or household member.” This includes spouses, former spouses, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past three years, and persons who have a child in common, or persons who are or have been in a substantive dating or engagement relationship within the past year. The latter is determined based on the length of time of the relationship, the type of the relationship, and the frequency of the interaction between the parties.

Unlike many other States where one assault-type offense is the designated domestic violence-specific offense, Rhode Island law designates a wide variety of offenses as constituting domestic violence. The common misdemeanor charges that are designated as domestic violence include assault; disorderly conduct; harassing phone calls; refusal to allow phone calls; vandalism; trespassing; larceny under \$500; violating a no-contact order (ordered in criminal cases); and violating a protective order (a civil order).

Rhode Island General Laws § 12-29-3 mandates the arrest of a suspect for domestic violence within 24 hours or issuance of a warrant in cases where the victim was injured or feared injury or for a violation of a civil protective or criminal no-contact order.

Rhode Island General Laws §12-29-4(a)(1) mandates that any person arrested for domestic violence “because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past” may not be released from custody on bail or personal recognizance before arraignment without first appearing before the court or bail

commissioner. Neither may release the defendant without issuing a “no-contact order” prohibiting the person charged or arrested from having contact with the victim. The court may then extend or remove the order at subsequent hearings. Violation of the order constitutes a misdemeanor offense, not contempt.

Rhode Island General Laws §12-29-5 also provides for progressive sentencing for domestic violence offenders. Second convictions are punishable by a minimum of 10 days in prison,<sup>114</sup> but not more than one year. Third or subsequent convictions are punishable as felonies for a term of imprisonment of not less than one year, and not more than 10 years. The prison sentences may not be suspended. However, prior “convictions” exclude prior cases that were “filed” (judicial monitoring only) or placed on straight probationary sentences, not suspended in whole or part.

Rhode Island General Laws §12-29-5 requires defendants whose cases are filed, probated, or suspended in whole or part (coupled with a sentence of imprisonment) must also be ordered to complete a certified batterer program. Where cases are filed, the programs are monitored by a private nonprofit agency contracted by the courts. All other cases (those not filed) are monitored by the probation service.

### **Rhode Island Domestic Violence Practice: Arrest, Prosecution, and Sentencing**

The Rhode Island criminal justice system as a whole takes domestic violence seriously and takes an aggressive stance toward abusers. Rhode Island law enforcement arrests large numbers of abusers and has one of the highest rates of domestic violence arrests nationally. In 2001, there were more than 6,500 suspects arrested for domestic violence, or 6.6 per 1,000 population, compared with 1.5 in California that same year.<sup>115</sup> Research on mandatory arrest policies suggests that arresting suspects has a positive effect on repeated abuse, but similar to

what Sherman and Berk found in the initial Minneapolis study, there is little that can be achieved without a strong court response. This reaffirms the need for multiorganizational approaches to domestic violence.

Prosecutors must be willing to prosecute the domestic violence arrestees. Rhode Island prosecutors bring charges against most of the arrested domestic violence offenders. Most offenders are either convicted of or plead guilty to one of the State's specific domestic violence charges. Following conviction (or plea), offenders are placed on probation supervision and ordered to complete a batterer intervention program. Batterer intervention programs have been shown to reduce the likelihood of repeated abuse, altering hyper-masculine attitudes, and helping offenders accept responsibility for the abuse.<sup>116</sup>

Prosecution is bifurcated in Rhode Island. Misdemeanors are prosecuted in the State's four district courts by city and town solicitors appointed by local governments. Most serve part-time. Several of the larger cities provide police prosecutors to handle arraignments and select hearings. The criminal division of the Office of the Attorney General prosecutes felonies in superior court.

Rhode Island maintains a trial *de novo* system for misdemeanors. After being convicted in the district court, misdemeanants have the right to demand a new trial in the superior (felony) court. Prosecution switches from local solicitors to the Office of the Attorney General. To proceed with felony prosecutions, the Attorney General must "sign information" to file the charges in superior court or, for capital offenses, present the case to a Grand Jury.

Relatively few defendants charged with misdemeanors elect to proceed *de novo* in the superior court. The *1999 Report of the Judiciary*<sup>117</sup> reported only 746 misdemeanor *de novo* appeals disposed of in 1999, with three-quarters disposed by a plea and only 18 making it to trial.

However, the threat of *de novo* appeals may encourage prosecutors to reduce charges or sentencing recommendations. *De novo* appeals significantly hamper case resolution, as illustrated in the following case example.

D. G., 34, was charged on June 27, 2002, for larceny/domestic against his wife. He was ordered to have no contact with his victim. On July 3, he was charged with violating a protective order and with a domestic assault. He pled *nolo contendere* and was given concurrent probationary terms of one year, required to attend a batterer program, and ordered to have no contact with his victim. Although he did not contest either set of charges, he exercised his rights to *de novo* appeal for both cases to superior court on July 9. As a result, the probationary sentences and conditions were eliminated.

While the appealed charges in superior court were pending, he was charged with making harassing phone calls to his victim and violating the protective order again. He was sentenced to one year's suspended sentence on July 15. He was reordered to attend the batterer program and to have no contact with his victim. Meanwhile, the appealed cases made their way through the appellate process. On July 12, the complaints were filed in superior court. The defense filed a discovery motion on July 23 and a public defender was appointed. On August 13, the case was scheduled for trial to be held on September 9 and subsequently was continued again. On October 9, the defense filed another discovery motion and notice of an alibi defense at a pretrial conference. The case was continued until October 21. The next day, the case was added to the "ready trial" calendar, set for trial on October 28. The next day, however, the prosecutor dismissed the cases.

Given the widely acknowledged reluctance of victims to testify against their abusers,<sup>118</sup> the *de novo* appeal system makes a victim's situation much worse. Although the Rhode Island Coalition Against Domestic Violence is contracted by the district courts to provide assistance and advocacy for domestic violence victims pursuant to the State's victim rights law (Rhode Island General Laws §12-28-3), the Coalition does not provide these services in superior court.<sup>119</sup>

Defendants charged with noncapital felonies, including defendants charged for a third domestic violence offense, are generally first charged and arraigned in district court. The case is then referred to the Office of the Attorney General for screening. Upon "signing information" by

the Attorney General, the defendant is charged and arraigned in superior court. The charging of felonies also significantly delays case resolution, as shown in the following example.

C. N., 21, was placed on probation for a domestic assault in December 2001 against the mother of their child. That was subsequently converted to a suspended sentence when he was charged with another domestic assault the following September. On the new domestic assault, he was given another suspended sentence. As a result of the revocation, he had two convictions on his record so that when he was arrested for another domestic assault in July 2003, he was charged as a third-time offender and the case was transferred to superior court after the Attorney General signed information. The case was filed in superior court on September 9, 2003. On March 9, 2004, it was added to the court's "Ready Calendar." Whereas his first two misdemeanor charges were disposed of in district court in less than a month, the enhanced felony charge was not disposed within nine months. On April 15, 2004, the charge was reduced to simple assault and the defendant was given a one-year suspended sentence.

Once arrested for domestic violence, defendants are uniformly charged in court. The subsequent dismissal rate for domestic violence charges was reported to be 29.25 percent in 1999—relatively low, compared with other jurisdictions that track domestic violence prosecutions.<sup>120</sup> An additional 16 percent of Rhode Island's domestic violence cases were reportedly filed in 1999. Approximately 5.6 percent were sentenced to imprisonment. The remainder was placed under probation supervision with either a straight probationary sentence or a suspended sentence.<sup>121</sup>

### **Rhode Island Department of Corrections Probation and Parole**

The Rhode Island Department of Corrections Probation and Parole agency is charged with the supervision of all persons placed on "straight" probation (no suspended sentence), a suspended sentence with probation supervision, or a split sentence (imprisonment followed by a suspended sentence with probation supervision). In 2002, there were 35,765 adult offenders under the supervision of the Rhode Island Adult Probation and Parole agency.<sup>122</sup> Probation and Parole is administered by an associate director for community corrections and two assistant probation and parole administrators. The former is charged with the department's community

confinement program (electronic monitoring) and transitional housing. The latter two divide adult probation and parole responsibilities between them. For the domestic violence cases reviewed in this study, one of the assistants was directly responsible for the specialized Domestic Violence Unit (DVU), and the other was responsible for the officers with a traditional case management system.

Besides these three, there are eight probation and parole supervisors who oversee various units within probation and parole. Four oversee specialized units, including the Domestic Violence Unit (DVU), the sex offender unit, the parole unit and the felony unit. A juvenile probation and parole supervisor, employed by the Department of Children, Youth and Families that administers juvenile probation, oversees a combined juvenile and adult probation unit called “Safe Streets.” The remaining four supervisors oversee probation teams assigned to general caseloads from three specific geographical areas: (1) Kent County and Cranston, (2) Pawtucket and Woonsocket, and (3) Newport, Warren/East Providence, and Washington County.

Besides the administrators and supervising probation and parole officers, there are 74 line officer positions, with several vacancies remaining unfilled during the course of the study. Ten line officers were assigned to DVU.

## **Rhode Island Probation Supervision of Domestic Violence Cases**

### **The Domestic Violence Unit**

The Domestic Violence Unit in probation was established in 1994 when two newly vacated probation officer positions were posted as specialized caseloads serving domestic violence offenders. In 1995, the DVU was expanded with Federal funds. Currently, it consists of a dozen officers, including a supervisor. Intensive supervision caseloads were developed to

supervise offenders who were considered high risk for future violence. These include repeat domestic violence offenders who present an alcohol, drug or mental health problem.

The DVU was modeled after the Quincy, Massachusetts, model domestic violence probation unit established a decade earlier. Like Quincy, in addition to increasing officer-offender contacts, officers are required to provide outreach to known victims of the probationers. The goal of the DVU is to enhance the safety of victims and potential victims within the community and increase accountability of high-risk domestic violence offenders. Additionally, the DVU sought to improve the rate of successful completion of batterer intervention programs.

Lack of resources prevented the DVU from expanding to cover the entire domestic violence caseload. This study was conducted approximately nine years after inception of the DVU. No information indicated a pretest had been conducted by the Rhode Island Probation Department to demonstrate that the DVU region (northern part of the State) was not significantly different from the area where traditional caseloads were seen (southern part of the State). However, for this research the current DVU and traditional samples were compared to determine that there were no significant differences between them.

At the time of the study, the DVU covered only male misdemeanants in certain jurisdictions representing less than half of the caseload of domestic violence probationers. Although victim contact is prescribed, it is estimated that half of the victim addresses provided by the police reports are no longer accurate by the time DVU probation officers send the initial letter to the victim. To protect victims, most officers send the letters in unmarked envelopes without return addresses so that officers cannot differentiate between victims who do not respond to the letter because they are uninterested or for other reasons or because they never received probation's introductory letter.

## **Domestic Violence Cases**

Of the more than 35,000 probationers in Rhode Island, 4,825 (13.8 percent) had at least one active charge related to domestic violence. Of these 4,825 offenders, 4,517 (93.6 percent) were supervised within Rhode Island. The remainder were incarcerated, supervised out of State, or deported to their country of origin. Of those supervised in the State, 361 (8 percent) were female; 4,127 (91.4 percent) were male; and the gender of 29 others was not identified. The ages of the supervised domestic violence offenders ranged from 18 to 83 years old, with the average being 33 years old. Almost 60 percent (59.1 percent) were between 18 and 35.

Of the 4,517 supervised domestic violence offenders, 1,389 or 30.7 percent were supervised by the DVU. The rest were supervised on mixed, regular caseloads that encompassed all types of offenders, including felons and misdemeanants, and did not have special supervision protocols for particular types of offenders (i.e., domestic violence). The DVU excludes, except under special circumstances, defendants convicted of felonies and females who abuse their partners. The actual number of misdemeanor domestic violence offenders supervised by the DVU after conviction (excluding bail supervision cases) was 1,309. The DVU also supervised 77 domestic violence felons. The actual number of misdemeanor domestic violence offenders supervised in mixed, regular caseloads was 1,409. Additionally, the mixed, regular caseloads contained 1,691 domestic violence felons.

### ***Differences Between the DVU and Traditional Caseloads***

There were several major differences in how DVU and traditional probationers were supervised by their assigned probation officers.

- DVU cases were seen more frequently.
- DVU victims were more likely to be contacted by their abusers' probation officer.

- DVU probation officers were more likely to return probationers to court for technical (nonoffense) violations.

As of January 1, 2003, five officers with general, mixed caseloads, ranging in size from 282 to 472 active cases, supervised the five traditional caseloads. Two of the five caseloads were originally assigned to other officers who left or whose positions were unfilled. As a result, one of the caseloads was split between two other officers during the course of the study. The other caseload eventually was taken over and supervised by the team's Probation Officer Supervisor. The vacant position was not filled during the study by a line probation officer. The domestic violence cases supervised by these officers ranged from 27 to 55 cases.

The five DVU probation officers supervised 480 domestic violence probationers of which 370 were included in the analysis. Caseloads ranged from 58 to 97 cases with two of the caseloads designated as intensive. Although department protocols called for intensive cases to be seen more often than nonintensive, the intensive caseloads (with 71 and 58 offenders respectively) were not substantially smaller than the nonintensive domestic violence caseloads that averaged 80. The DVU caseloads also contained additional felony and nondomestic violence cases that probation officers continued to supervise from prior assignments; these were excluded from this study. As a result of these additional cases, the average study DVU caseload was 96.

Only the DVU cases were further classified as intensive or nonintensive cases. The cases assigned to the DVU intensive caseloads were either repeat domestic abuse offenders, perpetrators who caused serious injuries, or probationers who abused drugs and alcohol or were deemed to have a mental health problem. The DVU supervisor made the assessment after a case-by-case review. However, because presentence reports are not completed for misdemeanants, these assessments were based on the limited record information available. Domestic violence

probationers with similar backgrounds assigned to the general teams were not assessed or assigned based on equivalent classifications. However, as indicated by exhibit 2, offenders in the intensive DVU were clearly distinguishable from those not classified as intensive ( $p = 0.00$ ).

**Exhibit 2: Comparison of Traditional and DVU Cases  
and Comparison of Intensive and Nonintensive DVU Cases\***

	<b>Traditional Caseload</b>	<b>DVU Caseload</b>	<b>Intensive DVU Caseload</b>	<b>Nonintensive DVU Caseload</b>
Number	<b>182</b>	<b>370</b>	129	241
Prior DV Arrests	<b>47.8%</b>	<b>44.6%</b>	66.0%	33.40%
Prior DV Probation	<b>28.6%</b>	<b>26.8%</b>	45.7%	16.60%
Concurrent DV Sentence	<b>11.0%</b>	<b>11.6%</b>	20.9%	6.60%
Suspended/ Split Sentence	<b>42.1%</b>	<b>33.8%</b>	48.1%	26.15%

\* The third and fourth columns show a breakdown of the DVU cases by intensity. Traditional cases were not classified by intensity.

Exhibit 2 makes clear that while two-thirds of intensive probationers have prior arrests for domestic violence, about 50 percent fewer lower risk offenders have been arrested for domestic violence before the current offense. Consider also that slightly more than 45 percent of the high risk offenders have served a prior probation sentence for domestic violence, compared to about 16 percent for the lower risk offenders. Final disposition is a potential indicator of the severity of the offense, with more severe incidents receiving harsher treatment. In fact, three times as many high risk probationers (21 percent) had a concurrent sentence and slightly less than twice as many (48 percent) were given a suspended or split sentence when compared to the lower risk probationers (7 percent and 26 percent, respectively).

Although the number of special and traditional caseloads reflects the cases as of January 1, 2003, the officers' caseloads fluctuated throughout the study period as new cases were added and old cases subtracted week to week. During the study period, the team supervisors

assigned cases to equalize caseloads and preserve or reduce caseloads for the two officers assigned intensive caseloads.

**DVU and Traditional Group Probation Officers**

A sample of six traditional and four specialized domestic violence probation officers were interviewed in September and October 2003.<sup>123</sup> Two of the specialized probation officers supervised intensive caseloads. Two of the traditional probation officers had been members of the specialized domestic violence supervision team previously. Both left voluntarily for regular caseloads. Exhibit 3 provides a comparison of the 10 probation officers interviewed. They were similar in all respects except their previous probation experience. In this area, traditional supervision officers had significantly more seniority and previous experience as probation officers than did DVU officers.

**Exhibit 3: Comparison of Traditional and DVU Probation Officers Interviewed**

	Traditional	DVU
N	6	4
Female	50%	50%
Male	50%	50%
White	100%	100%
College Graduates	100%	100%
Average Years as Probation Officer	24.32	5
Average Prior Probation Job Assignments	3.5	1.75

There were reassignments of probation officers due to vacancies and transfers in both traditional and DVU probation officer teams during the study period. In Rhode Island, assignments are based solely on seniority. During the course of the study, however, none of the senior officers bid for either of the open domestic violence positions. Consequently, they were filled by officers with little seniority but who specifically wished to supervise domestic violence cases. The tenure of those in the DVU was substantially less than those supervising general

caseloads, averaging five years as opposed to 24 years in service. Their experience outside of domestic violence cases was limited. On the other hand, two of the study officers supervising general cases previously had been DVU officers. One transferred out of the DVU to the general unit shortly after the study began after having worked in the DVU for six years, and the other had served as the department's first domestic violence probation officer in 1994, leaving the team in 1998.

The shifting of caseloads during the study period had little effect on the direct probation officer contact with domestic violence cases that were on traditional caseloads, as contact was limited anyway. The transfers in the DVU had more effect in terms of gaps in probationer and officer contact because these offenders were being seen more often; both of the officers who transferred out of the DVU had intensive caseloads, requiring more direct contacts. In both units, the transfer of supervising probation officers eliminated any relationship or personal knowledge the supervising probation officer had of the probationer and his victim. The transfers were beyond the control of the researchers, but they represent real time operations of probation departments and affect the ability of probation to supervise offenders in departments with high turn over of officers or officer assignments.

Although the supervisor of the traditional unit remained the same during the course of the study, the supervisor of the DVU changed three times. The first supervisor was replaced several months after the study began. Her replacement (who had supervised the DVU several years previously) then took advantage of an early retirement package subsequently enacted by the State legislature, and the former supervisor, who was supervisor at the commencement of the study, reclaimed her former position.

The successive turnovers of the DVU supervisor affected the day-to-day administration of that unit, but the effect was probably minimized for two reasons. The replacement supervisor was up to speed on the DVU's supervision because she had previously served as the first supervisor of the DVU after it was originally formed in 1994 before she moved to head another specialized intake unit. Second, her tenure as the replacement supervisor was only a few months.

Further, in the Rhode Island probation system, there is, according to the Assistant Administrator, limited middle management in the probation department. The Rhode Island probation and parole supervisors play a relatively modest role. They are not expected, for example, to participate in the discipline of line officers. In Rhode Island, they act as a conduit of information from top management to line probation officers. They assign cases where assignments are not automatically rotated among receiving probation officers. They, however, perform limited case management reviews. The supervisor of the traditional probation unit did not assess misdemeanor cases at all, although, at their request, officers may discuss specific cases with him from time to time. The DVU supervisor designates which cases are intensive and which are not. She also presides over monthly staff meetings unique to her unit. In terms of case management, however, her role is limited.

In Rhode Island, the quality of individual case supervision is almost totally dependent upon the individual supervising probation officer. Although there are general protocols of supervision across the department, misdemeanor cases are not periodically reviewed to ensure individual officers follow them or maintain a set rate of periodic contacts with probationers as documented in an earlier process evaluation of the DVU published in November 1999<sup>124</sup> and reconfirmed in this study by reviewing probationer case files.

Although there was variation among all of the probation officers from both units and within each unit, general patterns of supervision were evident. The internal transfer of cases within teams, which exposed some offenders to multiple probation officers, also may have lessened the impact of individual officers' specific behavior in supervising cases.

### *Attitudes of Probation Officers*

Although the probation department offered formal training on domestic violence after reform of the State domestic violence laws in the late 1980s, there has been little formal domestic violence training mandated for all officers since that date. The major difference between traditional and DVU probation officers is in their prior life/work experiences reflected in their choice of probation caseloads. The DVU and former DVU probation officers had prior work in the domestic violence field. As a result, they were conversant with domestic violence issues that were reflected in their work as probation officers.

A DVU probation officer, for example, had a sign posted on his office wall informing domestic violence probationers which ones were forbidden, pursuant to 18 U.S.C. § 992, to possess firearms. This admonition is of particular importance in Rhode Island, as the State has no equivalent State statute barring court restrained or convicted domestic abusers from possessing firearms. Although officers supervising the traditional caseloads also may have been aware of the Federal law, the majority of their probationers were not convicted of domestic violence, and none had similar posters on their walls.

The specialized caseloads are perceived by some as more work, even though these caseloads are smaller than regular caseloads. Officers who seek to supervise a DVU caseload have little trouble getting assigned even though these officers generally had less seniority than their peers in the department. The more senior officers often opt for regular or nondomestic

violence caseloads. On the other hand, some officers may choose one caseload over another based on convenience of geography, having nothing to do with the type of caseload involved.

The probation officer interviews revealed many interesting attitudinal differences between the two groups of probation officers. Most dramatically, the goal of probation supervision was viewed differently. Although traditional officers agreed that the goal of case supervision of domestic violence perpetrators was enforcement of court-ordered conditions, the DVU officers spoke uniformly in terms of victim safety and prevention of recidivism.

The role of the mandated batterer program was also viewed differently. Officers in the traditional caseloads, for the most part, described the programs as the core element of the case supervision, but the DVU officers were more guarded, considering it helpful but insufficient in and of itself to change abusers. Similarly, traditional supervision officers saw little role for victims, given their limited contacts, and several expressed the concern that victims exaggerate to “set up” probationers. The DVU officers, on the other hand, found victims played an essential role although they, too, expressed the opinion that victims were difficult to work with.

Traditional probation officers were split concerning whether current sentencing of domestic violence perpetrators was appropriate. DVU officers generally expressed the view that sentences were too lenient, while traditional officers thought they were appropriate. Typical of many people working throughout the criminal justice system, both groups expressed concern that persistent offenders should be sanctioned more harshly.

The traditional supervision officers appreciated the smaller caseloads allowed the DVU officers but expressed few benefits to it other than getting to know domestic violence related resources better. As one officer said, the important variable is the probation officer, not the probation caseloads. On the other hand, the two traditional officers who chose to leave domestic

violence caseloads found regular supervision less taxing and less likely to result in burnout because of the variety. The DVU probation officers, on the other hand, found the specialized caseload allowed them to do better work and make more of a difference.

## **Probation Supervision of Domestic Violence Cases**

### ***Conditions of Probation***

Rhode Island statute imposes three conditions of probation for all offenders convicted of a domestic violence crime. First, all must complete a batterer intervention program certified by a State oversight board. The conditions apply whether the domestic violence offense is the defendant's first or tenth.

Rhode Island is one of a dozen States that mandate batterer program completion. There are 12 batterer programs certified across Rhode Island. The largest, CODAC Behavioral Healthcare, offers 50 groups across the State. Half of persons attending programs attend those offered by CODAC. In 2002, this program has averaged about 113 admissions per month, all court referred. CODAC was established seven years ago, initially offering "behavioral health care," including drug and mental health counseling.

The batterer program consists of 20 weekly group sessions plus one intake session. It allows three unexcused absences before returning the case to the supervising probation officer (or the nonprofit agency that monitors filed cases). Over the last year, about 13 clients per month have been returned for absenteeism, missing more than three meetings. If returned to the program, the clients must begin the 20-week program again unless specifically excused by the court or probation officer.

The fees are based on a sliding scale ranging from \$15 to \$40 per week. Some clients are charged as little as \$5 if on welfare, just out of prison, or the court or probation officer requests

it. The average client fee collected is \$22.32 according to CODAC's Director. If the client is two weeks behind in payment, he must catch up to enter the next group session.

Certification requires groups to be facilitated by two leaders if more than 10 people attend. CODAC tries to have male and female co-facilitators. The content of the program is based on the Duluth model<sup>125</sup> and utilizes its videos and lesson plans. Rhode Island's batterer program standards mandated that all certified programs be conducted in the context of psycho-educational groups of peers under the leadership of professional facilitators trained and experienced in such work.

CODAC sends attendance reports to supervising probation officers on a weekly basis. It also reports any disciplinary problems, including alcohol on breath, which is prohibited, and other program infractions.

Certified batterer programs vary. The Vantage Program, for example, a much smaller program, runs for 27 weeks. Because group size is usually 10 or fewer, it generally has one group facilitator but provides a co-facilitator once a month. It uses a "Duluth-hybrid" model but does not use Duluth videotapes. It, too, sends weekly reports to probation officers about attendance problems and noncompliance, as well as warning reports alerting probation officers to offender problems. Both programs report high completion rates.

The practice in Rhode Island is for clients to choose the program they want to attend. If referred from probation, officers supply them with a list of certified programs from which they may choose. According to probation and program officials, clients generally choose programs that are geographically convenient or meet at times that are most convenient. Recidivist abusers who have completed a program in the past are re-enrolled in the same group as first time abusers.

The second statutorily imposed condition of probation is no-contact orders. These are first imposed when the defendant is arrested for a domestic violence offense. Once the defendant is placed under probation supervision, the no-contact order becomes a condition of that probation supervision. Judges may cancel the orders upon motion of the defendant. It is common practice for judges to seek the victim's approval before canceling no-contact orders. In some cases, judges may direct victim advocates to speak to victims before the judges hear from the victims. There are instances where judges refuse to cancel no-contact orders even when victims support the defendant's motion.

Third, domestic violence offenders must pay a \$25 cost assessment earmarked for the State's general fund as a condition of probation. In Rhode Island, the payment of court costs (and restitution) is monitored directly by the court, not probation officers. If defendants do not pay as ordered, the court clerk issues a summons to appear before the court to review their financial ability to pay. If the total amount owed is not paid at the hearing, the case may be put over for additional court reviews. Probation officers are not a part of these hearings nor notified of them, although officers may access the computerized court file to determine when they are scheduled. Nonpayment is not pursued as a violation of probation; rather it is contempt of court.

Judges imposed few special conditions in addition to those mandated by statute. Only 13 percent (12.9 percent) of the study sample was also ordered into alcohol or drug counseling. Seventeen, or 3 percent, were ordered to attend a "mental health program." Four of the latter were also among those ordered into substance abuse treatment. A handful of offenders were ordered to pay restitution to their victims, and several were ordered to perform community service work, complete a defensive driving course, or contribute money to a "voluntary domestic violence fund."

### *Case Intake*

Offenders in the specialized unit were supervised in offices located in Woonsocket and Cranston, neither of which was located physically in the court that generated the cases. Most of the cases originated from the district court located in Providence. The traditional supervision officers were located in offices in Wakefield and Warren. The Wakefield probation office is located within the district court that generated most, but not all, of its cases. The Warren officers supervised cases from East Providence, Barrington, Warren and Bristol, heard in the courthouse located in Providence.

The distance between the courts that generated most of the cases and the location of the probation offices seriously influenced the intake of new cases. For example, before a DVU probation officer in Woonsocket received a case file, it had to be sent first from the court in Providence to the DVU supervisor in Cranston. It then had to be reviewed, classified, and sent to Woonsocket. As a result, the officer in Woonsocket did not receive the case until three to four weeks after the offender was placed under supervision. Once the officer received the paperwork, a letter was sent to the offender to report during the following week or two. If the offender missed the first meeting, he was usually rescheduled for the following week, unless the offender did not have a phone number, in which case a new letter had to be sent delaying the meeting further.

Once the defendant reported, the probation officer generally provided him with a list of certified batterer programs and gave him two weeks to gain admission. As a result, even if the probationer followed through diligently, he would not begin the batterer program for up to two months after being placed under probation supervision. One of the officers, however, advised probationers in the original report letter to enroll in a batterer program immediately and supplied

a list of area programs. Probationers were advised to bring verification of this enrollment with them to their first meeting with the officer. For traditional supervision cases that were generated by the Wakefield District Court and supervised by the probation officers in the courthouse, the intake process generally took only a week or two.

### **Levels of Supervision**

The intensity of supervision contact varied between those supervised on the traditional and specialized caseloads and between those designated intensive and nonintensive within the specialized caseload. There was also variance among officers. One traditional probation officer consistently saw the assigned probationers in the probation office almost once a month. Regular monthly office visits were scheduled for most probationers during the first six months of the probationary period. After batterer programs were completed, probationers were seen less often, if at all. If probationers did not report as scheduled, they were often telephoned and told to report within the next week or, if they could not be reached by telephone, a letter was sent directing them to report the next month.

On the other end of the scale, a different traditional supervision officer relied mainly on telephone contact, rarely seeing probationers after their initial office visit. During 2003, probation contacts for the sample ranged from one to 12, the latter involving a probationer who was also being treated for substance abuse and who was a repeat assaulter of the same victim. Similarly, cases were generally “banked” (not seen) after the probationers had successfully completed the 24- to 27-week batterer programs. The following case example provides a glimpse of the supervision process for traditional cases.

J. R., age 29, was given a suspended sentence of one year on April 24, 2002, for a domestic assault against his girlfriend. He had two prior domestic violence probation sentences, one for a domestic assault in 1997 against his mother and one for a domestic disorderly in 2000. He had been ordered into the batterer program both times. He also

had been convicted of drunk driving in 1992 and ordered into the drunk driving program. Finally, he had been on probation for three additional years for drug offenses between 1995 and 1998. J. was single with no children, living with a friend, not the victim. The court continued the no-contact order for the course of his probation. J. worked as a plasterer earning \$10 per hour.

The probation officer saw J. for the first time on May 17, 2002. He was seen again that month and thereafter was scheduled for appointments once a month in June and July. In July, J. failed to report for the first scheduled meeting on July 22, but did report on July 31. He reported once in August. In August, the probation officer received notice that J. had been discharged from CODAC for missing too many weekly meetings. The probation officer brought the case back to court for a probation violation hearing on August 28. The defendant re-enrolled, and the hearing was continued for review in November, then February, and finally April of the next year. The probation officer saw J. in October. J. failed to report for his scheduled November meeting. He resumed monthly meetings in January and February. He was seen a last time in April when he also completed the batterer program. The probation violation was withdrawn in court on April 16, 2003.

With smaller caseloads, DVU probation officers were able to see their probationers more often. The officers assigned intensive cases saw their probationers in their offices every two weeks. Those assigned nonintensive cases generally had office contact with them on a monthly basis, as illustrated in the next case example. Letters and telephone contacts between offenders and officers were not tracked for this study. For victim confidentiality, officers did not record victim contacts in the case file.

R. C., age 34, was placed on probation on July 19, 2002, for a domestic assault against his wife. He had two daughters. He was ordered no contact for the course of his probation. He had a prior arrest for a nondomestic assault for which he also was given a concurrent probationary sentence on July 19.

The probation officer sent him a letter on August 2 to report on August 23, which he did. The officer sent a letter on July 23 to the victim informing her of the probation officer's identity and availability and explaining the defendant's probationary conditions. The officer referred R. to CODAC, the batterer program, on September 3. The officer saw him on a weekly basis in September. The defendant missed his first October visit, and the officer sent him a letter to report, which he next did on October 28. He reported late once in November and left a note. He reported once in December and missed his first January office visit. He was sent a letter the next day and reported the next week. He failed to report in February and March despite the probation officer sending him two letters to report. Notwithstanding his nonreporting, the probation officer was notified that he completed CODAC on March 24. He reported for his probation appointments on March 31, June 16 and July 17 when the case was closed.

### ***Probation Monitoring***

Both traditional and DVU probation officers relied on the court to augment their monitoring of probationer compliance with the conditions of their sentences, generally completion of a batterer program. Particularly in regard to those on traditional caseloads, court reviews often substituted, in effect, for periodic personal contact with probationers by their officers. Generally, court reviews were initiated after the probation officer deemed the defendant in violation of his probation. If probationers subsequently complied with their probation, the violation was eventually withdrawn. Although required to report to court for a review, probation officers could excuse defendants who were in compliance after the calling of the list, allowing them to leave the courtroom before the judge entered. The following example illustrates these practices.

A. Y. was sentenced in October 2001 for a domestic assault. He was brought back to court in February 2002 for a technical violation. He was then brought back for court reviews twice in March and once in April, May, July, September, and November 2002, and twice in January, and again in February, April, and June 2003 before the violation was withdrawn in August 2003.

### **Warrants**

Both traditional and DVU probation officers experienced similar difficulty in getting offenders to report as ordered. Their failure to report reduced the number of contacts officers had with the offenders during the course of the probationary period. The standard probation response was to send a letter for the missed meeting and hope the offenders would respond. If they failed to respond, the officers could bring the cases to court for violation hearings or court reviews. As illustrated in the above example, both traditional and DVU probationers similarly failed to appear for court reviews. Once they failed to attend court, the court response was to issue a warrant for their arrest. It generally took several weeks for the warrants to be processed and

served after the court default. Once issued, police did not pursue the defendants, usually serving the warrant only after arresting or stopping the absconders for something else. Almost without exception, as illustrated in the following example, probationers on warrants suffered no court imposed sanctions other than the extension of their probationary period.

B. L. was placed on probation on November 15, 2001, for violating a protective order. He defaulted on March 19, 2002, and a warrant was issued for his arrest on May 22. It was removed the following July. When he reappeared, he was charged with a probation violation for not attending the batterer program. The violation hearing was continued for review in August. On the review date, he defaulted again. The warrant was removed two days later, and the case was put over until December 2002, then March 2003, then May, and then June for more reviews of his participation in the batterer program. However, he failed to appear for the June review, and a warrant was issued in July. The warrant was removed the following November. The case was reviewed again in December and February 2004. As a result of the defendant's failure to cooperate, from probation placement on November 15, 2001, until the last court review on February 4, 2004, a little more than 26 months, the probationer was out of compliance, making himself unavailable to probation for more than one year.

### ***No-Contact Removals***

At the time of their disposition, almost 60 percent of the probationer sample (331) had no-contact orders in effect. During the course of the probation supervision, the court subsequently canceled 100 of the no-contact orders. As a result, by the end of the probationary period, only 42 percent of the probationers were prohibited from having contact with their victims. The average length of no-contact orders that were subsequently removed was 80 days, and the median was 36 days. The following example illustrates how no-contact orders may be imposed and withdrawn during the course of probation supervision.

J. C., 29, was first charged with disorderly domestic and placed on probation in November 1999. He was ordered to have no contact with his victim, his intimate partner. The day after being placed on probation, he was arrested and charged with violating that order. The next day he was given a one-year suspended sentence on the new charge. The initial probationary sentence was converted to a six month suspended sentence. Subsequently, he was on a warrant from June 2000 through October 11, 2000, after defaulting on a hearing for a technical violation of probation for failing to attend the batterer program. In late September 2001, he was charged with a domestic assault and

placed on probation again and ordered to have no contact with the victim. The following January, the court granted the defendant’s motion to vacate the no-contact order. Shortly thereafter, a warrant was issued against the defendant that remained out until he was arrested for another domestic assault February 21, 2002. He was subsequently sentenced to six months in jail for violating his 2001 probation sentence and given a one-year suspended on the new domestic assault on March 7, 2002. Despite the new assault, on March 26, 2002, the court granted his motion to vacate the defendant’s no-contact order.

Exhibit 4 illustrates that more DVU probationers (65 percent) had no contract orders at the time of disposition than traditional probationers (50 percent). After being placed under supervision, DVU probationers were more likely to ask that no-contact orders be cancelled, but they still had more no-contact orders extant than probationers on traditional supervision. DVU probationers were more likely to be arrested for violating no-contact orders than those in the traditional caseloads. Either DVU probationers were more prone to violate no-contact orders or their victims were more encouraged by probation officers to report no-contact violations to police. It appears more likely that the higher rearrest rate for no-contact violations among DVU probationers is a result of increased surveillance, a finding consistently found in probation research.

**Exhibit 4: Traditional and DVU No-Contact Orders (%)**

	<b>Traditional–182</b>	<b>DVU–370</b>
No-Contact Orders Vacated Predisposition	91 (50%)	130 (35.1%)
No-Contact Orders Subsequently Vacated	24 (13%)	76 (20.5%)
Total Percentage of No-Contact Orders Vacated	63.2	55.7
No-Contact Arrests	3/67	20/164
Percentage No-Contact Orders Violated (resulting in arrest)	4.5	12.2

Significantly fewer no-contact orders are vacated predisposition for DVU probationers ( $p = 0.0094$ ). No-contact orders subsequently vacated is somewhat higher for DVU probationers ( $p = 0.0515$ , two-tailed test). However, there is no measurable difference in the total percentage of no-contact orders vacated. There is a marginal difference between rearrests for no-contact order violations among the traditional and DVU caseloads ( $p = 0.045$ , one-tailed test).

**Violations Enforcement**

Both traditional and DVU probation officers uniformly received weekly updates on probationer attendance at batterer programs. After four unexcused absences or three unexcused absences in a row, officers were specifically sent notices of program discharge. After receiving these notices, individual officers decided whether to file a “32F” with the court, asking that the case be scheduled for a technical violation. A technical violation is any probation violation that does not involve the commission of a new criminal offense. However, if satisfied that the probationer had an appropriate excuse, or if so desired, the officer has the discretion to ask the batterer programs to readmit the probationer.

Both traditional and DVU offenders had the same probation conditions and were required by law to attend a batterer program. However, there were significant differences ( $p = 0.000$ ) between traditional and DVU cases in the number of technical violations brought to court. The DVU officers were more likely to bring technical violations against their probationers whether or not the probationers were also charged with a new domestic violence offense as shown in exhibit 5.

**Exhibit 5: Traditional and DVU Technical Violations\***

	<b>Technical Violations Brought</b>	<b>Percentage of Probationers with Technical Violations</b>
Traditional (182)	45	24.70
DVU (370)	163	44.05

\* $p < 0.001$

The difference in the technical violation rates are potentially due to differences in the noncompliance rates among the probationer groups. However, the difference more likely represents differences in the intensity and strictness of the probation monitoring. Officers with larger caseloads have less time to monitor compliance. Technical violations are initiated by the individual probation officers supervising their caseloads. Although new offense violations

depend upon the probationer being rearrested (and in these cases, actual violation notices are automatically made by probation clerical workers independent of the supervising probation officer), technical violations depend upon the officers taking specific action to enforce probation conditions.

This is borne out by interviews with batterer program directors utilized by the traditional and DVU probation officers. Both program directors commented that some officers consistently were more likely to ask that their probationers be re-enrolled in the respective batterer programs rather than return the probationers to court for a violation hearing. Most, but not all, of the officers who regularly requested probationers be re-enrolled without bringing the case back to court were reported to have supervised a traditional caseload. One of the batterer program directors described the difference between the two sets of probation officers as “huge,” preferring to restrict admission into the program just to referrals from DVU officers. However, all domestic violence offenders in Rhode Island are required by statute to participate in a batterer intervention program.

Despite the different rates of technical violation hearings between probationer groups, the overall completion rate for the batterer programs appears to be much higher than studies have documented outside Rhode Island.<sup>126</sup> Eventually, approximately 85 percent of the probationers referred to a batterer program in Rhode Island completed the program. For example, during the course of this evaluation, one of the smaller batterer programs reported that it received 27 referrals in an eight-month period. Of those referrals, four were terminated for noncompliance. Of those terminated, one was re-enrolled in the program. In other words, 89 percent of those referred either completed or remained enrolled in the program after eight months. CODAC, the largest program in the State, similarly reports that between 2003 and 2004 it graduated

approximately 100 probationers a month statewide (including nonsample probationers). It issued an average of 13 noncompliance reports a month, but the same probationer may be noncompliant multiple times over the course of a year, so this does not necessarily mean that 13 percent of probationers referred to CODAC were noncompliant.

The high batterer program completion rate among Rhode Island probationers does not reflect accurately the number of times a probationer may be allowed to enroll in a program before successfully completing the program. The Rhode Island probationers who eventually successfully complete the program may do so pursuant to a subsequent domestic violence offense since Rhode Island mandates enrollment for all domestic violence offenses. In other words, the probationer may begin the program pursuant to one probationary sentence and end it two sentences later. He may have been ordered into the program three times, completing it once. It cannot be determined by reviewing either court records or probation folders whether individual study probationers were required to begin the program more than once as a result of technical violations or new domestic violence sentences.

### ***Court Coverage by Probation***

Generally, each probation officer has court coverage obligation one day per week. That day is not the same day as the weekly probation review session, so officers do not present their own revocation cases to the court. A duty probation officer reads from material provided by the supervising probation officer. The exclusion of the probation officer actually supervising the case means that there is little opportunity for direct advocacy from that officer, follow-up testimony if that becomes necessary, or response from the supervising officer to any questions the court may have regarding the case or disposition.

### ***Victim Contact***

Traditional supervision and DVU officers also differed in terms of contacting abuse victims. Overall, victim contact by probation officers was limited for two primary reasons. First, both the traditional and DVU probation caseloads were generally large, allowing little time for officers to initiate contact with victims. In this, Rhode Island appears to be typical. Several other probation studies reveal that victim contacts are the first tasks to be discontinued when caseloads increase.<sup>127</sup>

For the traditional caseloads, the initiative for contact rested solely with the victims. Victims had to seek out and call or write the probation officer. This required either knowledge of the identity of the probation officer or contacting the central probation office to determine the officer's identity and phone number or address.

The DVU officers routinely sent letters to victims inviting contact. However, to safeguard victims, letters were sent in plain envelopes with no return addresses. As a result, if the victim was no longer at the address on the envelope, the information was not returned to the probation officer. Therefore, the officer had no way of knowing if the absence of communication from the victim was a sign of the victim's choice or the fact that the letter was not received.

The Rhode Island Coalition Against Domestic Violence was contracted to conduct victim interviews. They found that victims' addresses provided to the courts were often inaccurate or out-of-date by the time the cases reached probation. Coalition interviewers were unable to reach a majority of victims at the addresses provided by the court. In the majority of cases, the probationer was prohibited from having contact with the victim when placed on probation, but by the end of the probationary period, the majority of no-contact orders were vacated. For this and other reasons, address changes for both probationers and victims tended to be widespread

and frequent. Nonetheless, a little more than a third (34.6 percent) of the victims in the interviews reported that DVU probation officers contacted them. To safeguard victims, most of the probation officers did not record victim contacts in their case notes, fearful that the notes might be accessible to defendants or their lawyers. However, from the victim interviews completed by Coalition staff, only 15.8 percent of the traditional supervision victims reported officer contact. Those who reporting contact said the contact was limited to a single occasion. By contrast, half of the DVU victims interviewed reported contacts with the probation officers ranging from two to 10 times.

Another indication of the increased level of probation contact with the DVU victims was the finding that these victims were two-and-a-half times more likely to correctly identify the name of the probationer's probation officer, 26.9 percent (DVU) v. 10.5 percent (traditional).

## Sample Probationers for This Study

### Offender Characteristics

The average sample probationer was just under 34 years old, and ages ranged from 18 to 72 years old. Probation research consistently finds that married offenders are less likely to reoffend due to the greater potential to possess stronger social bonds and a stake in conformity. The greatest percentage of offenders were either current (35 percent) or former (7 percent) unmarried intimate partners, with nearly one-third of all probationers either married to or divorced from their victim. Another one-fifth of offender-victim relationships were characterized as having a child or children in common. Exhibit 6 lists the victim-offender relationships.

**Exhibit 6: Victim-Offender Relationship**

<b>Relationship</b>	<b>Number</b>	<b>Percent</b>
Married	149	28.9
Ex-Married	19	3.7
Intimate Partner (living together)	179	34.8
Ex-Intimate Partner (formerly lived together)	38	7.4
Child in Common (never lived together)	110	21.4
Dating (not living together)	4	0.8
Other	15	2.9
Total*	514	100.0 (of reported relationships)

\*The relationship between the offender and victim was not reported in 38 cases.

The probationers who were placed under supervision for abusing their wives or ex-wives were older than their peers, averaging 37 years, with a median age of 36.5 years. The probationers who abused their intimate partners or former intimate partners averaged 33.5 years, with a median age of 33 years. The youngest were probationers who abused the unmarried mothers of their children, with an average age of 29.8 years and a median age of 29 years.

## Multivictim and Persistent Abusers

As illustrated in exhibit 7, there were several distinguishable groupings of offenders based on abuse patterns. The bulk of offenders (43 percent) were placed on probation for domestic violence and were not subsequently rearrested for domestic violence, referred to as “one-time abusers.” Slightly less than one-quarter of the probationers were one time reabusers arrested for reabusing the same victim once after being placed on probation for domestic violence. Another quarter of the probationers reabused the same victim more than once after being placed on probation for domestic violence; these were “persistent abusers.” Finally, there was a small contingent of probationers who reabused multiple victims more than once after being placed on probation for domestic violence, referred to as “multiple-victim abusers.” In sum, therefore, the Rhode Island probation departments included in this study were faced with about 60 percent of the sample offenders committing another domestic violence offense between 2003 and 2004.

**Exhibit 7: Percentages of Abuser Types Based on Victimization Patterns\***

	<b>One-Time-Only Abuser</b>	<b>One-Time Reabuser, Same Victim</b>	<b>Persistent Abuser, Same Victim</b>	<b>Multivictim Abuser, Different Victim</b>
Number	195	101	110	43
Supervised for Domestic Assault	70.2%	77.2%	66.4%	69.80%
Mean Age	33.7	32.6	32.8	32.6
Married/Divorced	32.1%	28.8%	34.5%	20.90%
Child in Common	19.6%	20.6%	20.0%	23.25%
Intimate/Former Intimate	39.7%	44.3%	40.9%	51.20%
Prior Arrest(s)	45.6%	61.1%	68.2%	76.70%
Alcohol/Drug Arrests	15.9%	30.7%	28.2%	30.20%
Prior Probation	26.1%	39.6%	57.3%	58.10%
Prior Jail	9.2%	12.9%	20.9%	16.30%
Technical Violations	45.6%	39.6%	34.5%	34.90%
Contact Allowed and/or Vacated No-Contact	58.9%	59.4%	56.4%	55.80%

\*Excludes sample probationers who were persistent abusers but whose subsequent victims were not identified as either same or different.

Potentially, numerous differentiating factors distinguish each of these offending patterns from one another. Fully delineating the individual offender differences is beyond the scope of this evaluation. However, the data do make several interesting differences obvious among these abuse patterns. Exhibit 7 demonstrates several logical conclusions. Unmarried men with a prior history of alcohol and drug abuse and prior arrests for intimate partner abuse are, as expected, more likely to abuse multiple victims. Additionally, multiple victim abusers or persistent abusers, although they make up a relatively small percentage of offenders, account for a disproportionate amount of abuse and are a public safety problem. The one-time abusers were less likely to have prior arrests, substance abuse arrests, prior probation, and prior jail. Although one-time abusers scored much lower on these criminal history indicators—all routinely recognized as robust recidivism predictors—more of these offenders did receive technical violations.

### **Sample Charges**

The sample of 552 domestic violence probationers was collectively placed on probation for 1,108 separate criminal complaints, the vast majority for domestic violence charges. The average probationer was convicted and placed under probation supervision for two charges, although the actual numbers ranged from one to half a dozen charges. A little more than two-thirds (66.8 percent) of sample probationers were supervised by probation for at least one charge of domestic assault. Exhibit 8 lists the most serious charges of the sample probationers. In other words, even though an offender may have had multiple charges, he is represented only once in exhibit 8 in the charge category considered most serious among those he received.

**Exhibit 8: Most Serious Charge for DVU Probationer**

Charge	Number	Percent
Domestic Assault	370	67
Domestic Disorderly	69	12.5
Domestic Malicious Damage	40	7.2
Violation Protective Order	32	5.8
Violation of No-Contact Order	25	4.5
Domestic Harassment	14	2.5
Other	2	0.4
Total	552	100.0

**Sample Sentences**

Although all of the study probationers were supervised by the probation department as of January 1, 2003, their underlying sentences varied. Most (65 percent) were on straight probationary sentences, usually lasting one year. Exhibit 9 also demonstrates that about 29 percent of the entire sample of probationers received a suspended sentence with probation, less than 5 percent received a combination of jail, suspended sentence, and probation, and 2 percent were converted to probation or a suspended sentence.

**Exhibit 9: Sentences for Entire Sample of Probationers**

Type	Number	Percent
Probation	357	64.7
Suspended Sentence with Probation	158	28.6
Jail and Suspended Sentence and Probation	26	4.7
Filed Converted to Probation/Suspended Sentences	11	2.0
Total	552	100.0

The different sentences do not differentiate the legal parameters of the probation supervision. The only difference between “straight” probationary sentences following a plea of *nolo contendere* and a suspended or split sentence is that the latter legally qualify as a prior conviction for subsequent domestic violence charging and the former do not. Generally, judges imposed straight probationary sentences on abusers with fewer prior domestic violence arrests, and split sentences for those with prior domestic violence arrests, as illustrated in exhibit 10.

**Exhibit 10: Prior Domestic Violence Probation for Entire Sample\***

<b>Sentence</b>	<b>Number</b>	<b>Prior DV Probation (%)</b>	<b>Average # of Prior DV Arrests</b>
Probation	357	18.0	0.50
Suspended Sentence	158	43.0	1.14
Split Sentence	26	73.1	1.93

\* Excludes 11 cases that were initially filed.

The 26 study probationers given split sentences served time in prison or home confinement administered by the Department of Corrections before commencing their probation supervision.<sup>128</sup> The average prison time imposed for split sentences was 42 days, the median time was 20 days, and individual sentences of imprisonment or home confinement ranged from six to 200 days. Offenders receiving a split sentence, on average, had a much greater frequency of prior domestic violence arrests (1.93) when compared to offenders receiving suspended sentences (1.14) and those sentenced to straight probation (0.5).

Although not sentenced to prison as a result of the study sentence, several of the study probationers were imprisoned prior to the commencement of their study probation as the result of a revocation of a prior sentence they were under at the time. As a result of probation revocations triggered by the domestic violence offense or the split sentences received for the study domestic violence offense, 53 of the study probationers spent time in prison (or home confinement) before their release for probation supervision. This includes defendants held without bail pending a revocation, which may or may not have then resulted in a prison sentence. The sentences averaged 57.1 days, with a median of 30 days. The mode sentence was also 30 days.

### **Concurrent Sentences**

Sixty-seven study probationers were on concurrent probationary sentences for two or more incidents that occurred at separate times, but they were sentenced to probation on the same date or were sentenced for the second offense before they were sentenced on the first domestic

violence offense.<sup>129</sup> These concurrent probationary sentences are tracked as one probationary sentence even though they represent different sets of domestic violence offenses. These 67 probationers are not considered recidivists because, although at least one set of domestic violence charges was committed after they committed an earlier domestic violence offense, they had not yet been placed on probation for the first set of charges. Although they are not considered recidivist reabusers for this reason, as will be shown, they behaved like recidivist abusers in terms of subsequent offenses. The following example illustrates how three sets of domestic violence offenses at different times were probated at the same time, constituting a single study probation case.

On November 18, 2001, police charged J. B., 41, with domestic assault against his intimate partner. While that case was pending, he was charged with another domestic assault the next month. The second charge was disposed of in court first and was filed. A week later, the first charge was also filed. The defendant was ordered into the batterer program to be monitored by a private agency under a contractual arrangement with the court. Seven months later, the defendant was charged with a third domestic assault against the same victim. As a result, the judge converted the two previously filed cases to probationary sentences of one year. On the third charge, J. was given another probationary sentence. In other words, on one day, the defendant was placed on probation for all three sets of charges with sentences to be served concurrently.

## **Re-probated Probationers**

Forty-one study probationers were already on probation for domestic violence (28) or other crimes (13) when they were placed on probation again for a domestic violence crime, resulting in their being on probation on January 1, 2003 (when the study sample was selected). For purposes of determining reabuse rates, the 28 re-probated probationers are considered reabusers because the study domestic violence case that resulted in their being placed under probation supervision at the time of the study occurred after they were already under probation supervision for an earlier domestic violence offense.<sup>130</sup>

## **Filed Cases**

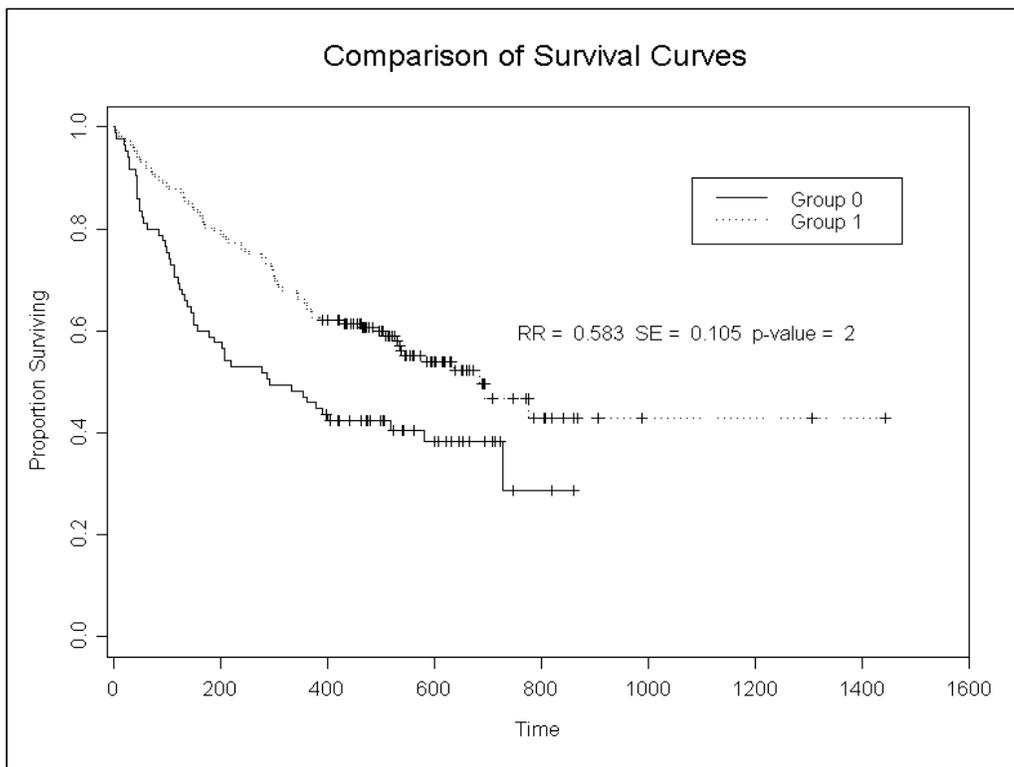
Eleven (11) of the study probationers originally had cases “filed” for domestic violence prior to being probated for the study domestic violence convictions. These cases were subsequently converted to probationary sentences in 10 cases and a suspended sentence in one case because nine of the defendants committed new offenses, seven for domestic violence and two for either solicitation or stealing a car. The remaining two filed cases were converted for technical violations of the filings. For the purposes of this study, however, the prior filed cases are not considered “probationary sentences,” but simply a prior domestic violence conviction on the probationer’s criminal record. These defendants are not considered recidivist reabusers because the study probation case did not follow a domestic violence offense for which the defendant was under probation supervision.<sup>131</sup>

## Study Findings

### Effectiveness of the Domestic Violence Supervision Unit

The data demonstrate that specialized domestic violence supervision can contribute to victim safety by reducing the likelihood of reoffending. The specialized caseload also had positive effects on victim satisfaction and offender accountability. Specialized probation supervision of domestic violence offenders in Rhode Island resulted in significantly lower rates of reoffending and longer periods arrest-free for most domestic violence offenders as shown in exhibit 11. It had no such effect on the minority of offenders who were the most likely to be rearrested for domestic violence or any other crime.

#### Exhibit 11



\*Group 0 (solid line) represents the traditional (comparison) group. Group 1 (broken line) represents the DVU (treatment) probationers.

In the above graph, time is represented in days. Low risk offenders in the DVU group had about a 40 percent reduction in the risk of recidivism (1-0.583) over low risk offenders who were in the traditional group. A Cox Proportional Hazard (PH) regression was applied to these data to confirm the finding that assigning a low risk offender to the DVU group reduces their risk of rearrest by about 40 percent compared to those assigned to the traditional group, with a confidence interval between a reduction of 14 percent and 58 percent.

Thus, victim safety may be enhanced if lower risk offenders are assigned to the specialized Domestic Violence Probation Unit.

Among the entire sample, probationers assigned to the DVU group had lower rearrest rates for both domestic and nondomestic violence arrests (56 percent) when compared to traditional probationers (64 percent), as shown in exhibit 12. Although the differences did not reach statistical significance, it is worth reporting that more offenders on traditional supervision were arrested one (41 percent) or two (15 percent) times compared to the DVU offenders (38 percent and 11 percent respectively) for domestic violence during 2003.

**Exhibit 12: Number of Arrests and Supervision Type (%)**

	<b>Traditional – 182</b>	<b>DVU – 370</b>
At Least One Reabuse	74 (40.66)	139 (37.57)
At Least Two Reabuses	28 (15.38)	39 (10.54)
At Least Three Or More Reabuses	7 (3.80)	22 (5.95)
At Least One Nondomestic Violence Arrest	80 (44.00)	140 (37.84)
Total Recidivism	117 (64.30)	208 (56.20)

The probationers supervised by the specialized unit were classified according to risk of their potential for future arrest (i.e., recidivism). Although the classification was performed on an ad hoc basis by the DVU supervisors, this research confirms that the characteristics of higher risk probationers used to assign offenders to intensive probation were strong predictors of rearrest.

The criminal history variables are: (1) prior probation supervision for domestic violence,

(2) whether the probationer was sentenced concurrently for multiple domestic violence incidents, and (3) whether the probationer was given a suspended or split sentence. The odds ratios of these predictors are illustrated in exhibit 13.

**Exhibit 13: Odds Ratios of Predictors of Assignment to Intensive Probation in the DVU**

Variable	Odds Ratio
Prior DV Probation	4.7*
Concurrent DV Sentence	5.5*
Suspended or Split Sentence	1.7*

\*p < 0.05

The results of the logistic regression in exhibit 13 identify three characteristics that predict the probability that a probationer in the DVU will be assigned to intensive supervision. Exhibit 14 highlights the importance of considering criminal history variables when conducting recidivism research. Specifically, notice that offenders receiving concurrent domestic violence sentences are five times more likely to be considered high risk and placed in the intensive supervision group than an offender not sentenced in this way. Offenders with prior domestic violence probation were nearly five times, and those receiving a suspended or split sentence were nearly twice as likely to be supervised in the intensive group as offenders lacking such characteristics.

The traditional supervision officers did not perform a risk assessment similar to that undertaken for the DVU caseload. From the information collected, it is possible to perform a similar ad hoc risk assessment of all probationers.

**Exhibit 14: Probability of Assignment to Intensive Supervision in the DVU**

<b>Prior DV Probation (1=yes, 0=no)</b>	<b>Concurrent DV Sentence (1=yes, 0=no)</b>	<b>On Suspended or Split Sentence (1=yes, 0=no)</b>	<b>Probability of Intensive Supervision</b>
0	0	0	0.163
0	0	1	0.253
1	0	0	0.477
0	1	0	0.515
1	0	1	0.613
0	1	1	0.649
1	1	0	0.833
1	1	1	0.897

The average risk levels of the DVU and traditional supervision groups do not differ. The average risk level, as measured by the likelihood that an offender is considered by the DVU to need intensive supervision, when also applied to the traditional supervision group, is 35 percent for the DVU group and 37 percent for the traditional offenders.

Supervision in the lower risk level in the DVU makes a difference. The average probability of rearrest is 0.46 in the DVU and 0.60 in the traditional supervision group. This is significantly different ( $p = 0.03$ ).<sup>132</sup> Further, the lower risk group has 52 percent of DVU offenders and 53 percent of offenders on traditional supervision. Thus, although supervision as the Rhode Island courts and probation conduct it is differentially effective at only the lower risk level, the lower risk level is where the majority of probationers are considered to be.

Further, in terms of survival rates (time to rearrest), the DVU probationers remained arrest free twice as long as those on traditional supervision. As illustrated in exhibit 11, at 700 days after being placed under supervision, the proportion of DVU probationers who were arrest free doubled that of those on traditional supervision.

### **Victim Safety and Satisfaction**

Rhode Island's specialized domestic violence probation supervision unit had a positive impact on the level of victim satisfaction. Specialized domestic violence probation officers,

unlike traditional supervision officers, made attempts to contact victims. The interviewed victims expressed satisfaction with repeated officer contacts. Forty-eight victims agreed to complete a telephone interview. Three of the interviews were excluded because the abusers were found to be the victims’ sons or stepson, not intimate partners. Although the sample of victims was opportunistic, of those who could be located and agreed to be interviewed, 26 were the victims of DVU probationers and 19 were victims of probationers on traditional supervision. A comparison of abuse history and victim and offender characteristics reveals that DVU and traditional supervision victims matched on many important variables as illustrated in exhibit 15. A two-tailed test of significance resulted in no measurable differences between the two victim groups except in reported suicidal behavior of the abuser.

**Exhibit 15: Comparison of Traditional Supervision and DVU Victims (%)**

<b>Characteristics</b>	<b>Traditional</b>	<b>DVU</b>
Ever Married	31.20	42.0
Intimate Partner	68.70	57.0
Have Children	47.40	46.1
Relationship with Abuser One Year or More	81.25	76.9
Beaten by Abuser At Least Once	56.25	46.1
Beaten Repeatedly	31.25	38.5
Weapon Used/Threatened	31.25	34.6
Abuser Suicidal/Threatened Suicide	43.75	61.5
First Abuse More Than One Year Ago	87.50	80.8
Abuser Often Under Influence of Alcohol/Drugs	62.50	76.9
Victim Injured/Feared Injury	87.50	88.5
Victim Required Medical Treatment	18.75	26.9

Despite the small, opportunistic nature of the sample of victims, their responses are especially helpful in better understanding the full impact of domestic violence. Exhibit 15 indicates that nearly one-third of the traditional supervision group and more than 40 percent of the DVU group of victims were married to their abusers. Prior research suggests that being married is a pro-social factor negatively correlated with criminal activity, but this is not necessarily the case in domestic violence crimes. Interestingly, nearly half of each group

reported having children in common with the abuser and slightly more of the traditional supervision group victims were in longer relationships and experienced their first abuse more than one year ago.

However, when turning to several strong predictors of future abuse, it appears that victims perceive offenders in the specialized unit as more dangerous, although as noted in exhibit 2, the DVU and traditional samples were very similar on several indicators of risk. More DVU victims indicated the abuser used or threatened to use a weapon, reported they were repeatedly abused, and stated they feared injury when compared to the victims in the traditional supervision group. Most important are the larger differences indicating that offenders in the DVU are suicidal, abuse alcohol or drugs more frequently, and injured their victims severely enough that they required medical treatment. All of these indicators are routinely found to be strong recidivism predictors.

The victims were interviewed to determine if attitudinal differences existed among supervision groups concerning their relationship with the abusers' probation officer and the effects of the probationary sentences, as shown in exhibit 16. It is important to note that, overall, there was limited contact between victims and officers, but especially among those involved with the traditional caseload. In the absence of such contact, victim views of officers and sentences may reflect what the probationers or others told them about the probation officers as opposed to their direct observations or experiences. Nonetheless, it seems that most victims were ambivalent about several probation officer performance indicators such as the helpfulness, sincerity, or empathy expressed by officers. For example, while 100 percent of responding victims in the traditional supervision group failed to indicate that officers were helpful, nearly 50 percent of victims in the DVU group expressed that probation officers were helpful (Fisher's exact test

p = 0.003). Indicating higher levels of satisfaction from the DVU victims, about half found officers concerned, more than a third found officers understanding, and none of these victims indicated that officers took the offender’s side. These findings are in slight contrast to responses given by victims in the traditional supervision group in which less than 20 percent found officers concerned, one-fourth found officers understanding, and about 12 percent found that the officer took the probationer’s side.

It is difficult to determine where these attitudes originate. This analysis does not explain the cause of opinions, but it appears that as victims and officers interact more often, victim opinions improve.

**Exhibit 16: Victim View of Probation Officer**

View	Traditional			DVU		
	Agree	Unsure	Disagree	Agree	Unsure	Disagree
Probation Officer Helpful	0	<b>6</b>	<b>6</b>	<b>12</b>	3	10
Probation Officer Unconcerned	6	<b>7</b>	3	7	7	<b>11</b>
Probation Officer Not Understanding	4	<b>8</b>	4	7	<b>9</b>	<b>9</b>
Probation Officer Took His Side	2	<b>8</b>	6	0	<b>12</b>	13
Probation Officer Contact Unwanted	1	<b>7</b>	4	1	<b>6</b>	<b>6</b>

[Bolded numbers for each item represent modal responses of each group.]

Although DVU victims were more positive about probation officers, they were less confident that the probationary sentences would deter future abuse (see exhibit 17). Although the offenders in each group were essentially comparable, DVU victims were more fearful of future physical and emotional abuse than the victims in the traditional supervision group. Victims agreed, however, that the probationary supervision made the probationer “better” and, by a margin of two to one, they agreed that the probationary sentence decreased the “violence” (if not the emotional abuse), although the victims in the traditional supervision group expressed the

contradictory opinion that probation made little difference. Victims in each group were overwhelmingly positive about the batterer program and disagreed that it would have been better if the probationer had never been arrested in the first place.

By a slight margin, the DVU victims felt the probationer fooled the probation officer. They may have reflected probation officer attitudes expressed to them of general court leniency in sentencing abusers, an opinion widely shared among the DVU officers. Although supportive of probationary sentences, both groups of victims were equally split regarding whether jail is a more effective sentencing option.

**Exhibit 17: Victim View on Effectiveness of Probation**

View	Traditional			DVU			Total		
	Agree	Unsure	Disagree	Agree	Unsure	Disagree	Agree	Unsure	Disagree
Made him better	<b>9</b>	3	3	<b>11</b>	6	8	<b>20</b>	9	11
Violence decreased	<b>9</b>	3	4	<b>15</b>	3	7	<b>26</b>	6	11
No fear of future violence	<b>10</b>	1	7	8	5	<b>12</b>	18	6	<b>19</b>
Violence down, not abuse	<b>7</b>	3	5	<b>10</b>	6	8	17	<b>18</b>	13
No fear of emotional abuse	<b>12</b>	1	4	6	5	<b>13</b>	<b>18</b>	6	<b>18</b>
Made little difference	<b>9</b>	0	7	9	6	<b>10</b>	<b>18</b>	6	17
Got worse	2	3	<b>9</b>	3	4	<b>18</b>	5	7	<b>27</b>
Fooled probation	5	1	<b>10</b>	<b>10</b>	7	7	15	8	<b>17</b>
Jail better	<b>7</b>	2	<b>7</b>	<b>10</b>	5	<b>10</b>	<b>17</b>	7	<b>17</b>
No arrest better	3	0	<b>9</b>	3	1	<b>21</b>	6	1	<b>29</b>
Batterer program decreased abuse	<b>16</b>	1	1	<b>15</b>	10	1	<b>31</b>	11	2

[Bolded numbers for each item represent modal responses of each group.]

**Offender Accountability**

***Victim Reporting of No-Contact Violations***

The research also documented important behavioral differences between DVU and traditional victims. Victims of defendants supervised by DVU probation officers were

significantly more likely to report violations of no-contact orders to authorities than victims of defendants supervised by traditional probation officers (see exhibit 18). Either DVU probationers were more prone to violate no-contact orders, or their victims were more encouraged by probation officers to report no-contact violations to police. The latter is supported by probation officer interviews. According to probation officers, DVU victims commonly reported no-contact order violations to them. Officers told them to report the violations to the police. The overall domestic violence rearrest rates for both sets of probationers were nearly equivalent, with about 40 percent of those in traditional supervision and 39 percent of those in the DVU rearrested. It does appear more likely that the higher rearrest rate for no-contact violations among DVU probationers is a function of the DVU probation officer-victim contact.

**Exhibit 18: No-Contact Orders**

	<b>Traditional N=182</b>	<b>DVU N=370</b>
Number No-Contact Orders Vacated by Time of Probation Disposition	91	130
Number No-Contact Orders Subsequently Vacated	24	76
Total Percentage of Orders Vacated	63.2%	55.7%
Percentage Vacated While on Probation	26.4%	31.7%
No-Contact Arrests	3/67	20/164
Percentage	4.5%	12.2%

**Enforcement of Probationary Conditions**

Offenders supervised by the DVU were significantly more likely to be identified as violating the conditions of their supervision when compared to offenders in the traditional unit. This is an expected relationship as previous research suggests that the reduced caseloads allow for greater officer-offender contact and scrutiny, and this more thorough surveillance makes technical violations easier to detect.

It appears that besides increased offender-officer contact and modest victim contact, the major difference between the supervision of DVU and traditional unit probationers was the

increased likelihood that the former would be brought back to court for technical violations. Although few had their probation revoked for these violations, the court generally continued to review the cases to ensure future compliance. One hundred and sixty-three DVU probationers (44 percent) were charged with a technical violation as opposed to 45 (24.7 percent) of those on traditional supervision.<sup>133</sup>

As exhibit 19 indicates, within the DVU, the probability of an offender’s rearrest increases importantly as the risk measure increases, regardless of whether the offender had a technical violation. In the traditional supervision unit, on the other hand, the likelihood of rearrest is unrelated to the risk level. The probability of rearrest is between 59 and 65 percent over the range of risk levels. Risk is measured by the probability of being assigned to intensive supervision as shown in the first column. Exhibit 19 is based on the criteria for assigning offenders to intensive supervision applied across the entire sample. The result is that offenders who do not meet the criteria are very unlikely to be assigned to intensive supervision. Those meeting the entire criteria have a high likelihood (about 90 percent) of being assigned to intensive supervision.

**Exhibit 19: A Probationer’s Risk for Rearrest in the DVU and Traditional Supervision Conditioned by the Offender’s Risk and Technical Violation**

Risk as measured by the probability of being assigned to intensive supervision	Probability of rearrest in DVU if:				Probability of rearrest in traditional supervision if:			
	Technical violation		No technical violation		Technical violation		No technical violation	
	Prob.	N	Prob.	N	Prob.	N	Prob.	N
0.163	0.48	80	0.44	92	0.59	43	0.60	54
0.253	0.53	22	0.49	23	0.60	9	0.60	17
0.477	0.64	14	0.61	29	0.61	6	0.62	11
0.515	0.66	13	0.63	20	0.61	6	0.62	13
0.613	0.71	18	0.71	23	0.62	5	0.63	7
0.649	0.72	8	0.69	13	0.62	3	0.63	4
0.833	–	0	0.77	3	–	0	0.64	2
0.897	0.81	4	0.79	7	0.64	1	0.65	1
Totals	0.56	159	0.54	210	0.60	73	0.61	109

The probability of rearrest following a technical violation increases among offenders in the DVU as probation risk increases, as measured by a prior probation sentence for domestic violence, being on probation for a concurrent domestic violence sentence, or receiving a suspended or split sentence. The risk measure was used to determine the likelihood of offenders with varying combinations of risk indicators being arrested with and without a technical violation.

The lowest risk score computed has a 16.3 percent chance of being sentenced to intensive probation. These offenders score zero on all dichotomous risk indicators, meaning a lack of prior domestic violence probation, concurrent, suspended, or split sentence. These indicators were selected because they are currently used by the DVU to make supervision decisions. DVU offenders lacking these indicators have a slightly greater likelihood of being arrested if they have a technical violation (48 percent) when compared to not having a technical violation (44 percent).

The offenders having higher risk criminal history indicators are more likely to be rearrested. Technical violations do not influence the probability of rearrest for probationers within either the DVU or the traditional units. The probability of a DVU probationer's rearrest increases as his risk characteristics increase. The same is not true in the traditional supervision units. Offenders with the highest risk score in the DVU are nearly one-fifth more likely to be rearrested than an offender under traditional supervision. The probability of rearrest in the traditional group is constant at about 60 percent, while in the DVU it ranges from 48 percent to 81 percent. Further, the average rate of rearrest for both groups is about the same—between 55 and 60 percent. Clearly, the DVU is having some success differentiating between high-risk and low-risk offenders. It is retarding the low risk offenders from reoffending and rearresting the

high-risk offenders at a higher rate than the traditionally supervised offenders, even though the average rate for both is the same.

It may be significant that technical violations were not associated with increased likelihood of rearrest across supervision strategies. Domestic violence research is mixed regarding the relationship between technical violations and rearrest, with recent research finding a significant correlation between noncompliance with batterer programs and increased likelihood of rearrest.<sup>134</sup> Given that there were no significant differences between the two supervision strategies, it is difficult to explain the lack of relationship between technical violations and rearrest within each supervision type. Regardless of this, the analysis does show a large gap between the likelihood of high risk offenders being rearrested between the DVU and traditional supervision. The greater likelihood of rearrest for high risk DVU offenders further supports assertions made by previous research suggesting that increased surveillance will increase likelihood of arrest.

## **Probation's Challenges**

Despite the encouraging findings reported regarding lower rates of reoffending and longer periods before reabuse, many challenges face probation officers and the probation agency in Rhode Island when supervising domestic violence offenders. It is important to delineate these challenges and incorporate them into enhancing probation supervision of domestic violence offenders.

### **High Rates of Recidivism**

Probation officers supervising domestic violence offenders face several difficult challenges. A majority of the defendants probated for domestic violence are repeat offenders

who have reoffended. Few probationers were first offenders as measured by prior court arraignments and few probationers’ prior criminal histories were restricted to domestic violence.

Exhibit 20 tracks the most serious charge filed in a court case for the sample probationers. The case may include multiple charges. For example, it was common for study probationers to be charged with domestic assault, domestic disorderly conduct and domestic malicious damage to property arising from the same incident. For the purposes of this study, the most serious charge is tracked. This means that the study tracked the domestic assault charge in this situation, as the penalty for this offense is one year imprisonment or probation, whereas for domestic disorderly the sentence is six months imprisonment or probation.<sup>135</sup> Additionally, crimes against persons (often referred to as crimes of violence) are considered more serious than crimes against property.

**Exhibit 20: Prior Criminal Histories of Sample Probationers**

	All Arrests	Total Against Persons	DV Arrests	Major Motor Vehicle	Alcohol/ Drug Arrests	Against Property	Against Public Order	Other
Percentage with Priors	77.54%	54.9%	46.38%	39.50%	27.18%	24.64%	17.94%	8.88%
Average # Arrests	3.09	1.04	0.75	0.78	0.41	0.46	0.25	0.12
Range	0–27	0–9	0–7	0–11	0–9	0–9	0–5	0–5

On average, the study probationers had experienced a little more than three arrests resulting in court arraignments. Further, their prior criminal history was more likely to consist of crimes against persons (55 percent), generally considered crimes of violence, as opposed to any other crime category tracked, including major motor vehicle (40 percent) (mostly operating after license suspension), public order (18 percent) (mostly disorderly conduct or not cooperating with police), property (25 percent) (mostly breaking and entering, trespassing, stealing a car, receiving stolen goods or fraudulent checks), alcohol or drug-related offenses (27 percent) (mostly drunk

driving and possession of marijuana) and “other” (9 percent) (mostly unspecified misdemeanor offenses or ordinance violations).

The above breakdown is based on arrests that resulted in court arraignments. Not all of these incidents resulted in court convictions, some were dismissed. Exhibit 20, moreover, demonstrates that almost 80 percent, as exhibit 21 indicates, the majority of probationers had prior convictions (or pled *nolo contendere*) as evidenced by the high number who had been sentenced previously to probation or imprisoned for their prior criminal offenses.

**Exhibit 21: Prior Probation Sentences of Study Sample**

	<b>Probation</b>	<b>DV Probation</b>	<b>Prison</b>
Percentage with Priors	51.27%	27.35%	17.03%
Average	1.46	0.35	0.28
Range	0–24	0–4	0–14

The majority of the study probationers (51 percent) had been supervised by the probation department prior to the study probation; 17 percent had been sentenced to prison previously.<sup>136</sup> Most of the former probationary sentences were for prior domestic violence offenses. Forty of the study probationers had been on probation for domestic violence at least twice prior to the present sentence. Additionally, 11 had domestic violence cases filed in the past. As a result of the number of study probationers who were on probation before or had prior domestic violence cases filed, approximately one-third of the sample had been ordered to complete at least one batterer intervention program prior to the study probation. A few had been enrolled as many as half a dozen times.

In short, the majority of the probation sample consisted of what could be considered high risk offenders—repeat offenders who had already failed to obey the law despite prior arrests, probation, treatment (including, in a third of the cases, batterer intervention), and in a minority of instances, incarceration. This finding is consistent with the conclusions described earlier in the

literature review supporting this finding that many arrested intimate partner abusers had previously committed crimes other than domestic violence.

**Recidivism and Reabuse Arrests and Reports**

The majority (58.7 percent) of the total sample of 552 study probationers recidivated during the study period (see exhibit 22) as measured by rearrest, a police report for domestic violence, or a victim report of domestic violence. Reflecting their prior general criminality, rearrests were for a variety of offenses. Forty percent of offenders were arrested for nondomestic violence offenses including crimes against persons, drug, property, and drunken driving offenses as well as other less serious driving-after-license-suspended offenses that were most often dismissed or fined. Interestingly, nearly one-fifth of the entire sample was rearrested for both a nondomestic and domestic violence offense.

**Exhibit 22: Sample Probation Caseload Recidivism and Reabuse**

<b>Rearrest</b>	<b>Number</b>	<b>Percent</b>
Total Rearrested	324	58.70
Nondomestic Violence Arrest	220	39.85
First New Domestic Violence	212	38.40
Both Domestic Violence and Nondomestic Violence Arrest*	108	19.56
Second New Domestic Violence	77	13.95
Third or More Domestic Violence	29	5.25

\*These arrests are also included in the two previous categories.

Most of the sample arrested for domestic violence crimes were arrested for a domestic assault (100), followed by violation of a no-contact order (51) and violation of a protective order (22), with the rest divided among domestic violence-related disorderly conduct, vandalism and harassment. Most Probationers (54.7 percent) rearrested were given suspended sentences. Twenty percent (20.3 percent) were dismissed or found not guilty. More than a third of those arrested for a new domestic violence offense were arrested more than once.

According to police reports filed with the Domestic Violence Training and Monitoring Unit, there was not a large difference between reported incidents and new arrests involving study probationers. Slightly more than two-fifths (41 percent) of the probationers had new domestic violence incident reports filed against them subsequent to being placed under supervision.<sup>137</sup> This is only three percentage points higher than that reflected in new domestic violence arrests. This represents a much higher incident arrest rate than reported for all incidents. In 2002, for example, police reported 8,438 domestic violence incidents and 6,229 arrests, representing an arrest rate of 73.8 percent. The higher arrest rate for study probationers may reflect a police practice of arresting subjects more readily who are already known to them.

Consistent with other studies of reabuse<sup>138</sup> and despite the small sample size, victims reported a higher rate of reabuse than indicated in arrest records. Fifteen of the 45 probationers whose victims were contacted were arrested for reabuse during the study. That represents a 33.3 percent reabuse rate for the offenders of the victim interview sample, consistent with the reabuse rate for the entire sample of the 552 probationers. However, 19 of the 45 victims interviewed reported new episodes of abuse. That represents a reabuse rate of 42.2 percent, considerably higher than the rate revealed by official statistics. The victim-reported new abuse episodes ranged from physical assaults in seven cases to stalking in nine cases. Stalking is a felony in Rhode Island. Those initially selected for the study sample were misdemeanants. It is not known if the reported stalking, however, fit the legal definition qualifying for criminal charges. The victims interviewed could describe only new abuse episodes they suffered, not abuse toward other victims of their probationers.<sup>139</sup>

### **Analysis of Reabuse and Recidivism**

Consistent with findings of previous domestic violence studies,<sup>140</sup> prior record for any crime, not just domestic violence crimes, was a stronger predictor of reabuse than prior domestic violence crimes alone. The inverse relationship between age and reoffending fits with the concept of age desistance theories of criminality. Essentially, this view purports that younger individuals have little to lose and few obligations, are impulsive, and seek immediate gratification, and therefore may engage in criminal behavior. The youth, simply, are more likely to lack a strong stake in conformity. As offenders age, they take on more responsibilities, marry, become employed, and have other traditional values and needs that decrease the likelihood of their engaging in crime as they acquire a greater stake in society.<sup>141</sup>

Teenage probationers were the age group most likely to reabuse, with a 50 percent arrest rate for new domestic violence. Next, were men between 20 and 29 years old in which about 45 percent were rearrested. After age 29, there was a drop-off in reabuse. Probationers 30 and older reabused at a rate of about 34 percent, and probationers 50 years old or older had the lowest rearrest rate with 20 percent being arrested while on probation.

Specific prior criminal history items were examined to reveal which items were most closely associated with rearrest for domestic violence among the entire sample. Exhibit 23 demonstrates the significance of having a prior criminal record on being rearrested. Consider that while slightly over one-fifth of offenders without a prior record were rearrested, more than 40 percent of those with prior records were rearrested. This between group difference becomes smaller when comparing domestic violence specific rearrests among probationers without (33 percent) and those with (43 percent) a prior criminal record. In fact, as illustrated in exhibit 23, abusers with at least one prior arrest have a greater likelihood to have a drug or alcohol arrest,

are more likely to reabuse, and served a prison term. In other words, having a prior criminal record is a robust offender characteristic for understanding probation performance.<sup>142</sup>

**Exhibit 23: Reabuse by Prior Record**

<b>Criminal History</b>	<b>Number</b>	<b>Reabuse</b>	<b>Percent</b>
<i>No Prior Record for:</i>			
Arrest (all)	124	28	22.58
Probation (all)	269	82	30.50
DV Arrest	296	99	33.40
Drug/Alcohol Arrest	402	142	35.30
Imprisonment (all)	458	162	35.40
DV Probation	401	147	36.70
<i>Prior Record for:</i>			
Imprisonment (all)	94	47	50.00
Probation (all)	283	127	44.90
Drug/Alcohol Arrest	150	67	44.70
Arrest (all)	428	184	43.00
DV Arrest	256	110	43.00
DV Probation	151	62	41.00

Victim characteristics are difficult to assess because, among other things, more than a quarter of offenders (27.3 percent) were arrested for abusing more than one victim, including new or other intimate partners or nonintimate family members as illustrated in the following examples. Family members included sons, daughters, sisters, brothers, step-fathers, step-sons, in-laws and a cousin. In most of the cases, new victims were current or former wives or girlfriends, as well as mothers of their children. In some cases, the probationers alternated among multiple victims, as demonstrated in the following case examples, as demonstrated in the following case examples.<sup>143</sup>

G. C. had three separate abuse reports filed against him by police. In the first, his victim was his girlfriend. In the second it was his wife. The third was his wife again, but this time, it was a second wife, his first victim.

R. O. had three different domestic victims between the first charge, filed December 1, 2001, and the last one filed August 4, 2003. They involved a former intimate partner, a new intimate partner and his son.

R. P. had multiple police reports filed against him for domestic violence against his intimate partner, followed by reports of domestic violence against his brother and his sister.

In terms of behavior after being placed under probation supervision, the multivictim abusers were much more likely to be arrested for nondomestic offenses than the persistent offenders, and both the multivictim and persistent abusers were more likely to reoffend than the one-time abusers. In terms of new arrests for nondomestic offenses, almost 63 percent of the multivictim abusers were arrested compared with 44 percent of the persistent abusers, and only a little more than a quarter of the one-time abusers.

***Relationship***

The rearrest rates dramatically illustrate the dilemma facing battered women. Those who leave or separate, including wives who divorce their abusers, are just as likely to suffer reabuse (as measured by a new arrest), as are those who remained with their abusers. In fact, separated intimate partners and those with a child in common but never living together experienced the highest rates of reabuse based on rearrest data, as shown in exhibit 24.

**Exhibit 24: Relationships and Rearrest for Domestic Violence**

<b>Relationship</b>	<b>Number*</b>	<b>Rearrest</b>	<b>Percent</b>	<b>Average Age</b>
Married	149	55	36.9	37
Ex-Married	19	7	36.8	37
Intimate Partner (living together)	179	68	38.0	33.5
Ex-Intimate Partner (formerly lived together)	38	17	44.7	33.5
Child in Common (never lived together)	110	47	42.7	29.8

\*Besides those indicated below, the relationship for 38 of the sample cases was not known; four were dating and not living together; and 15 were classified as “other” relationships. The categories shown in the table are mutually exclusive.

The notion of stake in conformity is that marriage, employment and other normative aspects of life anchor individuals to contemporary social norms. As individuals become more attached or committed to conventional ways of acting (i.e., non-criminal behavior), the associated costs and opportunity structures of committing crimes makes criminal behavior less

appealing. Simply, if someone has a strong stake in conformity, they have more to lose if arrested. These individuals risk losing their job, marriage, or home, as well as potentially suffering stigmatization and loss of social status through informal reprobation from friends, family, or neighbors. These powerful prosocial characteristics potentially encourage individuals to reshape their attitudes toward criminal and associated behaviors (e.g., dangerous behaviors). Interestingly, as exhibit 24 makes clear, there is minimal difference between reabuse rates for those married and those unmarried. This suggests a potential gap in current criminological theorizing that tends to ignore crucial factors specific to domestic violence. That is, being married may not be any more powerful of an explanatory variable for domestic violence than other offender-victim relationships.

Previous research has not found the offender-victim relationship to be a predictor of reabuse when age is included in the equation.<sup>144</sup> The average age of married and divorced probationers (37) was higher than that of current or former intimate partner abusers (33.5), which were higher than those who abused the (unmarried) mothers of their children (29.8). It may be that the interaction of both marriage and age contributes to slightly decreased reabuse rates among the married and formerly married probationers.

### ***Reabuse and Criminal Justice Interventions***

There were no significant differences in the rearrest rates based on the seriousness of the charge, despite the fact that a domestic assault, vandalism, and violation of criminal or civil order charges carry with them twice the penalties of a domestic disorderly charge, and domestic abuse is considered a violent crime whereas domestic disorderly is considered a public order crime. Although disorderly conduct may represent a lesser offense, victims whose offenders were arrested for disorderly conduct had similar incidences of reabuse as victims of domestic assaults.

On the other hand, defendants placed under probation supervision for no-contact or civil protective order violations reabused at a higher rate than those for other domestic violence charges. Prior abuse had to occur for the no-contact order to have been ordered in the first place or for the victim to have been able to secure a protective order against the abuser. Therefore, there is an elevated risk of offenders charged with violations of no-contact orders or protective orders because of their greater prior record, as shown in exhibit 25.

**Exhibit 25: Reabuse by Charge**

Charge	Number	Reabuse	Percent
Violation of No-Contact Order	25	12	48.00
Violation of Protection Order	32	14	43.75
Domestic Assault	370	145	39.20
Domestic Disorderly	69	25	36.20
Domestic Vandalism	40	10	25.00

As exhibit 26 illustrates, sentences imposed generally are associated with different levels of rearrest. Reabuse was significantly less among those sentenced to probation ( $p = 0.03$ ) compared to the split and suspended sentence categories combined. However, the sentences largely reflect the prior criminal histories of those sentenced. Those who received straight probation sentences were least likely to have prior records.

**Exhibit 26: Reabuse by Sentence Type**

	Number*	Reabuse	Percent
Split	27	13	48.1
Suspended	156	68	43.6
Probation	357	124	34.7

\*Totals more than the sample because offenders may be counted in more than one group.

The highest reabuse rates were not associated with specific sentences imposed, but with the status of the defendant at the time of the study sentencing. Those defendants who were reprobated or sentenced concurrently for multiple domestic violence offenses had the highest reabuse arrest rates despite the specific sentence imposed. The reabuse rate for the 41 re-

probated defendants was 65.85 percent, and for the 67 who received concurrent sentences, the reabuse rate was 50.75 percent.

### ***Reabuse and No-Contact Orders***

Rhode Island statute (§ 12-29-4) specifically mandates no-contact orders be imposed upon any arrestee for a domestic violence offense “because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past (a).” However, the imposition of a no-contact order did not deter almost half of those subsequently placed under probation supervision from reabusing their victims, nor did the removal of the order result in significantly more or less reabuse; the reabuse rates are independent of whether contact was allowed. (See exhibit 27.) Although advocates and prosecutors report that most judges did not remove no-contact orders without the consent of the victims, for whatever reason, the victims’ consent to remove orders did not necessarily accord with their future safety from abuse. On the other hand, the study victims were, it appears, faced with a Hobson’s choice: if the orders were maintained, they would be as likely to be reabused as if the orders were dropped. This suggests that criminal justice officials cannot assume that the presence or absence of a no-contact order is associated with reduced or increased risk of reabuse.

If the order was maintained, the probationer was more likely to be charged with a no-contact violation as opposed to a domestic assault. This may indicate some violence protective value in maintaining no-contact orders. However, it may be indicative of police and prosecutorial practices, similar to Kingsnorth, that focus on maximizing organizational efficiency when pursuing no-contact violations rather than assaults. The former is easier to prove and does not require the testimony of the victim if the police witnessed the defendant’s violation. This may

still represent a benefit to the victim because she need not testify in court and the penalty for a no-contact order violation is the same as that for a domestic assault.

**Exhibit 27: Reabuse and No-Contact Orders**

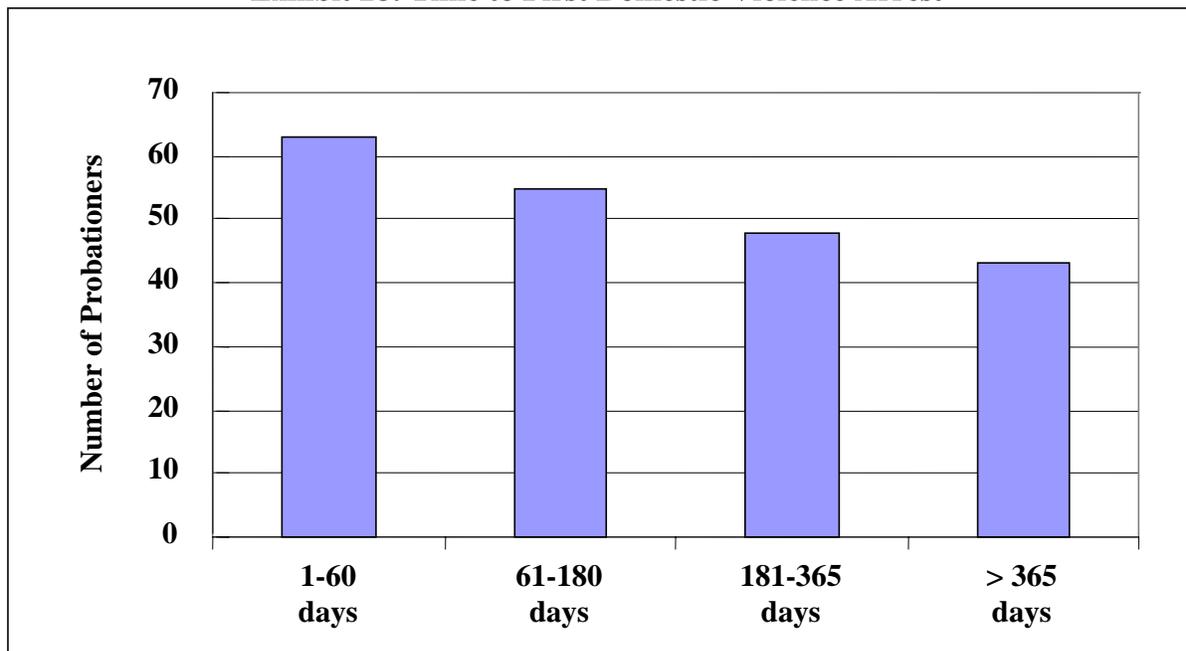
	No Contact Allowed	Contact Allowed	No-Contact Order Vacated During Probation Period
Number	231	182	99
Reabuse	94	83	35
Percentage Reabused	40.69	45.60	35.35

The presence of no-contact orders is not associated with increased abuse of different victims. Those who abused different victims had a lower percentage of no-contact orders than those who abused the same victim, 36 percent compared with 45 percent. In other words, there does not appear to be any displacement effect as a result of no-contact orders.

***Time to Reabuse***

A large proportion of the probationers who were arrested for reabuse perpetrated that abuse fairly quickly after being placed under probation supervision, as illustrated in exhibit 28.

**Exhibit 28: Time to First Domestic Violence Arrest**



Nearly one-third (30.1 percent) of the sample probationers were arrested for a new domestic violence offense before they had been on probation for two months. However, the length of time it took for most to actually report to probation for the first time after court disposition was also two months. Therefore, the opportunity for the probation intervention or any individual probation officer (as opposed to the sentence itself) to have any effect on almost one-third of domestic violence probationers was extremely limited when measured by rearrest for new domestic violence. The “dosage” effect of probation within the first two months consists of one or two contacts at most. Most of the probationers would not have begun a batterer treatment program within the first two months. More than half (56.5 percent) of the probationers were rearrested within the first six months. Even by six months, most probationers have only just begun the regimen of office visits and batterer program attendance. The following examples illustrate how quickly some abusers reoffend.

M. L., 23, was arraigned March 4, 2002, for vandalism/domestic and a domestic assault against the mother of their child. He pled *nolo contendere* that day and was sentenced to one year suspended with probation supervision, ordered to have no contact and to attend a batterer program. Two days later, he was returned to court for violating the no-contact order and was presented as a probation violator.

P. S., 19, was charged with vandalism domestic on July 10, 2001, against the mother of their child. On that day, he was given a year’s suspended sentence and ordered to have no contact with his victim. Later, on the same day, he was charged with violating the no-contact order. As a result, the very next day, he was given another suspended sentence. However, the first suspended sentence was revoked and he was sentenced to six months house arrest.

F. L., 25, was charged on February 9, 2002, with domestic assault against a former girlfriend. While that was pending, he was charged with violating a no-contact order on March 20, 2002. On that day, he was given probationary sentences on both charges. Two days later, he was charged with another violation of the no-contact order.

The potential effectiveness of probation to control or change the behavior of domestic violence offenders is hampered by both the rapidity with which offenders reoffend and the delay

between sentencing and starting probation supervision in Rhode Island. This time may be crucial for preventing reabuse and suggests that policies should be implemented to “fast track” domestic violence offenders through the court and probation intake process. Deterrence theories of criminal justice recommend that interventions be implemented with certainty and swiftness to deter further offending. Probation is just one arm of the criminal justice system, and without systemic support and reinforcement of sanctions, offenders are likely to continue criminal behavior.

Higher risk abusers not only were rearrested more often for reabuse, but their time arrest-free was shorter. This increases the challenge facing probation, as those most likely to reabuse are also more likely to reabuse more quickly.

The time between the study placement under probation supervision and the second new domestic violence arrest averaged 320 days. The median time was 277 days. In other words, almost two-thirds of the repeat abusers who were arrested again were arrested within a year of being placed under probationary supervision. The time between the first new domestic violence arrest and the second averaged 166 days, with a median of 114 days. For those arrested a third time after being placed under probation supervision, the interval between the second and third new arrest was even shorter, averaging 133 days, with a median of 101 days.

Repeat abusers not only are arrested for more reabuse, but the interval between arrests is shorter than their less recidivist peers under probation supervision, and the time between arrests tends to decrease with each subsequent rearrest.

### ***Reabuse Dispositions***

Eighty percent of those arrested for a new domestic violence offense were convicted of, admitted to, or did not contest the charges against them. The remainder were mostly dismissed;

two were found not guilty, and the Attorney General did not “sign information” (indict) for several cases referred for felony charges. More than two-thirds (68.1 percent) of those convicted for a new domestic violence offense were given suspended sentences, 14.4 percent were given split sentences, 11.4 percent were sentenced to straight probation, and the remaining cases were still pending at the end of the study.

A higher percentage (31.2 percent) of those arrested for a second subsequent domestic violence offense were dismissed or found not guilty. Slightly more (32.5 percent) were given suspended sentences followed by split sentences (18.2 percent). Five were given straight probationary sentences, and the rest were pending.

### **Limitation of Criminal Justice Response to Domestic Violence**

The overall probation response to domestic violence offenders is influenced by the response of Rhode Island’s criminal justice system to domestic violence. As first revealed by Sherman and Berk’s<sup>145</sup> research, this study also found prosecution to be relatively tepid following arrest.

Although both the courts and the Rhode Island legislature have recognized domestic violence offenders as constituting a special class of offenders deserving special attention, they have done so for opposite reasons. The Legislature has singled them out for enhanced punishment. The courts, in practice, have singled them out as a special class of offender, distinct and apart from other criminals, deserving, in effect, lesser punishment. Domestic violence offenses customarily are treated separately and apart from the rest of a defendant’s criminal career, rather than part of a continuum of antisocial, often violent, criminal behavior as illustrated by the case example below. The nondomestic criminal record of study probationers is routinely ignored by the courts in sentencing. For example, 95 of the study probationers had been

sentenced to prison for prior offenses, yet only 14 were incarcerated (split sentence) for the study domestic violence offense, including the 32 offenders had been incarcerated two or more times before the study domestic violence offense.

R., S., 27, was first sentenced to probation in 1993 for malicious damage to property. Also that year, he was sentenced to prison for 30 days for a nondomestic assault and battery. The next year, he was sentenced to probation again for a larceny and another malicious damage to property charge. Also in 1994, he was given a suspended sentence for trespassing. He was sentenced to prison that same year for another malicious damage to property; this time for 60 days. In 1995, he was sentenced to prison a third and fourth time, a year in prison for another larceny and shoplifting and, later that same year, two years for a drug offense. Upon release, he was arrested several times but not convicted until 2001 when he was placed on probation for eluding police. In 2002, he was arrested for two domestic violence offenses, domestic disorderly in August and then violation of a protective order in September. He was sentenced as a first offender for both, given two concurrent probationary sentences for a domestic disorderly. As a result of these sentences, a third domestic violence offense in the future can be charged legally and sentenced again as a first offense.

Relatively few repeat domestic violence defendants were prosecuted and sentenced as second offenders, requiring a ten-day minimum jail sentence, or as third offenders, requiring a minimum one-year prison sentence. Rather they were generally re-probated or given suspended sentences from 30 days to one year with probation supervision of from six months to one year.

One hundred and forty of the study sample had been sentenced to probation before the study offense for prior domestic violence offenses; 44 had up to four prior probation sentences. Despite this, only 19 were incarcerated for any period of time for the study domestic violence offense, none for the full year provided for third offenders by statute. The following example depicts the not-unusual court practices of continuing to sentence offenders to community supervision despite multiple domestic violence reoffenses.

G. C., 41, was arrested for his first domestic assault in October 1999 against his intimate partner. He was given a one-year probationary sentence. He was returned to court more than a year later for a second domestic assault and domestic disorderly. On January 2, 2001, the domestic assault was dismissed and the defendant was given another probationary sentence of one year on the disorderly/domestic.<sup>146</sup> He was brought back to

court a third time a month later for another domestic disorderly. After his court appearance for arraignment on the third charge, he was arrested for violating the no-contact order imposed on the pending case, his fourth domestic violence offense. He was actually sentenced on the fourth offense before the third. He was given another probationary term of one year. A week later on the third offense, he was given six months probation. The defendant was brought back to court on June 5, 2001, for a fifth domestic violence charge, disorderly/domestic and refusing to relinquish the phone/domestic. Fifteen days later, he did not contest the new charges and was given a six-month suspended sentence on the disorderly and 90-day suspended sentence on the phone charge. As a result of his sentence on his fifth domestic violence offense, he had his first domestic violence conviction. As a result of the new conviction, his former probationary sentence was revoked and he was sentenced to 30 days in prison. As a result of the revocation, the defendant had two "convictions. Several weeks later, on December 20, 2001, a felony assault charge/domestic was filed against the defendant. The new charges prompted a revocation on the violation of no-contact probationary condition imposed the previous February. On December 26, 2001, the defendant was held without bail until a hearing on January 9, 2002. At that time, the violation was withdrawn because on January 3, 2002, the felony domestic assault charge was dismissed. However, the same day the felony assault domestic charge was dismissed, a misdemeanor domestic assault charge was filed against the defendant.

N. P., 40, was given a one year suspended sentence for a domestic assault against his wife in 1990 that was coupled with a sexual assault charge. In 1991, he was charged with another domestic assault but was sentenced to four months in jail as a result of a probation revocation on the first suspended sentence. In 1992, he was before the court for his third domestic assault. He was not, however, prosecuted as a third offender and was given another suspended sentence. In 1997, he was charged with a disorderly conduct/domestic, his fourth domestic violence offense. The case was filed. In November 2001, he was given another one-year suspended sentence for his fifth domestic assault. Several months later, he was charged with crank/obscene phone call, his sixth domestic violence offense. He was held until that case was disposed of on February 13, 2002, when he was given another one-year suspended sentence despite his two prior qualifying convictions.

The failure of prosecutors to proceed with felony prosecutions of third offenders may be influenced, in part, by the problematic delay involved in prosecuting these cases. Felony prosecution typically delays case resolution by many months due to crowded criminal felony dockets. The length of time a superior court case takes makes it difficult to control persistent abusers who commit repeated domestic violence crimes in quick succession as shown by the following example.

L. P.'s first domestic assault against his wife was in March 2001. L., 38, was given a suspended sentence. He was assigned to the batterer program and drug counseling. A year later, he was charged with another domestic assault and given another suspended sentence of one year. Within a week, he was charged with violating a no-contact order. This time, the case was referred to the Attorney General for felony screening. As a result, nothing further happened regarding these charges until October 21, 2002, almost half a year later, when that Office signed information, charging the defendant in superior court. In the meantime, he was brought back for violating a no-contact order on July 2, 2002. This second subsequent charge prompted probation to present him as a violator and he was held without bail until he was declared to be in violation on July 16, 2002. On that date he was given 60 days in jail on the prior suspended sentence. Nonetheless, less than a year later, on April 26, 2003, he was charged with another violation of a no-contact order. The case was again referred to the Attorney General for felony screening. This time information was signed quickly on June 23, 2003. As of January 13, 2004, all three sets of superior court charges of violating no-contact orders were still pending, having first been brought in April 2002, July 2002, and April 2003. The oldest charges have been pending for more than a year and eight months.

In almost no study cases did judges revoke the probation of offenders who were brought before them for technical (nonoffense) violations, including failure to attend the batterer intervention program or to report to their probation officers. Once placed on probation, more than a third of the probationers, 37.7 percent, were returned to court for technical violations of their probation supervision. Despite this, only three were incarcerated for any time for the violation. Another four spent several days held without bail pending the hearing. None of the remaining violators received any court-imposed sanction.<sup>147</sup>

It routinely took several weeks to months for warrants to be issued for the arrest of probationers who failed to report, absconded or defaulted at court violation or review hearings.<sup>148</sup> Additionally, slightly more than 10 percent of the sample probationers (10.3 percent) absconded while on probation and remained on probation warrants by the end of the probation study. Dozens more were on warrants for at least several months during their probationary period. Some turned themselves in, and police eventually apprehended others, often after they were arrested for another offense such as happened in the following example.

J. C. was placed on probation for domestic disorderly and violating a no-contact order in November 1999. The following June a warrant was issued for his arrest for a technical violation. The warrant was removed when the defendant was arrested for a domestic assault in September 2000.

Rhode Island courts and prosecutors rely on mandatory batterer program attendance and no-contact orders in sentencing domestic violence offenders. However, as currently administered, neither of these mandated conditions protect victims from reabuse or hold offenders accountable.

The batterer intervention programs, like the courts, make no distinctions between first-time and repeat offenders. Similar to 12 other States, Rhode Island mandates batterer programs every time a defendant admits, is found guilty of, or does not contest domestic violence charges filed against him. As a result, repeat domestic violence offenders attend the program time after time over the years as illustrated below. The study sample included 150 probationers who had been assigned to the program from one to four times prior to the study probation. Whether assigned for a first or sixth time, the offenders are placed in the same program for the same length of time.

D. H., 34, was first required to attend a batterer program in 1991 as a condition of probation imposed for a domestic assault. In 1994, he was ordered into a batterer program again as a term of probation imposed for another domestic assault. He was ordered into a program for a third time in 1999, again as a condition of probation imposed for another domestic assault. Two years later, he was ordered into a program for a fourth time, this time as a condition of probation imposed in conjunction with a suspended sentence for another domestic assault against the mother of their child.

Repeated enrollments in the same or similar programs alter the traditional role these programs are thought to play and specifically certified to perform in Rhode Island. Traditionally, and by Rhode Island State certification, batterer programs are designed to impart information and skills to abusers so that they may learn how to be nonabusive.<sup>149</sup> The programs are not designed specifically to augment probation or court monitoring, sanction offenders, or provide supportive

maintenance and counseling, but these are the roles they ultimately serve (successfully or unsuccessfully) for repeat offenders who have completed the same program multiple times.

### **Limitations on Probation Responses to Domestic Violence**

Limited probation resources and bureaucratic structure have resulted in habitual delays in completing case intakes and batterer program referrals followed by limited periodic contact with probationers and their victims. Organizational limitations are inherent in probation supervision. Nationally, probation agencies are simultaneously experiencing burgeoning caseloads, expanding workloads, and reduced funding. The expectations for probation accomplishments have expanded to place additional responsibilities on agencies and practitioners. Further there has been limited research documenting probation effectiveness or differentiating the most productive practices.

In Rhode Island, the organization of the probation service impedes its collective ability to supervise domestic violence offenders in a timely fashion. Even in locations where probation offices were within the court building, it took several weeks for probationers to report for their initial intake and several more before they were enrolled and began court-mandated batterer intervention classes. Given the propensity of sample probationers to recidivate quickly, the delay in intake seriously compromised the ability of probationary supervision to have much impact on higher risk probationers who were prone to reabuse.

More than a third of the probationers rearrested for further domestic violence were arrested within two months of being placed under probation supervision. Even in the intensive DVU caseloads, this period allowed for only one or two in-person meetings between probation officers and probationers at most. Sixty percent of recidivist reabusers were arrested within six

months of their probationary placements, halfway into their standard one-year probationary periods.

Despite its commitment of funds to form its domestic violence unit, probation resources are limited in Rhode Island resulting in large caseloads for both DVU and traditional cases. One reason this evaluation of traditional and DVU probationers was possible was because Rhode Island did not appropriate or commit necessary funds to establish a statewide DVU for all abuser probationers. General caseloads are large throughout the State, averaging several hundred. The dedicated, DVU caseloads were smaller, but only comparatively. The two intensive DVU caseloads numbered 83 and 72 cases respectively, significantly larger than 20- to 50-probationer caseloads generally recognized as suitable for intensive supervision.<sup>150</sup>

Although the literature on intensive supervision suggests that merely increasing the number of contacts does not prevent recidivism, Cullen and Gendreau<sup>151</sup> have found that increased supervision coupled with treatment does. The large caseloads of the traditional probation officers make it less likely officers will have frequent and productive contacts with probationers and enforce probation conditions. In this study, DVU probation officers, with smaller caseloads, were more than twice as likely as traditional officers to bring probationers back to court for technical violations.<sup>152</sup>

Further, the turnover among probation officers and the process of open bidding for vacant positions in both middle management and among line officers inhibits the ability of the department to cover affected caseloads for months at a time. Despite the lack of resources, morale appeared high among both traditional and DVU probation officers in the study. Although formal training for domestic violence was limited, DVU probation officers proved well suited to the task as a result of prior work history and experience and on-the-job learning.

Another factor related to the success of the domestic violence specialized supervision program is the grave and consistent underdiagnosis of substance abuse in Rhode Island. Courts focus on batterer intervention programs to the exclusion of most other conditions. Only 13 percent of the offenders have special conditions added to the standard ones required by statute for domestic violence offenders. Further, no presentence reports are completed in Rhode Island to provide the courts with information about identified substance abuse problems for the defendant. Once conditions are set as part of the offender's sentence, they cannot be revised by probation or the court.

### **Probation Accountability for Repeat Abusers**

Although not preventing new arrests for the majority of probationers, probation supervision proved instrumental in holding domestic violence offenders accountable for their repeat offenses.

Both DVU and traditional probation officers consistently initiated revocation proceedings for probationers arrested for new offenses that, at a minimum, resulted in short periods of incarceration either as a result of prehearing detention or subsequent partial probation sentence revocation. Further, the dismissal rate for new offenses was also almost 50 percent lower if brought in conjunction with a revocation than if unaccompanied by revocation proceedings.

Without probation revocations initiated by the probation department when new arrests occurred, the only sanction most repeat domestic violence offenders would have received was continued probation supervision. Only 24 of the sample probationers who were rearrested for a new domestic violence offense were sentenced to prison for the new offense, despite the fact that the new offense represented at least a second offense (if not conviction). On the other hand, 90 of

these new arrestees had their probation revoked and were sentenced to an average of 83.9 days imprisonment.

In 1996, P. B. was placed on one year's probation for a domestic assault. The following year he was placed on probation for disorderly conduct/domestic. Although it was his second domestic violence offense within a year, he was re-probated. However, he was brought back to court for a probation violation and a suspended sentence was eventually imposed, providing him with his first official conviction for domestic violence.

Two years later, he was returned to court for another domestic assault and given a one-year suspended sentence. Even though this constituted his second official conviction, he was sentenced as a first offender. However, within a month, he was returned to court for a probation violation, and he was given a two-month jail sentence.

Two years later, he was convicted of a fourth domestic violence offense but sentenced as a first offender and given a one-year suspended sentence. However, within a year, as a result of a probation violation, he was subsequently sentenced to six months in prison.

As a result of successive probation revocations, the defendant received periodic incarcerations. However, the probation violations came at a cost to victims. The violations were all triggered by new offenses, and in two cases, new assaults.

There are two means through which probation violators are imprisoned. First, as in the preceding examples, their former probationary or suspended sentences are revoked and they are given split sentences with some time served and some suspended. Second, they are held without bail (or a bail they cannot raise) pending the violation hearing that accompanies the new charges. Sometimes the new charges are dismissed and the probation violation is withdrawn. Sometimes the new charges are dismissed, but the probationer is found to be in violation nonetheless.

The standard of proof for a probation violation is less than that necessary for a conviction. As a result, a person can be found guilty of a probation violation for a new offense for which he is then found not guilty at trial. More often, however, the new charges are dismissed because the defendant is sanctioned as a result of the revocation.

Rhode Island bail laws allow courts to consider the defendants' danger to the community in deciding pretrial release. However, by statute (Rhode Island General Laws § 12-13-5.1), only certain drug offenders are presumed to present such a danger allowing them to be held without

bail. As a result, judges are reluctant to impose high cash bails or surety bails that keep defendants imprisoned pending trial, especially for misdemeanor charges. However, courts are less reluctant to hold defendants without bail pending probation violation charges. There is no presumption of innocence because they have already been found guilty of the underlying offense. Any sanctions imposed will be punishment for the offense for which they are supervised, not technically for the new offense, even though the new offense triggered the violation. The court may then impose additional penalties if the defendant is convicted of the new offense. There is no double jeopardy because the defendant is being punished legally for two separate offenses.

As a result, the role of bail imposition in the probation violation process affords the courts an extremely efficacious tool for providing for the immediate safety of victims and sanctioning of offenders. Although legally being imprisoned without bail is not a punishment, as it would be following a conviction, the distinction is probably lost on most defendants so imprisoned. In any case, incarcerated defendants cannot physically access their victims.

C. F. was imprisoned for three days while awaiting sentence for a domestic assault against his girlfriend charged in October 2002. He was released when he was placed on probation. The following April, he was charged with another domestic assault against her. He was held one day before putting up surety to be released with a no-contact order. Several days later, however, he was arrested for violating the court's no-contact order. Probation presented him as a violator and he was held without bail for 17 days when he was given a one-year suspended sentence. The violation of the no-contact order was dismissed and the no-contact order vacated. In August, he was charged with first-degree arson/domestic and an assault. That case was referred to the Grand Jury. In the interim, he was released on surety with a new no-contact order. The very next day, however, probation presented him as a violator for the two cases for which he was on probation. The court declined to proceed and continued the hearing to await the outcome of the pending felony charges. However, probation presented him as a violator again later that same month after he was arrested for violating the new no-contact order imposed after the felony arrest. This time, the court held him without bail until September 11 (14 days) when probation withdrew the violation because the new charge for violation of no-contact was dismissed by the prosecutor. Two weeks later, the defendant was brought back to court for violating the no-contact order again. He was again presented as a violator by probation and held on cash bail until it was converted to a surety bail, which he raised, allowing his release 51 days later. In the interim, the probation violation was

withdrawn. The new no-contact violations were joined with the earlier felony arson/domestic charges, and both were pending in superior court at the time of the study. The offender spent 86 days in jail since 2002 because of arrests and revocations.

## **Implications of the Research for Rhode Island and Its Probation Agency**

Rhode Island can take two steps to significantly reduce the risk to victims from abusers who have been arrested by police for domestic violence. First, the Department of Corrections should expand its domestic violence unit across the State to supervise all misdemeanor domestic violence probationers. This research clearly indicates that such expansion will reduce both reabuse and general recidivism among the majority of abusers, deemed low risk based on prior record, who currently are placed under probation supervision. Further, this research also documents that the DVU already successfully classifies those cases suitable for such supervision in its current determination of intensive and nonintensive cases.

The research cannot define what specific aspects of the specialized domestic violence supervision distinguish it from the less effective traditional supervision. The major differences include more in-person contact between domestic violence officers and their probationers, different attitudes of the officers suggesting the nature of offender contacts may be different, heightened monitoring and enforcement of probation conditions, and increased victim contact by the domestic violence probation officers. Much of this is possible because of significantly reduced caseload size.

Second, legislators, prosecutors and judges can reform current sentencing practices to increase sanctions for persistent abusers. Either through legislation broadening the definition of “conviction” to include previously filed or probated cases, or reform in prosecution and judicial practices, abusers with prior records of probation for domestic violence and those who are convicted of multiple incidents of domestic violence should be sentenced as repeat offenders, including one year’s imprisonment for third offenders. Judges should also routinely consider

prior criminal histories of nondomestic violence crimes and stop sentencing domestic violence defendants as “first” offenders if they have prior criminal histories.

This research clearly demonstrates that high-risk abusers currently routinely placed under probation supervision multiple times present a continuing clear and present danger to their prior or new intimate partners or other family members. Despite the imposition of intensive supervision, simply increasing offender/officer contact and enrollment in the same batterer program as first offenders has not proven effective in reducing their risk of reoffending.

The ability of the probation department to reduce further the risk presented by its probationers can be enhanced if the court revokes the probation of high risk defendants who violate mandated conditions of their probation or commit new offenses. Although, for example, first offenders that fail to complete the batterer program may be given additional chances, those probationers who have already been assigned to the program for prior offenses should not be given additional chances.

Probation department efforts to contact both the victims of their probationers and any new intimate partners with whom they developed relationships during the course of the defendant’s supervision should be expanded. To secure better contact information to reach the majority of victims, police departments should alter their standard incident reports required by State law to include the names and contact information of third parties who will be in a position to contact victims if the victims leave the addresses captured in the original police incident report. Judges, as a standard condition of probation for abusers, can require probationers to inform any new intimate partners of why they are on probation and supply the identity of said new partners to probation officers so they can contact the new partners to enforce this requirement and provide these partners with pertinent information as potential victims.

This research suggests that imposition of no-contact orders as a condition of probation do not decrease the likelihood of revictimization. Further, the research reveals that defendants convicted of no-contact order violations are the most likely by almost half to be rearrested for further domestic violence. If these defendants continue to be placed under probation supervision, joint probation and local police periodic surveillance can be initiated to prevent violations.<sup>153 154</sup>

It may be that the current domestic violence specialized probation supervision program simply does not go far enough. More rapid probation intake, additional contacts between probation officers and probationers, more intensive batterer intervention programs, mandatory drug assessment followed by treatment as needed, and greater victim contact may extend the benefits of specialized domestic violence supervision to the higher risk abusers. This remains to be tested.

## **Limitations of the Research and the Need for Further Research**

The models of probation supervision of persons convicted of domestic violence that were evaluated in the study are limited to those that existed in a specific context, during a specific time, and were administered by a specific probation department. The level of supervision, the monitoring of probationary conditions and the court's response to violations, as well as the organization and administration of batterer programs utilized by probationers may all differ in Rhode Island from other jurisdictions. Therefore, to draw more general conclusions regarding the supervision of domestic violence offenders that may apply outside of Rhode Island, similar evaluations are necessary in other jurisdictions. The current evaluation of the three Office on Violence Against Women demonstration domestic violence courts in Dorchester, Massachusetts, Ann Arbor, Michigan, and Milwaukee, Wisconsin, may yield such data if there are appropriate comparison probation samples included in each jurisdiction. Further, only adult male misdemeanor domestic violence offenders were included in the sample. Thus, no conclusions can be drawn from these data about the supervision of felony, female, or juvenile domestic violence offenders.

The victim survey was small. While the respondents were generally positive about the specialized domestic violence probation supervision unit, the sample needs to be enlarged before any conclusive observations may be made regarding victim views of probation effectiveness.

Because of the high rate of reoffending and the high rate of sample probationers being reprobated, with or without intervening incarceration, the study should be continued for at least another two years to assess the cumulative effect of the probation supervision. For almost half of the sample, the probationary sample did not consist of a discrete one-year period of supervision

but often continued a prior probationary sentence or initiated the beginning of successive probationary sentences.

## **Discussion and Conclusions**

The findings of this study provide important preliminary guidance for the community supervision of domestic violence offenders that should be implemented and evaluated in other locations. The most important finding of this research is the potential for specialized case supervision of domestic violence offenders to both diminish reoffending and delay the time to reabuse. Although the Rhode Island probation model lacked some rigor in implementation, it nonetheless demonstrated a degree of victim protection potential among the majority of offenders – those demonstrating lower risk as measured by prior domestic violence probation, concurrent domestic violence sentences, and suspended or split sentences. This indicates promise for other agencies that combine increased contacts with probationers, heightened monitoring and enforcement of conditions, and increased victim contact in the supervision of domestic violence offenders.

This study also coincides with previous research that has found age and criminal history to be fairly good predictors of ongoing abuse (although not necessarily indicative of seriousness or lethality). This provides community corrections agencies with readily available information to assess the likelihood that domestic violence offenders will reabuse their victims and to implement interventions to try to control and change abusive behavior.

Consistent with other research, this study underscores the tendency of many domestic violence offenders to be persistent abusers as well as general recidivist offenders. This has implications for community corrections practice in two important ways. First, although the number of identified domestic violence offenders has increased dramatically during the past several years, it is likely that only a fraction of those who may have committed domestic violence crimes have been arrested, prosecuted, convicted, and sentenced to some type of

correctional intervention. Thus, as the justice system becomes more attuned to the issues of domestic violence, community corrections caseloads are likely to increase accordingly. Second, it is likely that many domestic violence offenders are already on community corrections caseloads for other crimes due to the variety of offenses in which they may engage. For example, a New Mexico domestic violence fatality review team found that defendants on probation for drunk driving constituted the second largest group of probationers who murdered their female intimate partners.<sup>155</sup> Agencies need to begin strategically planning for this likely increase in caseloads and determine the position they will take in response to domestic violence offenders (e.g., Will they adopt specialized or generalized caseloads for this group of offenders?) Further, they must decide whether they will proactively identify and respond to domestic violence by screening cases already on supervision and providing targeted supervision for them.

However, the implementation of specialized caseload supervision and possible reductions in reabuse comes with a price. Probation resources are limited and becoming more so while caseloads in general are rising. To add the more intensive work of supervising specialized domestic violence caseloads and the accompanying victim contacts will place even more strain on these already inadequate resources. Besides reductions in caseload size, additional staff training, supervision, and other resources will be needed to implement specialized supervision for domestic violence offenders.

This study further undergirds the need for a coordinated community response to domestic violence. The Rhode Island model demonstrates that community corrections agencies, while making a difference, cannot address the problem of domestic violence adequately without the support of the entire justice system as well as community resources and stakeholders. This project underscores the need for a common understanding and mission among all the

organizations and professionals who must address domestic violence in a concerted and cohesive manner. Most critically, prosecutors and courts must distinguish between those abusers who cannot safely be released to the community and those who can be released safely under probation supervision.

## NOTES

<sup>1</sup> See Thistlethwaite, A., J. Wooldredge, and D. Gibbs, “Severity of Dispositions and Domestic Violence Recidivism,” *Crime and Delinquency* 44 (3) (July 1998): 388–398; and Wooldredge, J., and A. Thistlethwaite, “Reconsidering Domestic Violence Recidivism: Conditioned Effects of Legal Controls by Individual and Aggregate Levels of Stake in Conformity,” *Journal of Quantitative Criminology* 18 (1) (2002): 45–70 (hereinafter “Reconsidering Domestic Violence Recidivism”).

<sup>2</sup> Andrews, D., I. Zinger, R. Hoge, J. Bonta, P. Gendreau, and F. Cullen, “Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-analysis,” *Criminology* 28 (3) (1990): 369–404 (hereinafter “Does Correctional Treatment Work?”).

<sup>3</sup> These include probationers who were charged simultaneously with technical and nontechnical violations.

<sup>4</sup> See, e.g., Klein, A., *The Criminal Justice Response to Domestic Violence*, Belmont, CA: Thomson/Wadsworth Learning, 2004: 36-37. (Discusses risk predictors found in criminal justice and hospital studies.)

<sup>5</sup> See, e.g., Center for Court Innovation, *Response to Domestic Violence in a Proactive Court Setting, 1999*, New York: Center for Court Innovation, 2004.

<sup>6</sup> See Klein, *The Criminal Justice Response to Domestic Violence*. (Documents the evolving criminal justice response to domestic violence regarding police, prosecutors, courts and corrections.)

<sup>7</sup> Sherman, L., and R. Berk, “The Specific Deterrent Effects of Arrest for Domestic Assault,” *American Sociological Review* 49 (2) (1984): 261–272.

<sup>8</sup> Dunford, F., D. Huizinga, and D. Elliot, “The Role of Arrest in Domestic Assault: The Omaha Police Experiment,” *Criminology* 28 (1990): 183-206.

<sup>9</sup> Smith, B., R. Davis, L. Nickles, and H. Davies, *Evaluation of Efforts to Implement No-Drop Policies: Two Central Values in Conflict, Final Report*, Washington, DC: U.S. Department of Justice, National Institute of Justice, March 2001, NCJ 187772.

<sup>10</sup> Ca. Penal Code §1203.097.

<sup>11</sup> Glaze, L., *Probation and Parole in the United States, 2002*, BJS Bulletin, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, August 2003, NCJ 201135; and Glaze, L., and S. Palla, *Probation and Parole in the United States, 2003*, BJS Bulletin, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, July 2004, NCJ 205336.

<sup>12</sup> Buzawa, E., and C. Buzawa, *Domestic Violence, The Criminal Justice Response*, 3<sup>rd</sup> ed., Thousand Oaks, CA: Sage, 2003: 253-254.

<sup>13</sup> Hayler, B., N. Ford, and M. Addison-Lamb, *An Implementation Evaluation of the Enhanced Domestic Violence Probation Program in Champaign County*, Springfield, IL: Center for Legal Studies, Institute for Public Affairs, University of Illinois at Springfield, 1999.

<sup>14</sup> See Thistlethwaite, Wooldredge, and Gibbs, “Severity of Dispositions and Domestic Violence Recidivism;” and Wooldredge and Thistlethwaite, “Reconsidering Domestic Violence Recidivism, 45–70.

<sup>15</sup> Rennison, C. M., and S. Welchans, *Intimate Partner Violence*, BJS Special Report, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, May 2000, NCJ 178247.

- <sup>16</sup> Greenfeld, L. A., M. R. Rand, D. Craven, P. A. Klaus, C. A. Perkins, C. Ringel, G. Warchol, C. Maston, and J. A. Fox, *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*, BJS Factbook, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, March 1998, NCJ 167237 (hereinafter *Violence by Intimates*).
- <sup>17</sup> Rennison, C. M., *Intimate Partner Violence, 1993–2001*, BJS Crime Data Brief, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, February 2003, NCJ 197838.
- <sup>18</sup> Ibid.
- <sup>19</sup> Greenfeld et al., *Violence by Intimates*.
- <sup>20</sup> Ibid.
- <sup>21</sup> Tjaden, P., and N. Thoennes, *Extent, Nature, and Consequences of Intimate Partner Violence: Findings From the National Violence Against Women Survey*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, July 2000 (NCJ 18167) (hereinafter *Extent, Nature and Consequences of Intimate Partner Violence*).
- <sup>22</sup> Ibid.: 5.
- <sup>23</sup> Ibid.
- <sup>24</sup> Rennison and Welchans, *Intimate Partner Violence*.
- <sup>25</sup> This report uses victimization data from the National Crime Victimization Survey for all crimes except homicide, which comes from the Uniform Crime Report.
- <sup>26</sup> Rennison and Welchans, *Intimate Partner Violence*.
- <sup>27</sup> Tjaden and Thoennes, *Extent, Nature, and Consequences of Intimate Partner Violence*.
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- <sup>29</sup> Tjaden and Thoennes, *Extent, Nature, and Consequences of Intimate Partner Violence*, 34.
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- <sup>31</sup> Sampson, R., S. Raudenbush, and R. Earls, “Neighborhoods and Violent Crime: A Multilevel Study of Collective Efficacy,” *Science* 277 (1997): 918–924.
- <sup>32</sup> Benson et al., “The Correlation Between Race and Domestic Violence,” 326.
- <sup>33</sup> See Wilson, W., *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy*, Chicago: University of Chicago Press, 1987; and Ousey, G., “Homicide, Structural Factors, and the Racial Invariance Assumption,” *Criminology* 37 (1999): 405–426; and Sampson, R., and W. Wilson, “Toward a Theory of Race, Crime, and Urban Inequality,” in *Crime and Inequality*, ed. John Hagan and Ruth Peterson, Stanford, CA: Stanford University Press, 1995: 37–54.
- <sup>34</sup> Benson et al., “The Correlation Between Race and Domestic Violence,” 336.
- <sup>35</sup> Ibid.: 338.
- <sup>36</sup> Okun, L., *Woman Abuse: Facts Replacing Myths*, Albany, NY: State University of New York Press, 1986.
- <sup>37</sup> Gondolf, E. W., and R. S. White, “Batterer Program Participants Who Repeatedly Reassault: Psychopathic Tendencies and Other Disorders,” *Journal of Interpersonal Violence* 16 (4) (April 2001): 361–380.
- <sup>38</sup> Ibid.: 375.

<sup>39</sup> Gelles, R., and M. Straus, *Intimate Violence: The Causes and Consequences of Abuse in the American Family*, New York: Simon and Schuster, 1988.

<sup>40</sup> DeKeseredy, W., and M. Schwartz, *Contemporary Criminology*. Belmont, CA: Wadsworth Publishing Company, 1993.

<sup>41</sup> Beirne, P., and J. Messerschmidt, *Criminology*, 2<sup>nd</sup> ed., San Diego: Harcourt Brace Jovanovich, 1995: 519.

<sup>42</sup> Kappeler, V., M. Blumberg, and G. Potter, *The Mythology of Crime and Criminal Justice*, Prospect Heights, IL: Waveland Press, 2000.

<sup>43</sup> See Klein, *The Criminal Justice Response to Domestic Violence*. A notable exception is research identifying that the Puritans developed some of the first laws against wife battering during the mid-17<sup>th</sup> century, see Pleck, E. *Domestic Tyranny: The Making of American Social Policy Against Family Violence from Colonial Times to the Present*, Oxford University Press, 1987.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Sherman and Berk, “The Specific Deterrent Effects of Arrest for Domestic Assault,” 261–272.

<sup>47</sup> Ibid.: 261.

<sup>48</sup> See Sherman, L., D. Smith, J. Schmidt, and D. Rogan, “Crime, Punishment, and Stake in Conformity: Legal and Informal Control of Domestic Violence,” *American Sociological Review* 57 (October 1992): 680–690; and Pate, A., and E. Hamilton, “Formal and Informal Deterrents to Domestic Violence: The Dade County Spouse Assault Experiment,” *American Sociological Review* 57 (October 1992): 691–697 (hereinafter “Formal and Informal Deterrents to Domestic Violence”); and Berk, R., A. Campbell, R. Klap, and B. Western, “The Deterrent Effect of Arrest in Incidents of Domestic Violence: A Bayesian Analysis of Four Field Experiments,” *American Sociological Review* 57 (October 1992): 698–708 (hereinafter “The Deterrent Effect of Arrest in Incidents of Domestic Violence”).

<sup>49</sup> Sherman and Berk, “The Specific Deterrent Effects of Arrest for Domestic Assault,” 261–272. Pooling data from five jurisdictions involved in the Spousal Abuse Replication Program, Maxwell, Garner, and Fagan found that arresting domestic violence offenders has recidivism reducing properties. The effects, however, vary depending on data source (i.e., victim reports vs. official reports) and were not consistently statistically significant. Furthermore, this research revealed that “suspect characteristics are significantly related to the prevalence, frequency, and timing of the first new incident of victimization and recidivism” (73). They found, for instance, that for every year increase in age there was a 30% to 60% decrease in victimization, and offenders with prior arrests were between 250% and 330% more likely to reoffend. In the end, Maxwell et. al. posit that arresting domestic violence offenders has a “modest preventive effect” (70). Maxwell, C., Garner, J., and Fagan, J., “The Preventive Effects of Arrest on Intimate Partner Violence: Research, Policy and Theory,” *Criminology and Public Policy* 2(1) (2002): 51-80.

<sup>50</sup> Pate and Hamilton, “Formal and Informal Deterrents to Domestic Violence,” 695.

<sup>51</sup> Berk et al., “The Deterrent Effect of Arrest in Incidents of Domestic Violence,” 707.

<sup>52</sup> See also Sampson, R., and J. Laub, *Crime in the Making: Pathways and Turning Points Through the Life Course*, Cambridge, MA: Harvard University Press, 1993 (hereinafter *Crime in the Making*).

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- <sup>55</sup> *Ibid.*: 560.
- <sup>56</sup> Gondolf, E., "Batterer Programs: What We Know and Need to Know," *Journal of Interpersonal Violence* 12 (1) (January 1997): 83-98.
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- <sup>59</sup> Gondolf, E., "Characteristics of Court-Mandated Batterers in Four Cities: Diversity and Dichotomies," *Violence Against Women* 5 (11), (November 1999).
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- <sup>61</sup> Tolman, R., and J. Edison, "Intervention for Men Who Batter: A Review of Research," in *Understanding Partner Violence: Prevalence, Cause, Consequences and Solutions*, ed. S. R. Smith and M. A. Straus, Minneapolis, MN: National Council on Family Relations, 1995.
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- <sup>74</sup> Petersilia, *Reforming Probation and Parole in the 21<sup>st</sup> Century*, 29-30.
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- <sup>76</sup> Petersilia, J., and S. Turner, "Prison Versus Probation in California: Implications for Crime and Offender Recidivism," Santa Monica, CA: RAND, 1986.
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- <sup>78</sup> Glaze and Palla, *Probation and Parole in the United States, 2003*, 4.
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<sup>94</sup> Thistlethwaite, Wooldredge, and Gibbs, “Severity of Dispositions and Domestic Violence Recidivism.”

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<sup>96</sup> Wooldredge and Thistlethwaite, “Reconsidering Domestic Violence Recidivism.”

<sup>97</sup> Tolman, R., “Expanding Sanctions for Batterers: What Can We Do Besides Jailing and Counseling Them?,” in *Future Interventions With Battered Women and Their Families*, ed. Jeffery Edleson and Zvi Eisikovits, Thousand Oaks, CA: Sage, 1996.

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<sup>99</sup> Hayler, Ford, and Addison-Lamb, *An Implementation Evaluation of the Enhanced Domestic Violence Probation Program in Champaign County*.

<sup>100</sup> Burke, K., *Domestic Violence Probation in Lake, Winnebago, and Kankakee Counties*, Illinois Criminal Justice Information Authority, May 2002.

<sup>101</sup> Ibid.: 3.

<sup>102</sup> Ibid.: 4.

<sup>103</sup> Puffett, N., and C. Gavin, *Predictors of Program Outcome & Recidivism at the Bronx Misdemeanor Domestic Violence Court*, New York: Center for Court Innovation, April 2004.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.: 4.

<sup>106</sup> Buzawa, E., G. T. Hotaling, A. Klein, and J. Byrne, *Response to Domestic Violence in a Pro-Active Court Setting: Final Reports*, Lowell, MA: University of Massachusetts, Lowell, 1999 (hereinafter *Response to Domestic Violence in a Pro-Active Court Setting*).

<sup>107</sup> See also Feder and Forde, *A Test of the Efficacy of Court-Mandated Counseling for Domestic Violence Offenders*.

<sup>108</sup> Rhode Island defines domestic violence offenses broadly, including as “domestic violence” any offense, from murder to disorderly conduct, that occurs between intimate partners, family or household members.

<sup>109</sup> In a few cases, researchers found that the victim was a female family member other than an intimate partner. Some offenders in the study may have abused both an intimate partner and another female family member such as a mother, grandmother, or sister. However, those few cases were randomly distributed among the two sample groups and do not affect study outcomes.

<sup>110</sup> Judges are not assigned to specific courts but rotate among the four courts, thus making it more likely that sentences will be evenly distributed.

<sup>111</sup> Review of individual probation folders was stopped after six sets were reviewed because researchers were able to establish the range of monitoring contacts. Other data originally sought were not found consistently enough to warrant further case file review.

<sup>112</sup> Gondolf, E., “A 30-Month Follow-Up of Court-Referred Batterers in Four Cities,” 111–128.

<sup>113</sup> Andrews, Zinger, Hoge, Bonta, Gendreau, and Cullen, “Does Correctional Treatment Work?” 369–404.

<sup>114</sup> Rhode Island incarcerates all offenders, misdemeanants as well as felons, in a single state prison.

<sup>115</sup> Rhode Island law enforcement filed 9,038 domestic violence reports and made 6,534 arrests; California law enforcement reported 194,288 domestic violence calls and made 52,392 arrests; however, domestic violence offenses are limited in California to Ca. Penal Code §273.5(a) willful infliction of corporal injury upon spouse/cohabitant. The Rhode Island domestic violence report and arrest statistics are maintained by the State's Supreme Court Domestic Violence Training and Monitoring Agency and California's are maintained by the attorney general's Department of Justice Criminal Justice Statistics Center.

<sup>116</sup> Dalton, B., "Batterer Characteristics and Treatment Completion;" and Gondolf, E., "Characteristics of Court-Mandated Batterers in Four Cities: Diversity and Dichotomies;" and Taylor, B., R. Davis, and C. Maxwell, "The Effects of a Group Batterer Treatment Program: A Randomized Experiment in Brooklyn."

<sup>117</sup> Administrative Office of the State Courts, *1999 Report of the Judiciary*, Providence, RI: Administrative Office of the State Courts, 2000.

<sup>118</sup> See, e.g., Rebovich, D., "Prosecution Response to Domestic Violence," in *Do Arrest and Restraining Orders Work?*, eds. E. Buzawa and C. Buzawa, Thousand Oaks, CA: Sage, 1996: 176-191. (Survey of prosecutors' offices revealing widespread victim reluctance to testify, including failing to respond to subpoenas.)

<sup>119</sup> The Office of the Attorney General provides general victim/witness assistance counselors in Superior Court.

<sup>120</sup> Klein, *The Criminal Justice Response to Domestic Violence*, 133. (Once arrested, typically many domestic violence cases are dropped—not charged in court—and many charged are subsequently dismissed. The drop/dismiss rate was 67.7 percent in Utah in 2000; 67.4 percent in Alabama in 2002; 40.2 percent in Wisconsin in 2000; compared to 29 percent in Rhode Island).

<sup>121</sup> Klein, A., *Rhode Island Victims' Rights Needs Assessment*, Cambridge, MA: BOTEC Analysis Corporation, June 2001: 104 (prepared for the Rhode Island Justice Commission).

<sup>122</sup> Probation and Parole Tracking System (March 20, 2002). Rhode Island Department of Corrections.

<sup>123</sup> Formal interviews were not completed for one of the treatment officers and the unit supervisor due to scheduling conflicts compounded by the constant turnover in the latter position.

<sup>124</sup> Lynch, P., and E. Marcotte, *A Process Evaluation of the Domestic Violence Unit of Adult Probation and Parole*, Rhode Island Department of Corrections Planning and Research Unit.

<sup>125</sup> The Duluth model is a psychoeducational group program, based on feminist theory, that confronts men's attitudes about power and control over their intimate partners and teaches them nonviolent strategies for personal relationships.

<sup>126</sup> See, e.g., Tolman, R., and L. Bennett, "A Review of Quantitative Research on Men Who Batter," *Journal of Interpersonal Violence* 5 (1) (January 1990): 87-118.

<sup>127</sup> See, e.g., Hayler, Ford, and Addison-Lamb, *An Implementation Evaluation of the Enhanced Domestic Violence Probation Program in Champaign County*.

<sup>128</sup> Due to its size, Rhode Island has one central prison that houses all persons awaiting trial or sentenced for a crime within the State. As a result, those sentenced for misdemeanors may share a cell with those sentenced for felonies.

<sup>129</sup> In effect, the defendants in these cases received "two (or more)-for-one sentences," one probationary sentence for multiple domestic violence offenses. Because the court placed the

defendants on probation for multiple offenses at the same time, the separate crimes do not represent probation violations, precluding violation hearings for the charges that were subsequent to the first charge.

<sup>130</sup> As a consequence, these study probationers were tracked for subsequent arrests for a longer period than those study probationers whose study probation did not represent the continued probation supervision of the defendant due to a re-probated domestic violence offense.

<sup>131</sup> One could reasonably consider filed cases as also supervised cases akin to probation. However, while filed defendants are monitored for compliance with the batterer program and payment of court costs and assessments, they are not required to meet with supervisors on a periodic basis as is required by the state probation service. In any event, there were only 11 study cases that were preceded by filed cases.

<sup>132</sup>  $P=0.03$

<sup>133</sup> These include probationers who were charged simultaneously with technical and nontechnical violations.

<sup>134</sup> See, e.g., Feder and Forde, *A Test of the Efficacy of Court-Mandated Counseling for Domestic Violence Offenders* (documenting significantly increased reabuse for non-completers).

<sup>135</sup> Domestic malicious damage to property is also punishable by one year imprisonment or probation. When the defendant is convicted of both domestic assault and malicious damage to property, the study tracks the domestic violence crime against person, not property. On the other hand, if the defendant is sentenced for domestic malicious damage of property and simple assault, the study will track the domestic malicious damage to property charge, not the nondomestic crime against persons. The latter situation can arise when the defendant is arrested for damaging his partner's property and assaulting a nonintimate partner. The latter may be the intimate partner's new boyfriend, the arresting police officer, emergency medical attendant, or a neighbor who came to the aid of the intimate partner.

<sup>136</sup> This does not include probationers who may have been imprisoned previously on a probation revocation.

<sup>137</sup> The Domestic Violence Training and Monitoring Unit did not have incident reports for 38 of the study probationers, including the incidents for which they were under probation supervision. This suggests a 6.9 percent underreporting rate by local police, indicating a uniformly high rate of compliance for a statewide database. Of the 524 probationers' reports it contained, 216 (41.2 percent) had one or more incident reports after the probationary study incident.

<sup>138</sup> See, e.g., Gondolf, E., *Patterns of Re-Assault in Batterer Programs*, Indiana, PA: Mid-Atlantic Addiction Training Program, 1997 (10 percent arrest rate, 51 percent victim reports of assaults or threats); and Buzawa, E., *Response to Domestic Violence in a Pro-Active Court Setting* (22.1 percent arrest rate, 49.2 percent victim report of reassaults).

<sup>139</sup> See, e.g., Buzawa, E., *Response to Domestic Violence in a Pro-Active Court Setting*. (While 22.1 percent of study arrestees were arrested for re-abusing study victim, 10 percent were arrested for abusing different victim within one year.)

<sup>140</sup> See, e.g., Klein, *The Criminal Justice Response to Domestic Violence*, 36-37. (Discusses risk predictors found in criminal justice and hospital studies.)

<sup>141</sup> See, e.g., Sampson and Laub, *Crime in the Making*.

<sup>142</sup> See, e.g., Center for Court Innovation, *Response to Domestic Violence in a Proactive Court Setting, 1999*.

<sup>143</sup> Multivictim abusers are discussed subsequently.

<sup>144</sup> See, e.g., Klein, A., "Re-abuse in a Population of Court Restrained Male Batterers," in *Do Arrest and Restraining Orders Work?*, eds. E. Buzawa and C. Buzawa, Thousand Oaks, CA: Sage, 1996: 192-214.

<sup>145</sup> Sherman and Berk, "The Specific Deterrent Effects of Arrest for Domestic Assault," 261-272.

<sup>146</sup> Although the maximum sentence is six months, many court records reflect lengthier terms.

<sup>147</sup> Batterer program violators were required to begin the programs again unless specifically exempted by the court or probation officers.

<sup>148</sup> Since this study, the court has altered its response to probation violators, directing court clerks to automatically issue warrants for the probationers' arrests when notified by probation officers of violation charges. Officers then notify probationers that they must report immediately to court to remove the warrant.

<sup>149</sup> See, e.g., Aldarondo, E. and F. Mederos, eds., *Programs for Men Who Batter, Intervention and Prevention Strategies in a Diverse Society*, Kingston, NJ: Civic Research Institute, 2002; and Batterer Intervention Program Standards Oversight Committee, *Batterers Intervention Program Comprehensive Standards*, Providence, RI: Batterer Intervention Program Standards Oversight Committee, August 4, 1998.

<sup>150</sup> See, e.g., Fulton, B. A., S. B. Stone, and P. Gendreau, *Restructuring Intensive Supervision Programs: Applying "What Works,"* Lexington, KY: American Probation and Parole Association, 1994. (Recommends 20 to 30 offenders per officer; New York State 20 to 38 offenders based on work hours available; Maine limits intensive caseloads to 25 to 2, Me. Stat. Tit. 17-a, 1263-5); and Camp, C. G., G. Camp, and B. May, *The 2002 Corrections Yearbook: Adult Corrections*, Middletown, CT: Criminal Justice Institute, Inc., 2003. (Average intensive probation caseload size in 11 reporting states looking at probation only was 29; average intensive supervision caseload size in 18 reporting states where probation and parole are combined was 21.)

<sup>151</sup> Cullen, F. T., and P. Gendreau, "Assessing Correctional Rehabilitation: Policy, Practices, and Prospects," *Policies, Processes and Decisions of the Criminal Justice System*, Vol. 3, Washington, DC: U.S. Department of Justice, National Institute of Justice, July 2000, NCJ 182410.

<sup>152</sup> 42.2 percent of the treatment probationers were returned to court for technical violations compared to 18.7 percent of the comparison probationers. There is no indication from the research that the former actually violated their conditions more than the latter in terms of subsequent recidivism or other measures.

<sup>153</sup> These may be modeled after those already conducted by the Dallas, Texas, police department's domestic violence unit that periodically and randomly completes "welfare checks" at the residences of victims with court restraining orders to ensure orders are enforced and to obtain timely notice of violations before they escalate. Similar police/victim visitations, referred to as "knock and talk" visits, are conducted by police in Montgomery County, Maryland.

<sup>154</sup> For example, Westchester, New York, and West Allis, Wisconsin, have programs where probation officer/police teams check on offenders and victims, usually during evening hours. Maricopa County, Arizona, employs teams of probation officers and surveillance officers to make similar home contacts.

<sup>155</sup> Center for Injury Prevention Research and Education, *Getting Away With Murder: The New Mexico Female Intimate Partner Violence Death Review Team*, Albuquerque, NM: University of New Mexico School of Medicine, 1998.

# **Evaluation of the Rhode Island Probation Specialized Domestic Violence Supervision Unit**

**Final Report**

**March 31, 2005**

## **Appendix**



## **Appendixes**

1. Probation Officer Consent Form
2. Probation Officer Interview
3. Victim Consent Form
4. Victim Interview
5. Victim Narrative Responses
6. Attitudes of Probation Officers Toward Domestic Violence Cases

## **APPENDIX 1**

### **CONSENT FOR RESEARCH STUDY**

## APPENDIX 1

### CONSENT FOR RESEARCH STUDY Probation Officers

#### Evaluation of the Rhode Island Probation Specialized Domestic Violence Supervision Unit

**Sponsor:** National Institute of Justice

**Principal Investigator:** Andrew Klein, Ph.D.  
BOTEC Analysis Corporation

You are being asked to participate in the research study being conducted by the American Probation and Parole Association, BOTEC Analysis, and the Rhode Island Coalition Against Domestic Violence.

#### **Purpose**

The purpose of the research is to learn about the effectiveness of supervision of domestic violence offenders on probation. Specifically, the study will seek to determine which, if any, probation practices promote victim safety and hold offenders accountable.

#### **Procedure**

The research will be conducted during 2003 and 2004. The activities involving you will consist of one interview conducted in person and follow-up telephone or personal interviews as needed for clarification. The interviews will be scheduled at times that are convenient for you. Each initial interview is expected to take about one hour. The questions will focus on your experiences related to supervising domestic violence cases and working with both the offenders and victims.

#### **Risks and Benefits**

No risks or discomfort to you are anticipated. The expected benefit of the research will be information that may improve the circumstances of abused women and enhance the supervision of offenders on probation.

#### **Voluntary Participation**

Participation is voluntary; refusal to participate will involve no penalty or loss of benefits to which you are otherwise entitled. You may discontinue participation at any time without penalty or loss of benefits to which you are otherwise entitled. You may decline to answer specific questions or end an interview at any time you choose. Your decision to participate or not participate in this study will in no way impact your continued employment, or your relationship with individuals who may have an interest in this study.

**Confidentiality**

All information that can identify participants in the study will be maintained in a confidential manner by the researchers. Responses to interview questions will be recorded in writing by the interviewer and kept in files in the researcher's office; only the interviewer and researchers will have access to the information. All findings are to be reported without identifying specific persons or places.

**Contact Information**

If any questions should arise concerning participation in this study, you may contact Andrew Klein at BOTEK Analysis Corporation at (781) 647-1779 x 11 or Ann Crowe at the American Probation and Parole Association at (859) 244-8198.

**SUBJECT'S VOLUNTARY STATEMENT**

I have been given a chance to ask questions about this research study. These questions have been answered to my satisfaction. I may contact Andrew Klein or Ann Crowe if I have any more questions about taking part in this study.

I understand that my participation in this research study is voluntary, and I may discontinue my participation at any time. I also understand that the investigator in charge of this study may decide at any time that I should no longer participate in the study.

If I have any questions about my rights as a research study participant in this study, I may contact:

Alan Sugar, M.D., Chairman  
New England Institutional Review Board  
40 Washington St. Ste 130, Wellesley, MA 02481  
1-800-232-9570

I have read and understand the above information. I agree to participate in this study. I have been given a copy of this form for my own records.

\_\_\_\_\_  
Study Participant (signature)

\_\_\_\_\_  
Today's Date

\_\_\_\_\_  
Study Participant (print name)

\_\_\_\_\_  
Person Obtaining Consent (signature)

\_\_\_\_\_  
Today's Date

## **APPENDIX 2**

### **PROBATION OFFICER INTERVIEW**

## APPENDIX 2

### PROBATION OFFICER INTERVIEW

1. How long have you been a probation officer?
2. What did you do before being a probation officer?
3. What did you major in to obtain your BA?
4. Have you obtained any advanced degrees? If so, in what discipline(s)?
5. What other work experience have you had before being a probation officer?
6. What assignments have you had as a probation officer?
7. Did you choose your present assignment or was it assigned?
8. What training did you receive, if any, in domestic violence?
9. What do you see as your goal in supervising domestic violence cases?
10. Describe how you supervise a typical domestic violence probationer on your current caseload.
11. What are the most and least important elements in the supervision of domestic violence probationers?
12. How does supervision of these cases differ from supervision of other misdemeanor probationers?
13. What do you see as the major challenges and problems in supervising these cases?
14. Do you think the current sentences received by abusers are appropriate?
15. When you bring probation violators back to court, do you feel judges handle them appropriately?
16. What role does batterer counseling play in these cases?
17. What role do victims play in your supervision of these cases?
18. How often do you contact victims, or do they contact you?
19. What do you think are the benefits and disadvantages of specialized supervision of domestic violence probationers?
20. If you had smaller caseloads, what would you do in regard to these cases that you cannot do now?
21. Do you have another job, besides being a probation officer?
22. Is there anything else you want to add that you think could improve the way probation functions in regard to domestic violence both in Rhode Island and across the country?

**APPENDIX 3**

**VICTIM CONSENT FORM**

### APPENDIX 3

#### VICTIM PHONE INTERVIEW PRECEDING CONSENT PROCESS

Hello. May I speak to \_\_\_\_\_? I am \_\_\_\_\_  
(Victim Name) (Interviewer Name)

from the Rhode Island Coalition Against Domestic Violence.

Is it a good time to talk or should I call back at a better time for you? If you want to stop anytime during this call, please let me know and I will call you later. Your safety and comfort are more important than this interview.

An advocate wrote you a few months ago explaining the outcome of the case involving \_\_\_\_\_ who was placed on probation. Let me check, was \_\_\_\_\_  
(Offender Name) (Offender Name)

the person convicted in court and placed on probation for abuse against you within the last year?

Now, if you agree and have just a few minutes, I am calling to ask your opinion of how that case was handled. We hope to collect your comments and those of others who have gone through the court system. Researchers are conducting a study of the probation system for domestic violence offenders and will use what you tell us to find out what works best to improve the system and better protect victims of domestic violence crimes.

Your name will not be attached to what you tell me. You will not be identified. Everything you tell me will be confidential.

You will receive a \$10 gift certificate following the interview in appreciation for your time.

Now I will give you some more information about this study, and ask you if you will give your consent to be interviewed.

(PROCEED WITH INFORMED CONSENT DOCUMENT)

**TELEPHONE CONSENT FOR RESEARCH STUDY**

Victims of Domestic Violence

**Evaluation of the Rhode Island Probation  
Specialized Domestic Violence Supervision Unit**

Participant Name \_\_\_\_\_

The American Probation and Parole Association, BOTEC Analysis, and the Rhode Island Coalition Against Domestic Violence are conducting this research study. The research is being sponsored by the National Institute of Justice.

I am going to read to you some information about this research and will ask you if you agree to participate in it. The purpose of the research is to learn about the effectiveness of supervision of domestic violence offenders on probation. Specifically, the study will ask about factors that promote victim safety and hold offenders accountable.

The research will be conducted during 2003 and 2004. The activities will consist of two interviews conducted by telephone at times that are convenient and safe for you. Each interview is expected to take 15 to 30 minutes. The questions will focus on your experiences related to domestic violence and your opinion of the services provided by probation to the offender and to you.

No risks or discomfort to you are anticipated. You will not benefit by participating in the study. Participation is voluntary; refusal to participate will involve no penalty or loss of benefits to which you are otherwise entitled. You may discontinue participation at any time without penalty or loss of benefits to which you are otherwise entitled. You may decline to answer specific questions or end an interview at any time you choose.

The offender has not been informed of your participation in this study. You may be placing yourself at risk if you inform the offender of your participation in this study. Everything you tell us will be confidential and will not be linked to you individually. However, he may not believe that police, probation, or anyone else will not use what you are telling us against him.

You will receive a \$10 gift certificate for taking part in this research if you choose to provide your address to the interviewer. The expected benefit of the research will be information that may improve the circumstances of abused women and enhance the supervision of offenders on probation.

All information that might identify you in the study will be maintained in a confidential manner by the researchers. All responses to interview questions will be recorded on a computer that is password protected and kept in a locked place when not in use. Any written information about

the interviews will be kept in a locked filing cabinet in the research offices; only the interviewer and researchers will have access to the information. All findings are to be reported without identifying specific persons or places.

If any questions should arise concerning participation in the research, you may contact Deborah DeBare at the Rhode Island Coalition Against Domestic Violence at (401) 467-9940 or Andrew Klein at BOTEK Analysis Corporation at (781) 647-1779 x 11. If you have questions regarding your rights as a research subject you may contact: The New England Institutional Review Board (NEIRB) at: 1-800-232-9570. I would like you to write down this information.

Do you have any questions?

Are you sure you don't have any more questions?

Do you know that your participation in this research is voluntary?

Do you know that you may stop your participation in this study at any time?

Do you agree to be in this study?

You are entitled to receive a copy of this agreement. It can be mailed to you.

---

I have read the above statement to the study participant at the beginning of our telephone interview and answered any questions about the research procedure she had. She has given her verbal consent to participate in this study and a copy of this form will be mailed to her if she chooses to provide her mailing address.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## **APPENDIX 4**

### **VICTIM INTERVIEW**

**APPENDIX 4**

**VICTIM INTERVIEW**

Let me ask you first about the case that resulted in your partner being placed on probation, and then I'll ask what has happened since.

- 1) What was your relationship with this person at the time of the incident that led to the court case?
  - a) Married
  - b) Divorced (or pending)
  - c) Separated
  - d) Girlfriend
  - e) Ex-girlfriend (or breaking up)
  - f) Other \_\_\_\_\_
  
- 2) Do you have child(ren) in common?
  - a) Yes
  - b) No
  - c) Have children, not his
  
- 3) How long were you seeing/with him before this incident?
  - a) Less than year
  - b) Between 1-3 Years
  - c) Three or more years
  
- 4) Please indicate how often he did any of the following things to you in this and any prior incidents:

	<b>Activity</b>	<b>0</b>	<b>1</b>	<b>2-5</b>	<b>6-20</b>	<b>21+</b>
a	Tried to control you physically, i.e. held you down					
b	Threatened to hurt you, your child or relative:					
c	Threw something at you					
d	Hit, slapped, or kicked you					
e	Pushed, grabbed, or shoved you					
f	Choked you					
g	Forced you to have sex					
h	Beat you up					
i	Threatened you with weapon					
j	Used weapon on you					
k	Imprisoned, contained, or took you hostage against your will					
l	Threw you to the floor, against a wall, down stairs, or any other way					
m	Stalked you					

	<b>Activity</b>	<b>0</b>	<b>1</b>	<b>2-5</b>	<b>6-20</b>	<b>21+</b>
n	Committed any violence toward your child(ren) <i>[Leave BLANK if victim has no children]</i>					
o	Committed any violence toward your pet(s) <i>[Leave BLANK if victim has no pets]</i>					
p	Talked about or tried to commit suicide					

- 5) When was he first abusive (engaging in any of the above activities) towards you?
  - a) Less than one year ago
  - b) 1-2 years ago
  - c) 3-5 years ago
  - d) More than 5 years ago
  
- 6) Is he often under the influence of alcohol or drugs when he engages in any of the activities listed previously?
  - a) Often
  - b) Sometime
  - c) Infrequently
  - d) Never
  
- 7) Were you ever injured or afraid he would injure you?
  - a) Yes. If yes, did the injury require medical treatment? \_\_\_\_\_ Yes \_\_\_\_\_ no
  - b) No
  
- 8) Since the defendant has been placed on probation, have you been contacted by his probation counselor?
  - a) Yes
  - b) No
  - c) Don't know
  
- 9) Do you know the name of his probation counselor?
  - a) Yes. If yes, what is the Probation counselor's name? \_\_\_\_\_
  - b) No

*(Ask the following (questions 10-18) if the victim reports the probation counselor has contacted her.)*

- 10) How did the probation counselor first contact you?
  - a) Letter
  - b) Phone
  - c) In person
  
- 11) Did the probation officer tell you about the defendant's probation terms, including participation in a batterer counseling program?
  - a) Yes
  - b) No

- 12) Did the probation counselor express concern for your safety?  
a) Yes  
b) No
- 13) Did the probation counselor advise you on services that may be available for you or your children?  
a) Yes  
b) No
- 14) Did the probation counselor provide you with his/her name and contact information in case you needed his/her assistance?  
a) Yes  
b) No
- 15) Did the probation counselor tell you he/she would like to contact you periodically during the defendant's probationary period?  
a) Yes  
b) No
- 16) Did the probation counselor advise you what to do if the defendant abused you again?  
a) Yes  
b) No
- 17) How often have you been in contact with the probation counselor since the defendant was sentenced to probation?  
a) Never  
b) Only once  
c) 2-5 times  
d) 6 to 10 times  
e) Over 10 times
- 18) Did the probation counselor ever contact you because the defendant was arrested for a new crime, abused you, or did not comply with the conditions of his probation?  
a) Yes  
b) No
- (All respondents should be asked the remainder of the questions.)*
- 19) Since being placed on probation, how often, if ever, have you seen the defendant?  
a) Never saw again  
b) See him less than once a month  
c) See him monthly  
d) See him weekly  
e) See him daily, live with him  
f) Comment or explanation \_\_\_\_\_

20) How would you describe your current relationship with him:

- a) On-going relationship
- b) Unwanted contact only
- c) Court ordered contact around child visitation
- d) No relationship
- e) Combination of the above or other – Describe \_\_\_\_\_

21) Since being placed on probation, has the defendant ever engaged in any of the abusive and/or violent behaviors listed earlier? If so, how often:

	<b>Activity</b>	<b>0</b>	<b>1</b>	<b>2-5</b>	<b>6-20</b>	<b>21+</b>
a	Tried to control you physically, i.e. held you down					
b	Threatened to hurt you, your child or relative:					
c	Threw something at you					
d	Hit, slapped, or kicked you					
e	Pushed, grabbed, or shoved you					
f	Choked you					
g	Forced you to have sex					
h	Beat you up					
i	Threatened you with weapon					
j	Used weapon on you					
k	Imprisoned, contained, or took you hostage against your will					
l	Threw you to the floor, against a wall, down stairs, or any other way					
m	Stalked you					
n	Committed any violence toward your child(ren) <i>[Leave BLANK if victim has no children]</i>					
o	Committed any violence toward your pet(s) <i>[Leave BLANK if victim has no pets]</i>					
p	Talked about or tried to commit suicide					

22) Were police involved in any of these newer incidents?

- a) Yes
- b) No

23) Did you obtain a restraining order against him since he was placed on probation?

- a) Yes
- b) No

24) Please tell us whether you agree or disagree with the following statements regarding your feelings toward the probation officers involved in this case. If you have had no contact with a probation officer, skip this section.

	<b>Statement</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
a	The probation officer was or tried to be helpful					
b	The probation officer didn't seem too concerned with me or didn't listen to me					
c	The probation officer didn't understand my situation					
d	The probation officer took the defendant's side					
e	The probation officer kept me informed about what was going on					
f	The probation officer's contact with me was not wanted, made things worse					

25) The following statements concern whether the probationary sentence helped you or not. Please tell us whether you agree or not with the following statements about probation.

	<b>Statement</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
a	Probation made things better					
b	His violence decreased					
c	I do not fear future violence from him					
d	His violence decreased but not his other abusive behaviors					
e	I do not fear his future emotional abuse					
f	His violence decreased for a while then he returned to old behavior					
g	Probation made little difference					
h	Probation made things worse					
i	He fooled probation that he was doing the right thing, but he wasn't					
j	It would have been better if he had gone to jail longer or instead of probation					
k	It would have been better if he had never been arrested					

- 26) Did the batterer program seem to work to make him less abusive than before?
- a) Yes
  - b) No
  - c) Don't know
  - d) Didn't attend
- 27) How do you think the courts could improve their response in cases like yours?
- 28) What advice do you have for probation counselors handling cases such as these?

Thank you so much for your time and advice.

We would like to send you the gift certificate. Where do we send it? We will also send you a copy of the Informed Consent form so you will know how to contact a researcher if you need to.

I would like to call you again to get your final thoughts after more time has passed if that is all right? Could you give me the names and contact information for two people who will know how to contact you in case you have moved or we are not able to reach you for some other reason in the future?

---

(Name)

(Phone Number)

---

(Name)

(Phone Number)

Thanks again.

## **APPENDIX 5**

### **VICTIM NARRATIVE RESPONSES**

## APPENDIX 5

### VICTIM NARRATIVE RESPONSES

Asked for any advice for probation officers, traditional supervision victims volunteered the following advice in regard to probation officers' contact with victims:

They should be in more contact with victims and victims should be allowed to contact probation officer when the defendant is on probation; More contact with victims; More sympathetic toward victims; Follow up with victim on how offender is doing; Should be in constant contact with victim; Get in touch with partner; Keep victims informed; Listen to victims, don't treat them like criminals, probation officers should let victims know what services they can provide to victims.

In regard to monitoring of the probationer, some cautioned more sensitivity toward offenders; others wanted probationers held more accountable:

Be aware and wise with defendants, be nonjudgmental, make sure defendants can adjust to changes; listen to individual circumstances and issues surrounding the case; Put aside their biases/opinions and treat each case on an individual basis; Make sure the appointments are kept; know signs of substance abuse; Make him understand he's done something wrong, keep a closer watch on him; Be tougher, keep track, make sure they're coming to counseling; Red flag someone who needs more psychiatric care, AIDS and STD tests.

DVU victims also expressed the desire for more contact with probation officers:

Inform the victims; Should be in touch with victims as abusers lie to probation; Check up on victims; Should/must contact partners and inform them of sentence terms; Keep in contact with victims constantly; Consistent contact with probation officer.

DVU victims were more apt to make specific comments concerning probation officers, mostly praise:

Went above and beyond—moral support—want all probation officers to be sensitive with domestic violence cases; Had only praise for probation officer; When she called probation officer, treated rudely and received no help; Thanks them for a difficult job working with domestic violence offenders; Doing their job.

DVU victims also offered the following regarding offender supervision:

Check for all aspects of offenders such as drugs and mental health; see offenders more often; Stay better on top of things, process is a joke; Don't take probationer word for it; Check with individual counseling, reevaluate half way through batterer program to see if they need more time; Offenders should be penalized for not meeting with officers when they are supposed to, and for noncompliance with terms of probation; Make sure he goes

to classes, monitor him better, serve him with protective orders in case they get lost in the mail; Carefully monitor his activities to make sure he is complying with court orders; See offenders once a week; Get into their heads and find out their history of abuse, need social work perspective; Zero tolerance for perpetrators of domestic violence cases.

Victims were also asked about their feelings towards the probationary sentences in general. The traditional supervision victims were mixed in regard to the court sentence. Some thought aspects of the case, at least, were beneficial.

The court worked pretty well, the BIP classes can be helpful for people who want to change; The courts worked well; The courts do a good job, especially by ordering no contact at arraignment; The court system was great, but more follow up from advocates and probation.

Others disagreed:

Second offenders should go to prison for a year; Missed court hearing, got lost going to courthouse; Need more advocacy, counseling for victims; Stricter time frame for canceling restraining orders; Nothing changed; Observe impact on victims lives; Stricter alcohol screening, stricter classes, judges should make it clear to him effects on children, make sure he not she does BIP class homework; Harsher sentences for first offenders; Family counseling during or after DV counseling; Get tougher on him; More family input; Record keeping is inconsistent, they never followed up with anything; Stiffer sentences, courts should make sure he's attending counseling classes.

DVU victims also praised the court in a minority of instances:

The courts are fine, good experience; Courts worked in victim's favor, everyone was wonderful; Court advocates were big help; Courts did a wonderful job; Very responsive and the judges were great.

The majority of DVU victims, however, expressed frustration with the process:

Listen to victims for their safety, listen for other issues such as drug abuse; make sentences longer; Put them in prison; Handle cases more seriously; Mandatory substance abuse counseling, longer probation; Prosecutors should not plead out cases; Laws around no-contact orders should be stricter; mandate drug abuse counseling, and batterer program should pass clients on progress, not attendance; Take domestic violence more seriously; DV classes are overpriced and people are violated for having no money; Wants courts to take into consideration children and allow contact; Courts not working as he continued abuse in court; Stricter substance abuse treatment; Need to open welfare to women, harsher punishment; Should listen to both sides of the story; Make more financial resources to victim so she can leave; Take it more seriously.

## **APPENDIX 6**

### **ATTITUDES OF PROBATION OFFICERS TOWARD DOMESTIC VIOLENCE CASES**

**APPENDIX 6**

**ATTITUDES OF PROBATION OFFICERS TOWARD DOMESTIC VIOLENCE CASES**

	<b>Traditional Probation Officers</b>	<b>DVU Probation Officers</b>
Years as probation officer	6, 29.4, 15, 30, 34.5, 31, years; mean = 24.32 years	1, 2.5, 3, 13.5 years; mean = 5 years
Prior domestic violence experience	Two were prior domestic violence probation officers, one worked at Rape Crisis Center and Shelter for a number of years	Two worked as batterer intervention program facilitators
Probation officer job assignments	3.5 assignments, range 1–8	1.75 assignments, range 1–2
Role of BIP	Very important;* Essential, probationers get a lot out of it; Essential element of supervision, should be longer and include alcohol/drug evaluation and treatment before allowed to enter a batterer intervention program;* Key to successful supervision; central role; Most important element of supervision	Helpful, only if enforced, accountability measure, only 2% ripe for change, too short to encourage/support change; Important; Probationers who do well, get it and vice versa, administration too lenient (allow too many chances, absences); Better program challenges probationers, not act as support group for batterers! Attendance doesn't equal compliance, not magic cure.
Role of victim	No role in generic,* few call, if call want to drop no-contact order, minimal role, a victim's call is red flag of danger, minimal role with probation officer, role with prosecutor, judge, advocates, some enablers, set defendant up, it happens; victim contact rare	Provide good feedback, surprisingly difficult to deal with, understand, warns victim batterer program not magic cure, big part of probation responding to victims
Sentencing of domestic violence	A mess, too lenient;* Seems about right; Inappropriate, too much victim blaming, dismissals, persistent batterers walk street, don't take domestic violence seriously;* In the ball park, appropriate; Most should be on probation or suspended sentence, but too little jail for repeat offenses, should get short jail for technical violations and re-enroll, some judges do it; Appropriate, prosecutors not letting defendants off the hook. Revocation keeps monitoring until program completed, appropriately jailing for new offense.	Undercharging, but okay, supports mandatory 15 days for maximum impact on abusers, too soft, six months, even one year too short for first offenders, too much of rubber stamping pleas done without looking at prior record
Most important element of supervision	Victim contact;* Treatment and attitude change;* going to batterer program; motivating to go to battering program	Frequent contact with probationer; Offender contact; enforcement of no contact and batterer program; Substance abuse and batterer treatment
Goal	Enforce conditions of probation, batterer intervention program attendance, take responsibility for actions, same as all probation*, get through batterer intervention program, enforce special conditions, fulfill conditions	Prevent recidivism, victim safety, prevent recidivism, protect victims
Specialized supervision	Generic good because can walk out of office and forget about it unlike domestic violence supervision;* No advantage other than smaller caseloads, domestic violence cases easier than most; Generic can get scattered, better probation officer for having done domestic violence, but domestic violence can be elitist, missing forest for the trees. Domestic violence no different from other assault caseload, burn out without variety. Specialized know what's up, but not real world, probation officer like social worker; Department would be better off dividing cases equally, key is probation officer, not caseloads; Get to know treatment providers and what they do better in specialized	Domestic violence challenging, allows focus, networking for victim and probationer services, real probation work, what can you do with driving after suspension cases? Not just paper supervision, get to know families., The way to go., know all the excuses, how to deal with them, although courts frustrating with lack of follow-through

\*An asterisk after a comment indicates it was made by a former DVU probation officer.