

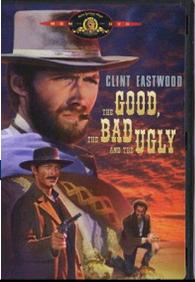
Grief Spousal Defense Rape
 Argument Safe House
 Psychological Rights
DOMESTIC VIOLENCE
 Physical Abuse
 Police Partner
 Lawyer Scared
 Harm Anger
 Laws Plaintiff
 Victim

James E. Henderson Jr. MSW, CAC-R

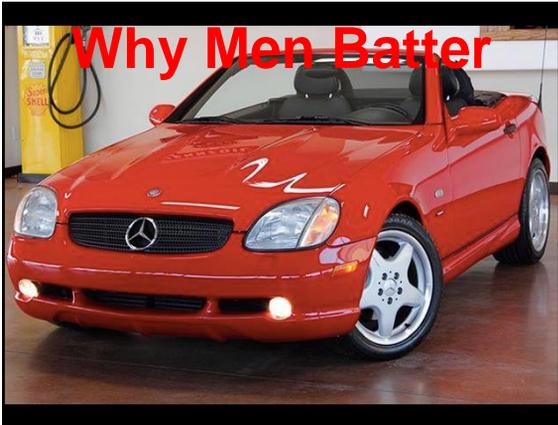
Rated M: Suggested for Mature Audiences, may contain adult language.

KNOW EXCUSES

Ohio Supreme Court Criminal Justice Academy
Columbus, OH. 10/23



Why Men Batter



Why Men Stop



Learning Objectives

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



THERAPEUTIC JURISPRUDENCE

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



PREVENTATIVE LAW

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

S. Goldsmith (1991)

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



RESTORATIVE POLICIES

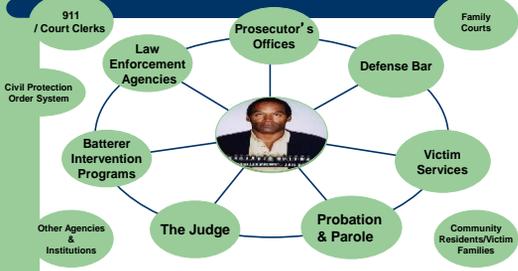
- Victims should have more input into the proceedings
- Those victimized should be compensated/restored to their former condition



Policy # 1

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

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



Policy # 2

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



Policy # 3

- If an individual has a history of abusive or controlling behavior, request batterer intervention. As a minimum an assessment on all cases that have as a basis, intimate partner violence, even when reduced to lesser charges





Our Mission,
Should You Choose to Accept It...

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

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

Adapted from Washtenaw County JODI Mission Statement

Priority # 1 Maximize Victim Safety

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



Policy #4

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



THE BOTTOM LINE

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

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

Has Justice Been Done If:

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



Consider :

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

Standard Recommendation

- 1.) Restitution
- 2.) Level of supervision and length
- 3.) Types of intervention based on risk/needs assessment.

Standard Sentencing Recommendation

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

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



Additional Sentencing Recommendations

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



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

Substance Abuse/Partner Abuse

Similarities and Differences



What does the data say?



A look at some statistics...

- Over 50% of men in BIPs have SA issues and are 8 times as likely to batter on a day in which they have been drinking
- Half of partnered men entering SA treatment have battered in the past year and are 11 times as likely to batter on a day in which they have been drinking
- Between a quarter and half of the women receiving services for DV have SA problems
- Between 55 and 99 percent of women who have SA issues have been victimized at some point in their life and between 67 and 80 percent of women in SA treatment are DV victims

Larry Bennett, PhD, University of Illinois Chicago

A look at some statistics...

- Some research has indicated that spousal abuse could be a predictor of the development of a drug addiction.
- Women in abusive relationships often report that their abusive partner coerced them into engaging in alcohol and drug consumption.
- The American Journal of Public Health noted that substance abuse tends to be more prevalent among women who suffer domestic abuse, even among pregnant women who were victims of violence.

Similarities

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

Differences



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



DRUNK! ?



How drunk would you have to be...



**To French Kiss
Your Grandmother?**

KARAOKE



Know the Facts



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

Tequila



Post Disposition

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

THE JUDGE & PROBATION OFFICER
A Tag Team for Safety

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



Post disposition

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



Policy # 6

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

BIP Weekly Reports

Week	Session #	Status	RDS #	RDS +/-	AA	Sub Tx	Demerit/Reason	\$ Paid	Balance
1/5/17	1			neg	AA	Y	N/A	25	0
1/12/17	2				AA	Y	1 late	25	0
1/19/17		C 1							0
1/26/17	3		THC		No	No	2, AA Sub TX	25	0

Wraparound intervention, working synergistically with one another

Multiple people watching the batterer

Identify non-compliance immediately

Informing the correct people for safety and accountability purpose.

Policy # 7

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



Probation Innovations Maximize Victim Safety

Probation group meetings

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

Creative Sanctions Offender Accountability

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

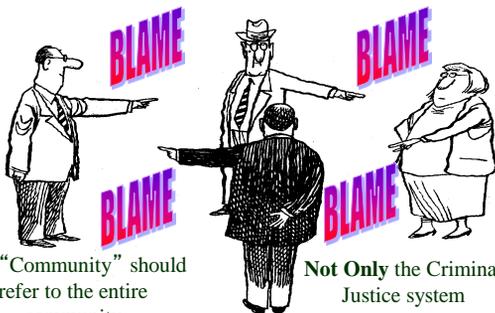
Consider

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

Enhancing Safety through personal accountability.

- Cross-training on community resources
- Collaborate with your community's domestic violence and sexual violence programs
- Evaluate your own stereotypes and biases
- Establish policies regarding confidential information
- Require that local batterer intervention services minimally meet standards
- Utilize batterer intervention services as part of the monitoring process

What is the state of your Coordinated Community Response



<http://www.bwjp.org/our-work/projects/probation-project.html>



Community Corrections Response to DV: Guidelines for Practice

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



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

APPA Training Resources on Supervising Domestic Violence Cases

Request a free computer-based training CD



OVW™ *Office on Violence Against Women*
Eight Continuing Education Contact Hours

Domestic Violence: Fundamentals for Community Corrections Practice

Distance Learning Training
FREE

Presented by the American Probation and Parole Association with funding from the Office on Violence Against Women, US Department of Justice

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

National Resources

Battered Women's Justice Project
(800) 903 0111 www.bwjp.org

Praxis International
www.praxisinternational.org

Institute on Domestic Violence in the African American Community
www.dvinstitute.org

Center For Court Innovation
www.courtinnovation.org

Domestic Abuse Intervention Project
www.theduluthmodel.org

National Council of Juvenile and Family Court Judges
www.ncjfcj.org

American Probation and Parole Association (APPA) www.appa-net.org

Office on Violence Against Women
www.usdoj.gov/ovw

Today's Inspirational Quote:

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

-- Henry David Thoreau

Questions/comments/concerns ?

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



Good Luck and Thank You



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