

N.Y.S. Division of Probation and Correctional Alternatives

Practical Implications of Domestic Violence Research for Probation Officers

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Preface

The purpose of this work is to describe what the research tells us about domestic violence, including its perpetrators and victims, and the impact of current responses to it and, more particularly, the implications of that research for day to day real world responses to domestic violence by probation officers in their roles supervising abusers, dealing with victims, and preparing sentencing/violation reports.

Most, but not all of the research reports used in this manuscript, are from National Institute of Justice funded studies and/or a variety of refereed journals. For example, several studies of women seeking hospital emergency room treatment for injuries inflicted by intimate partners are included because, although of primary concern to the medical community, these studies underscore victim characteristics found in criminal justice related research suggesting how representative the latter research is.

Less rigorous research reports are also included based on the quality of their data collected or because they provide accurate examples of performance measures. Some of the most extensive examinations of prosecution practices have been initiated by newspaper-initiated investigations where reporters gained access to state court data tapes of thousands of cases. While some research findings may be questionable because researchers employed less than rigorous research methodology, the research may be cited here because it contains accurate data illustrating an important phenomenon. The data are unaffected by the research design employed by the researchers. For example, while Gottman and Jacobson's findings regarding the typology of batterers¹ have been questioned, their reported observations, if not their conclusions, have been confirmed.² They are cited supporting the proposition that batterer reaction to their violence is not uniform, not their more controversial conclusion that all batterers fall into two distinct categories.

¹ Jacobson, N. & Gottman, J. (1998). When Men Batter Women. New York, NY: Simon and Schuster.

² Meehan, J., Holtzworth-Monroe, A. & Herron, K. (2001). *Maritally Violent Men's Heart Rate Reactivity to Martial Interactions: A Failure to Replicate the Gottman et. al. (1995) Typology*, Journal of Family Psychology, *13*, 409-414.

The policy and practice implications are based on the evidence provided by the research and are therefore confined to areas specifically addressed by researchers. The research on probation's response to domestic violence is limited. Consequently, the implications listed do not constitute a comprehensive listing of promising practices or even policies and procedures widely recognized to be effective.

Whenever possible, policy implications are based on multiple studies. However, in some instances, where only one study examined an issue deemed to be important to practitioners, the policy implications may be drawn from just that one study. In such cases, the narrative will alert readers that the research has not yet been replicated.

Note to New York State Probation Officers:

In the following analysis of domestic violence research, "domestic violence" may be defined more broadly than in specific New York State "family violence" related statutes. Most studies concern abusers and their victims who are or were married, are or were in intimate relationships and/or have a child in common, or are or were in a substantial dating relationship. Some of the studies include incidents involving non-intimate family member. However, in terms of studies of the domestic violence that comes to the attention of police and courts, most incidents studied involve assaults perpetrated by current or former, married or unmarried, intimate partners.

1. Who are these defendants?

Depending upon how domestic abuse/violence or intimate partner abuse/violence is defined, the character and nature of perpetrators and/or victims differ. Sociological research based on self-reporting finds equal male and female partner conflict, including mostly minor violence.³ However, in terms of those arrested for domestic violence or brought to court for restraining or protective orders, the research is clear.

The typical domestic violent defendant is male, mostly under 35 years old, with a prior criminal history for a variety of non-violent and violent offenses, including against males as well as females.

• Typical male defendant brought to court for a restraining order in Massachusetts: Eighty-six percent (86%) were male. Three-quarters had prior criminal court records with the restrained males more likely to have prior records than the restrained females (78% versus 48%).⁴ A more recent and detailed South Shore, Massachusetts study found the average age of restrained males to be 33, with two-thirds between the ages of 24 and 40. Half were married or divorced. Almost 80% had prior criminal histories, averaging 13 complaints filed in court, representing approximately six prior arrest incidents. The majority had at least one prior arrest for alcohol or drug related offenses including drunk driving.⁵

• Typical defendant probated in Champaign County, Illinois: 62% of probationers supervised by the enhanced domestic violence supervision program had prior criminal histories; 6.3% for non-domestic violence, 49.4% for domestic battery and 2.5% for aggravated battery and another 3.8% for mixed multiple charges.⁶ Further, 55% of the caseload was convicted of a felony charge, compared to 18% within the standard caseloads.

• Typical defendant probated in Rhode Island: Almost 5,000 defendants were studied under the supervision of Rhode Island probation for domestic violence offenses in 2003. Ninety-two (92%) were male. The average age was 33.8 years. More than three-quarters (77.5%), had an average of three prior arrests that resulted in court arraignments before the domestic violence charge that resulted in their being placed under probation supervision. Most, 55%, had records for crimes against persons, including 46% with prior crimes of domestic violence, a quarter (27%) had prior alcohol and drug crimes.

³ Straus, M., Gelles, R., & Steinmetz, S. (1980). *Behind Closed Doors: Violence in American Family*. Garden City, NY: Doubleday.

⁴ ____ (November 1992). Over 8,500 domestic restraining orders filed since September in Massachusetts. Boston, MA: Office of the Commissioner of Probation.

⁵ Klein, A. (1996). Re-Abuse in a Population of Court Restrained Batterers. In E. Buzawa & C. Buzawa (Eds.) *Do Arrest and Restraining Orders Work?* Thousand Oaks, CA: Sage, 192-214

⁶ Hayler, B., Ford, N., & Addison-Lamb, M. (December 1999). An implementation evaluation of the enhanced domestic violence probation program in Champaign County. Springfield, IL: University of Illinois at Springfield.

More than half (51%) had been under probation supervision previously, 27% for domestic violence imprisoned previously. A third were married or divorced.⁷

• **Typical defendant brought to court for a misdemeanor domestic violence arrest in Toledo, Ohio:** Eighty-seven percent (87.5%) were male, averaging 32.7 years old with 42.5% being under the age of 30. The majority (52.5%) were African American. Twenty-nine percent (29.1%) were married. Most (69%) had prior arrest for at least one violent misdemeanor, including prior domestic violence, averaging 3.1 violent misdemeanor arrests. More, 89%, had at least one prior arrest for a nonviolent misdemeanor averaging 14 prior non-violent misdemeanor arrests. More than a quarter (26.4%) had at least one prior violent felony arrest and almost half (48.9%) had at least one prior non-violent felony arrest.⁸

• **Typical defendant brought to court for a restraining order violation in Massachusetts:** A sample of 5,747 restraining order violators (constituting a misdemeanor crime in Massachusetts punishable up to 2 1/2 years in House of Correction) were researched over several years. Seventy-two percent were white, 13% Hispanic and 12% Black. Eighty-six percent had a substance abuse problem based on prior treatment records; 22% had prior drunk driving conviction. Eighty-seven percent (86.9%) were males abusing females, 2.5% males battering males, 5.7% females battering males and 4.6% females battering females. Less than half (45.8%) involved married or divorced couples. The vast majority, 80%, had prior criminal history, with 69% having been arraigned for at least one non-domestic, but violent offense with 43% having two or more such offenses. A third had a history of prior weapons charges as well.⁹

• **Typical felony defendant brought to Brooklyn Domestic Violence Court for domestic violence:** Two-thirds had a prior record of a criminal conviction; half had a prior arrest for domestic violence and 41% had at least one prior felony conviction. Thirty percent had a prior protective order violation prosecuted as a criminal contempt and more than a quarter had at least one prior drug conviction.¹⁰

Implications for Practice:

1. Due to the high correlation between general criminality and domestic abuse, defendants who have not been specifically placed on probation for domestic violence related offenses may still be domestic abusers. A review of domestic violence fatalities conducted in New Mexico, for example, found that one of the largest group of probationers who murdered their intimate partners were on probation for drunk driving,

⁷ Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEK Analysis Corporation & American Probation and Parole Association.

⁸ Ventura, L. & Davis, G. (October 2004). Domestic Violence: Court Case Conviction and Recidivism in Toledo. Toledo, OH: University of Toledo Urban Affairs Center.

⁹ Bocko, S., Cicchetti, C., Lempicki, L. & Powell, A. (November 2004). Restraining Order Violators, Corrective Programming and Recidivism. Boston, MA: Office of the Commissioner of Probation.

¹⁰ Newmark, L., Rempel, M., Diffily, K. & Kane, K. (October 2001). Specialized felony domestic violence courts: Lessons on implementation and impacts from the Kings County Experience. Washington D.C.: Urban Institute.

not domestic violence-related offense.¹¹ The fact that many abusers are under correctional supervision or are involved in the criminal justice system has been documented in extensive national crime victimization surveys.¹² A study of police night shifts in Memphis documented that two-thirds of those involved in domestic violence incidents were already on probation or parole.¹³

Therefore, probation caseloads should be periodically re-assessed to identify abusers and supervised appropriately, including, if available, transfer to a specialized domestic violence supervision team.

2. Although probation supervision of domestic violence offenders may require specialized responses, the majority of domestic violence offenders share the general characteristics of most criminals, including alcohol and drug abuse, anti-social behavior, poor impulse control, and criminal thinking.

Therefore, probation supervision cannot deal with the issues of domestic violence in isolation, but must deal with the general criminality of the abusers and the full implications related to that criminality.

2. Role of Alcohol and Drugs in Domestic Violence

As with criminality in general, there is a high correlation between alcohol and substance abuse and domestic violence for both abusers and, to a lesser extent, victims. This is not to say that substance abuse causes domestic violence.

● **Memphis night arrests:** A medical team joined Memphis police on night patrols responding to 62 domestic violence calls. They documented that 92 percent of assailants used drugs or alcohol on day of assault, 67% used combination of alcohol and cocaine, nearly half described by families as daily substance abusers for prior month. About 42% of victims used alcohol and drugs day of assault. About half using cocaine said their assailants had forced them to use it.¹⁴

● **New Mexico domestic violence homicide review:** Found alcohol and drugs present in 65% of 46 domestic violence homicides between 1993 and 1996, 43% alcohol and 22% drugs. Autopsies of the victims revealed that 33% had been drinking, averaging a B.A.C. of .16. A quarter of the women had cocaine, marijuana, methadone or opiates, or amphetamines in their systems.¹⁵

¹¹ Olson, L., Crandall, C., & Broudy, D. (1998). Getting Away with Murder, A Report of the New Mexico Female Intimate Partner Violence Death Review Team, Albuquerque, NM: Center for Injury Prevention Research and Education, University of New Mexico School of Medicine.

¹² Greenfield, L., Rand, M., Craven, D., Klaus, P., Perkins, C., Ringel, C., Warchol, G., Maston, G., & Fox, J. (March 1998). Violence by Intimates: Analysis of data on crimes by current or former spouses, boyfriends, and girlfriends. Bureau of Justice Statistics.

¹³ Brookoff, D. (October 1997). Drugs, Alcohol, and Domestic Violence in Memphis, Research Review. National Institute of Justice

¹⁴ Brookoff, D. (October 1997). Drugs, Alcohol, and Domestic Violence in Memphis, Research Review. National Institute of Justice

¹⁵ Olson, L., Crandall, C., & Broudy, D. (1998). Getting Away with Murder, A Report of the New Mexico Female Intimate Partner Violence Death Review Team, Albuquerque, NM: Center for Injury Prevention Research and Education, University of New Mexico School of Medicine.

● **Jailed abusers:** In two surveys, one of state correctional facilities in 1991 and the other of jails in 1995, more than half of those jailed or imprisoned for domestic violence admitted drinking and/or using drugs at the time of the incident.¹⁶

Implications for practice:

1. Although substance abuse does not cause domestic violence, there is a significant positive association between substance abuse problems and domestic violence. **Therefore, abstinence, enforced by testing should be a default condition of supervision unless or until it is clear that the abuser does not have a substance abuse problem.**

2. The most vulnerable victims, those who suffer addiction or abuse illicit drugs, may be those least likely to report their abuse, call police or “cooperate” with prosecutors and probation officers. **Therefore, it is incumbent upon probation officers to develop alternative means to monitor the offender in the community and not depend on reporting by the victim.**

3. Mental Illness and Domestic Violence:

Batterers are no more likely to be mentally ill than the general population.

● **Psychopathic disorders:** Only 11% of repeat re-assaulters exhibited primary psychopathic disorders.¹⁷

● **Subtypes:** Certain subtypes of batterers have been found to have dysphoric (depressed) or borderline personalities or have low level antisocial personalities.¹⁸

What the research tells us is that not all batterers are alike. Different researchers have identified different subgroups of batterers. Several, after observing couples argue while measuring the abuser’s vital signs, found two types, “Pit bulls” and “Cobras.” The former would not let go of their partners, were jealously possessive, and into stalking; they got more and more excited when arguing with their partners. Cobras, on the other hand, were antisocial, very violent who were physically calmed by their aggression. They would strike out against their partner if displeased but would not bother to stalk or chase after their victims.¹⁹

Implications for Practice: Although batterers may appear to suffer from depression and low self-esteem that may be as likely a consequence of their arrest and prosecution as anything else. **Therefore, unless otherwise indicated, general mental health counseling does not address partner violence.**

4. Victims and Domestic Violence

¹⁶ Greenfield, L., Rand, M., Craven, D., Klaus, P., Perkins, C., Ringel, C., Warchol, G., Maston, G., & Fox, J. (March 1998). Violence by Intimates: Analysis of data on crimes by current or former spouses, boyfriends, and girlfriends. Bureau of Justice Statistics.

¹⁷ Gondolf, E. & White, R. (2001). Batterer program participants who repeatedly reassault: Psychopathic tendencies and other disorders. Journal of Interpersonal Violence, 16, 361-380.

¹⁸ Holtzworth-Munroe, A., & Meehan, J.C. (2004). Typologies of men who are maritally violent: Scientific and clinical implications. Journal of Interpersonal Violence, 18.

¹⁹ Jacobson, N. & Gottman, J. (1998). When Men Batter Women. New York, NY: Simon and Schuster.

Victims come in all shapes, sizes, ages and relationships, but these differences are largely irrelevant in terms of their victimization.

● **Victim Characteristics:** Victim characteristics have not been found to be associated with likelihood of abuse.²⁰ Those who left their abusers are as likely to be re-abused as those who remained with them.²¹ Those who maintain civil restraining orders or criminal no contact orders against their abusers are as likely to be reabused as those who drop them.²²

● **Victim Danger Assessments:** In a study of several hundred women almost killed by their male partners, only half accurately perceived themselves to be at risk for murder. Women, although, unlikely to exaggerate their risk, often underestimate it.²³ In the south shore Massachusetts study, women who were dissatisfied with police and prosecutors because they believed the criminal justice interventions were insufficient to protect them proved accurate, experiencing more re-abuse than victims who were satisfied with police and prosecutor response. On the other hand, women who expressed no fear were also accurate, experiencing less re-abuse.²⁴

Implications for Practice:

1. Studies agree that victims are more likely to under than over estimate their risk. **Therefore, probation officers should take victim expressions of fear or safety concerns very seriously, but they cannot ignore the risk presented by abusers in the absence of victim expressed fear or concern.**

2. Victims face a horrible dilemma, according to the research. If they stay they may be subject to abuse and if they leave they may be subject to abuse. **Therefore, probation officers cannot assume victim separation from the abuser precludes re-victimization.**

5. Multi-victim Abusers

Deprived of their victim, many abusers will go on to abuse another intimate partner or family member. Others may abuse multiple intimate partners and family members simultaneously.

²⁰ Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting. Final Report. National Institute of Justice.

²¹ Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEC Analysis Corporation & American Probation and Parole Association.

²² Klein, A. (1996). Re-Abuse in a Population of Court Restrained Batterers. In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 192-214; Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEC Analysis Corporation & American Probation and Parole Association.

²³ Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., Glass, N., McFarlane, C., J. Sachs, C., Sharps, P. Ulrich, Y., Wilt, S., Manganello, X, Xu, X., Schollenberger, J., Frye, V.. & Laughon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multistate case control study. American Journal of Public Health 93 (7), 1089-1097; Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Ulrich, Y. & Wilt, S. (2003). Assessing Risk Factors for Intimate Partner Homicide, NIJ Journal 250, 14-19.

²⁴ Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting. Final Report. National Institute of Justice.

- The Rhode Island probation study found that in a one year period, more than a quarter (28%) of those probationers who were re-arrested for a new crime of domestic violence went on to abuse a different partner or family member.²⁵

- The Massachusetts study of persons arrested for violating a civil restraining order found that 43% had two or more victims over six years.²⁶ This confirms an earlier state study that found 25% of individuals who had orders taken out against them in 1992 had up to **eight** new orders taken out against them by as many victims over the subsequent six years.²⁷

Implications for Practice: Even if the abuser under supervision is no longer with the partner who was the victim in the presenting case for which the defendant was placed on probation, any new partner is at risk for abuse. **Therefore, it is important for officers to identify new intimate partners, alert them to their risk for abuse and take appropriate measures to promote their protection.** For this reason, some probation departments mandate “intimate partner disclosure,” requiring probationers to identify new partners, inform partners of their probationary status and history of intimate partner abuse, checked by the probation officer.

6. What is their risk for re-abuse and/or recidivism?

There are different measures for both re-abuse and recidivism; studies also vary in the lengths of time used to measure re-abuse and recidivism. Most limit the time to two years or less. Some limit it to only the time the abuser is under supervision or treatment. Re-abuse measures include: 1) arrests and/or convictions of offenses defined as constituting domestic violence, most restrictively revolving around assaults or civil restraining or protective order violations where the latter is a crime as opposed to contempt; 2) new restraining or protective orders issued against the defendant, whether or not new criminal charges are filed; and 3) victim reports of re-abuse whether or not the defendant was arrested and convicted. Studies using the first measure alone will result in the lowest re-abuse estimates. Studies utilizing all three measures will result in the highest levels of re-abuse. Recidivism generally includes all new arrests or convictions regardless of the charges. Those that include only convictions will report less recidivism than those that include all new arrests.

No matter how re-abuse and/or recidivism are measured, the base rate for both for abusers is positively related and substantial. Among misdemeanants, domestic violence defendants are generally the highest risk defendants typically released on probation supervision.

- **Re-Abuse and Recidivism Among Rhode Island Domestic Violence Probationers:** Within one to two years of being placed on probation supervision for a

²⁵ Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island’s Specialized Supervision of Domestic Violence Probationers. BOTEK Analysis Corporation & American Probation and Parole Association.

²⁶ Bocko, S., Cicchetti, C., Lempicki, L. & Powell, A. (November 2004). Restraining Order Violators, Corrective Programming and Recidivism. Boston, MA: Office of the Commissioner of Probation.

²⁷ Adams, S. (1999). Serial Batterers. Boston, MA: Office of the Commissioner of Probation.

misdemeanor domestic violence offense, 38.4% were arrested for a new domestic violence offense; 60% were re-arrested for any new offense.²⁸

- **Re-Abuse and Recidivism among Massachusetts Domestic Violence**

Arrestees: Within two years of their original arrest for domestic violence, 40.3% were arrested for a new domestic violence crime or had a restraining order taken out against them; 55.2% were arrested for any new crime.²⁹

- **Re-abuse Among Felony Domestic Violence Offenders in Brooklyn:** While 51% were re-arrested while their felony domestic violence case was pending, 33% were arrested one year post-disposition, 8% for violating a protective order and 5% for a felony offense. Re-arrest rates rose to 41% after 18 months post-disposition, 8% for a felony and 11% for violation of a protection order.³⁰

- **Colorado statistics:** Since 1994, 84,431 defendants have been arrested for domestic violence according to the state Bureau of Investigation. Of these, more than 50,000, nearly 60%, have been arrested for domestic violence charges more than once.³¹

- **Re-Abuse Among Batterer Intervention Program completers in multiple jurisdictions:** a half dozen batterer program studies published between 1988 and 2001 conducted across the United States documented re-abuse as reported by victims to range from 26% to 41% within five to 30 months.³²

- **Re-Abuse among court restrained abusers in multiple jurisdictions:** Five studies published between 1985 and 1999 in multiple states found re-abuse rates as measured by arrest and/or victim reports to range within four months to two years from 24% to 60%.³³

Implications for Practice: Standard risk instruments, such as LSIR, under-predict risk for this population of offenders both in terms of likelihood and seriousness for potential harm to others, including intimate partner, children, victims' new friends or family members, police and themselves (suicide). **Therefore, any risk instrument used that does not find that the majority of abusers constitute high risk for re-abuse and/or recidivism significantly underestimates the risk of abusers.** Further, according to research, women's perceptions of risk has a higher rate of correct classification of repeat reassaults than two of the common abuser risk assessment instruments, K-SID and

²⁸ Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEC Analysis Corporation & American Probation and Parole Association.

²⁹ Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting. Final Report. National Institute of Justice.

³⁰ Newmark, L., Rempel, M., Diffily, K. & Kane, K. (October 2001). Specialized felony domestic violence courts: Lessons on implementation and impacts from the Kings County Experience. Washington D.C.: Urban Institute.

³¹ Huntley, S. & Kilzer, L. (February 9, 2005). Battered Justice Series. Rocky Mountain News.

³² Aldarondo, E. (2002). Evaluating the efficacy of interventions with men who batter. In E. Aldarondo & F. Mederos (Eds.) Programs for men who batter. Kingston, NJ: Civic Research Institute, 3-12. (Results from six quasi-experimental evaluations of BIPS, including Dobosh et. al (1996), Edleson & Grusznski (1988), Edleson & Grusznski (1988), Gondolf (2000), Gondolf (2001), & Hamberger & Hastings (1988)).

³³ Aldarondo, E. (2002). Evaluating the efficacy of interventions with men who batter. In E. Aldarondo & F. Mederos (Eds.) Programs for men who batter. Kingston, NJ: Civic Research Institute, 3-12. (Studies include Grau, et. al (1985), Harrell & Smith (1996); Klein (1996); Keilitz et. al. (1997) & Carlson et. al. (1999)).

SARA. Only Danger Assessment Scale (Campbell, J.) was more predictive than women's perception and it basically helps women quantify the offender's past abusive behavior.³⁴

7. When will they re-offend?

Research generally concurs that most of those who re-offend will do so sooner rather than later.

- **Massachusetts arrest sample:** The majority of defendants re-arrested for new abuse were arrested while their initial abuse cases were still pending in court. It took an average of one year for arrestee cases to be disposed of in court.³⁵ Similarly, the evaluation of the Brooklyn felony domestic violence court found 51% of the defendants were arrested while their domestic violence case was pending before the court. This included a 16% arrest rate for violation of no contact orders and 14% for a new felony offense.³⁶

- **Rhode Island probation sample:** A little more than one-third of the domestic violence probationers who were rearrested for domestic violence were re-arrested within two months of being placed under probation supervision. More than half (60%) were arrested within six months.³⁷

- **Bronx Misdemeanor Domestic Violence Court:** Eight percent were arrested between the domestic violence arrest and its court disposition; 35% were rearrested during the probationary period, 31% were rearrested during a one-year follow up, and 44% were rearrested during a two-year follow up.

- **Multi-state batterer program sample:** Almost half of the men (44%) who re-assaulted their partners did so within three months after batterer program intake, and two-thirds (69%) did so within six months. The men who re-assaulted within the first three months were more likely to repeatedly reassault their partners than the men who committed the first re-assault after the first three months.³⁸

Implications for Practice:

Therefore, in order for probation supervision to be effective in reducing recidivism, it must start off quickly and intensively in order to thwart the predictable quick flow of reabuse and recidivism. Once an abuser is rearrested, counter measures

³⁴ Hayler, B., Ford, N., & Addison-Lamb, M. (December 1999). An implementation evaluation of the enhanced domestic violence probation program in Champaign County. Springfield, IL: University of Illinois at Springfield.

³⁵ Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. National Institute of Justice.

³⁶ Newmark, L., Rempel, M., Diffily, K. & Kane, K. (October 2001). Specialized felony domestic violence courts: Lessons on implementation and impacts from the Kings County Experience. Washington D.C.: Urban Institute.

³⁷ Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEK Analysis Corporation & American Probation and Parole Association.

³⁸ Gondolf, E. (1987). Evaluating Programs for men who batter: Problems and prospects. Journal of Family Violence, 2 (2), 177-191; Gondolf, E. (December 1997). Patterns of re-assault in batterer programs. Indiana, PA: Mid-Atlantic Addiction Training Program; Gondolf, E. (1997). Results of a multi-site evaluation of batterer intervention systems. Indiana, PA: Mid-Atlantic Addiction Training Institute.

must be redoubled to prevent the increased likelihood of still more repeat abuse and offenses.

8. What risk factors predict re-abuse and/or recidivism?

While specific factors may statistically correlate with reoffenses in the aggregate, any one risk factor or aggregate scale both under and over predict in reabuse and/or general recidivism for any specific abuser. This is why such risk assessments are not considered useful or fair to apply in sentencing individual offenders. Also, while risk factors may predict reoffenses, they do not predict the nature, seriousness or chronicity of the new offenses. Given these caveats, there are general characteristics that are associated with re-abuse and others that are not.

Generally Predictive Factors:

1. **Age:** Younger defendants are more likely to re-abuse and recidivate than older defendants, two-thirds of re-abusers are likely to be between 17 and 35.³⁹
2. **Prior Record:** Length of prior record (for any crime, not just abuse) is predictive of re-abuse and recidivism, including non-violent as well as violent offenses, domestic and non-domestic crimes.⁴⁰
3. **Prior Abuse:** Repeated domestic violence offenses and/or civil restraining/protective orders are predictive of re-abuse and recidivism.⁴¹
4. **Substance abuse:** Defendant alcohol and substance abuse is predictive of re-abuse and recidivism⁴²

³⁹ Klein, A. (1996). Re-Abuse in a Population of Court Restrained Batterers. In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 192-214; Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEC Analysis Corporation & American Probation and Parole Association; Ventura, L. & Davis, G. (October 2004). Domestic Violence: Court Case Conviction and Recidivism in Toledo. Toledo, OH: University of Toledo Urban Affairs Center; Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. National Institute of Justice; Klein, A. (1996). Re-Abuse in a Population of Court Restrained Batterers. In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 192-214.

⁴⁰ Newmark, L., Rempel, M., Diffily, K. & Kane, K. (October 2001). Specialized felony domestic violence courts: Lessons on implementation and impacts from the Kings County Experience. Washington D.C.: Urban Institute.

⁴¹ Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEC Analysis Corporation & American Probation and Parole Association; Ventura, L. & Davis, G. (October 2004). Domestic Violence: Court Case Conviction and Recidivism in Toledo. Toledo, OH: University of Toledo Urban Affairs Center; Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. National Institute of Justice; Klein, A. (1996). Re-Abuse in a Population of Court Restrained Batterers. In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 192-214.

⁴² Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. National Institute of Justice; Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEC Analysis Corporation & American Probation and Parole Association; Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. National Institute of Justice; Klein, A. (1996). Re-Abuse in a Population of Court Restrained Batterers. In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 192-214.

5. **Victim Appraisals:** Victim fear of re-abuse and victim intuition are predictive of reabuse⁴³

Other Specific Factors Found in Individual Studies:

1. **Fleeing the scene:** Fleeing the scene at the domestic violence incident before police arrived or defaulting in court⁴⁴
2. **Unemployment**⁴⁵
3. **Firearm Possession:** Having a firearm in the household⁴⁶
4. **Parentage of children:** Children are the victim's, not the abuser's⁴⁷

9. What factors do not generally predict re-abuse?

1. **Presenting offense:** absence of victim injuries, whether offense is classified as a misdemeanor or felony⁴⁸
2. **Victim characteristics:** including relationship with the defendant (i.e. marital status); whether the parties are living together or separated, have a child in common, etc.⁴⁹

⁴³ DeBecker, G. (1997). The Gift of Fear. Boston, MA: Little, Brown & Co.

⁴⁴ Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. National Institute of Justice (fleeing); Hartley, C. & Frohmann, L. (2003). Cook County Target Abuser Call (TAC): An Evaluation of a Specialized Domestic Violence Court. Washington D.C.: U.S. Department of Justice, 2000-WT-VX-0003, National Institute of Justice, NCJ 202944 (court default).

⁴⁵ Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., Glass, N., McFarlane, C., J. Sachs, C., Sharps, P. Ulrich, Y., Wilt, S., Manganello, X, Xu, X., Schollenberger, J., Frye, V.. & Laughon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multistate case control study. American Journal of Public Health 93 (7), 1089-1097; Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Ulrich, Y. & Wilt, S. (2003). Assessing Risk Factors for Intimate Partner Homicide, NIJ Journal 250, 14-19.

⁴⁶ Holt, V., Kernic, M., Wolf, M., & Rivara, F. (2003). Do protection orders affect the likelihood of future partner violence and injury? American Journal of Preventive Medicine, 24 (1), 16-21.

⁴⁷ Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., Glass, N., McFarlane, C., J. Sachs, C., Sharps, P. Ulrich, Y., Wilt, S., Manganello, X, Xu, X., Schollenberger, J., Frye, V.. & Laughon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multistate case control study. American Journal of Public Health 93 (7), 1089-1097; Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Ulrich, Y. & Wilt, S. (2003). Assessing Risk Factors for Intimate Partner Homicide, NIJ Journal 250, 14-19.

⁴⁸ Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. National Institute of Justice;

Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEK Analysis Corporation & American Probation and Parole Association; Klein, A. (1996). Re-Abuse in a Population of Court Restrained Batterers. In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 192-214.

⁴⁹ Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEK Analysis Corporation & American Probation and Parole Association; Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. National Institute of Justice; Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEK Analysis Corporation & American Probation and Parole Association;

3. **Absence of prior record for domestic violence:** Especially in jurisdictions where police are unlikely to arrest for domestic violence or in which domestic violence related offenses are defined narrowly, the absence of a record for prior domestic violence may not be associated with reduced risk of reabuse.

Implications for Practice: Assessing risk generally is not difficult. Given high base rates for re-offending, the default presumption should be that the defendant will re-offend until proven otherwise. Expensive, intricate risk instruments do not generally improve upon victim or trained probation officer intuition. **Therefore, access to prior criminal histories alone and defendant age will provide a basic tool for risk prediction as accurate as more elaborate instruments.**⁵⁰ Pitfalls to be avoided are underestimating risk based on the relative lack of seriousness of the presenting incident or charges (i.e. only a misdemeanor). If standard general offender risk instruments are used, there should be provision for overriding classification scores to accommodate specific factors related to domestic violence perpetrators. As part of standard intakes, officers should include specific information germane to abusers, such as whether the abuser has had protective orders taken out against him, or parentage of all household children, even abuser courtship length with victim (see next section for lethality risk factors).

10. What factors predict lethality in abusers?

Prediction of lethality is much more difficult than predicting re-abuse and recidivism because, fortunately, it is much rarer. However, there are some key factors that substantially increase the likelihood of homicide and/or significant injuries. Chief among them are access to firearms.

- **Firearms are the weapon of choice in intimate partner homicides:**

According to a CDC study, more female intimate partners were killed by firearms than all other means combined.⁵¹

- **Firearms in the household:** Firearms in the household increase the odds of lethal as opposed to nonlethal violence 6.1 to 1. Women who were previously threatened or assaulted with a firearm or other weapon are 20 times more likely to be murdered by their abuser than other women.⁵² Prior firearm use includes threats to shoot victim; cleaning, holding, or loading gun during argument; threatening to shoot a pet or a person the victim cares about; and shooting a gun during an argument.⁵³

- **Probationers are more likely to possess firearms than general population:**

In 1991, 21% of probationers/parolees revoked for a new offense possessed a firearm while under supervision.⁵⁴ In 1992, 17% of defendants arrested for a felony with

⁵⁰ Heckert, D., & Gondolf, E. (June 2000). Assessing assault self-reports by batterer program participants and their partners. *Journal of Family Violence* 15 (2), 181-197.

⁵¹ Paulkossi, L. (October 2001). Surveillance for homicide among intimate partners-United States, 1991-1998, *Morbidity and Mortality Weekly Surveillance Summaries*, 5, 1-16.

⁵² Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Ulrich, Y. & Wilt, S. (2003). Assessing Risk Factors for Intimate Partner Homicide, *NIJ Journal* 250, 14-19.

⁵³ Rothman, E., Hemenway, D., Miller, M. & Azrel, D. (2004). Batterers' use of guns to threaten intimate partners. (Winter 2005). *Journal of the American Medical Women's Association* 60 (1).

⁵⁴ Chen, R. (August 1995), *Probation and parole violators in state prison, 1991*. Bureau of Justice Statistics.

weapons in large urban counties were on probation, 10% were on parole and 14% were on pretrial release.⁵⁵

- **Stepchildren:** Research has also found that male abusers are more likely to kill if the children in the household are his partner's by another man.⁵⁶

- **Separation/Divorce/Child Support Payment Order:**

- **Prior death threats:** murder has been found to be on the mind of lethal abusers before they act⁵⁷

- **Threats of Suicide:**⁵⁸

- **Stalking:** Research has found that up to three-quarters of female victims had been stalked prior to their murder.⁵⁹

- **Estrangement/Separation:**⁶⁰

- **Short Courtships:** The study of men imprisoned for intimate homicides found a high proportion of the relationships that ended in murder or attempted murder have very brief courtships (time from dating to living together).⁶¹

Implications for Practice: One of the most crucial steps to prevent lethal violence is to disarm abusers and keep them disarmed. Federal law prohibits those who are court restrained and/or have a misdemeanor domestic assault conviction from possessing firearms. **Therefore, probation should implement a system to identify firearms in probationers' possession and remove them and bring the case forward for revocation even if the court did not prohibit possession of firearms because the first condition of probation is to obey the law (including federal law).** Further, red flags for lethality are dynamic, not static, so probation officers have to keep monitoring the abuser, his relationship to the victim, and the victim's intentions regarding that relationship (is she about to leave, file for divorce, demand child support, etc.)

⁵⁵ Greenfield, L., & Zawitz, M. (November 1995). Weapons offenses and offenders. Bureau of Justice Statistics.

⁵⁶ Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., Glass, N., McFarlane, C., J. Sachs, C., Sharps, P. Ulrich, Y., Wilt, S., Manganello, X, Xu, X., Schollenberger, J., Frye, V.. & Laughon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multistate case control study. American Journal of Public Health 93 (7), 1089-1097; Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Ulrich, Y. & Wilt, S. (2003). Assessing Risk Factors for Intimate Partner Homicide, NIJ Journal 250, 14-19.

⁵⁷ Adams, D. (2007). Why do they kill? Nashville, TN: Vanderbilt University Press.

⁵⁸ Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., Glass, N., McFarlane, C., J. Sachs, C., Sharps, P. Ulrich, Y., Wilt, S., Manganello, X, Xu, X., Schollenberger, J., Frye, V.. & Laughon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multistate case control study. American Journal of Public Health 93 (7), 1089-1097; Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Ulrich, Y. & Wilt, S. (2003). Assessing Risk Factors for Intimate Partner Homicide, NIJ Journal 250, 14-19.

⁵⁹ McFarlane, J., Campbell, J. C., & Wilt, S.(1999). Stalking and Intimate Partner Femicide. Homicide Studies 3 (4), 300-316.

⁶⁰ Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., Glass, N., McFarlane, C., J. Sachs, C., Sharps, P. Ulrich, Y., Wilt, S., Manganello, X, Xu, X., Schollenberger, J., Frye, V.. & Laughon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multistate case control study. American Journal of Public Health 93 (7), 1089-1097; Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Ulrich, Y. & Wilt, S. (2003). Assessing Risk Factors for Intimate Partner Homicide, NIJ Journal 250, 14-19.

⁶¹ Adams, D. (2007). Why do they kill? Nashville, TN: Vanderbilt University Press.

11. Do Batterer Intervention Programs Work?

A dozen states mandate batterer intervention programs for all probated batterers. Required lengths run from several days to up to 52 weeks in California. Batterer intervention programs are widely used elsewhere. **Growing research, however, concurs, that the batterer intervention program “treatment effect” is modest, at best.** The more sophisticated the research methods employed, the less impact researchers find these programs can be shown to have on changing defendant behavior. These programs have, however, been shown to influence the behavior of their participants’ victims. **Victims of domestic violence are more likely to remain with their abusers if the abusers are in programs, hopeful that the abusers will “get better.”**⁶²

- **Modest treatment effect:** While most men who complete batterer programs do not re-abuse, research indicates that most would have refrained without batterer program participation. A meta-analysis of a dozen fairly rigorous studies of batterer programs finds in the aggregate a “modest,” 5% treatment effect- where the program actually made a positive difference.⁶³ The specific treatment modality or curriculum of the specific batterer program has not been found to make a difference.⁶⁴

- **Program completers are less likely to reabuse than dropouts:** Nine studies all found that program dropouts are much more likely to re-abuse, ranging from 142% to 1,000% more likely, averaging 315%.⁶⁵ Completers were different from non-completers, more likely to be older, employed, and have limited prior criminal histories.⁶⁶ Those who attended fewer sessions were less educated, unemployed, had history of alcohol problems.⁶⁷ Of course, those who complete counseling are significantly less abusive than those who do not to begin with.

⁶² Feazell, C.S., Mayers, R.S. & Deschner, J. (1984). Services for men who batter: Implications for programs and policies. *Family Relations*, 33, 217-223; Gondolf, E. (1987). Evaluating Programs for men who batter: Problems and prospects. *Journal of Family Violence*, 2 (2), 177-191; Gondolf, E. (December 1997). *Patterns of re-assault in batterer programs*. Indiana, PA: Mid-Atlantic Addiction Training Program; Gondolf, E. (1997). Results of a multi-site evaluation of batterer intervention systems. Indiana, PA: Mid-Atlantic Addiction Training Institute.

⁶³ Babcock, J., Green, C. & Robie, C. (2003). Does batterer treatment work? A meta-analytic review of domestic violence outcome research. *Journal of Family Psychology*, 13, 46-59.

⁶⁴ Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., Glass, N., McFarlane, C., J. Sachs, C., Sharps, P. Ulrich, Y., Wilt, S., Manganello, X, Xu, X., Schollenberger, J., Frye, V.. & Laughon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multistate case control study. *American Journal of Public Health* 93 (7), 1089-1097; Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Ulrich, Y. & Wilt, S. (2003). Assessing Risk Factors for Intimate Partner Homicide, *NIJ Journal* 250, 14-19.

⁶⁵ See reference # 30. (Includes Dutton, et. al. 1997, Edleson, et. al. 1988, Hamberger, et. al. 1989, Shupe et. al. 1987, Dutton, 1986, Gondolf, 1998, Chen, et. al. 1989, Dobash et. al. 1996 & Babcock et. al. 1999, Bocko, et. al. 2004)

⁶⁶ Puffett, N. & Gavin, C. (April 2004). *Predictors of program outcome & recidivism at the Bronx Misdemeanor Domestic Violence Court*, New York, NY: Center for Court Innovation.

⁶⁷ Dalton, B. (2001). Batterer Characteristics and Treatment Completion, *Journal of Interpersonal Violence*, 16, (12), 1223-1238; Daly, J., Power, T., & Gondolf, E. (2001). Predictors of Batterer Program Attendance, *Journal of Interpersonal Violence*, 16 (10) 971-991.

● **Batterer programs may be part of a “cumulative effect.”** Researchers found lower recidivism due to cumulative effects of successful prosecution, probation monitoring, receiving court orders to counseling and completing counseling.⁶⁸

● **Low program completion rate:** There is a general finding in the literature that up to half of abusers mandated to attend batterer programs do not complete them, although completion rates can be increased through stricter monitoring.⁶⁹ In the Bronx study, 42% failed to complete the batterer program, 67% did not complete the program when substance abuse treatment was also ordered and 40% did not complete substance abuse treatment alone.⁷⁰ Similarly, in Massachusetts, 44% did not complete the 40 week batterer program as ordered; 31.5% failed to complete the shorter 12 to 20 week anger management program and 48.3% failed to complete substance abuse treatment as ordered.⁷¹ In Illinois, completion failure rates ran from at least (some were still in the program at the time of the study) 24.5% in Tazewell to 27% in Sangamon.⁷²

● **Anger Management has been found to have no treatment effect for batterers.** There was no difference in subsequent arrests for violation of restraining orders, crimes of violence, or any other offense for those who completed and those who failed to complete anger management among a large sample of men convicted of violating restraining orders in Massachusetts.⁷³

Implications for Practice: Batterer programs serve as dynamic risk instruments. **Therefore, probation officers should closely monitor and take immediate action when probationers fail to attend or drop out of batterer programs.** Reabuse can be prevented if probation responds quickly and effectively to these violations. By themselves, stand alone batterer programs do not appreciably lower the likelihood of re-abuse or general recidivism. Probation officers should inform victims that abuser attendance at batterer programs will not substantially reduce their risk for reabuse, all things being equal.

12. Do No-Contact Orders work?

It does not appear that simply ordering abusers to have no contact with their victims in and of itself is enough to stop many abusers, even if criminal cases against them are pending or no contact violations could result in their arrest for criminal offenses.

⁶⁸ Myers, C., Musser, P., & Maton, K. (September 1998). Coordinated Community Intervention for Domestic Abusers: Intervention System Involvement and Criminal Recidivism. Journal of Family Violence, 13, (3), 263-284.

⁶⁹ Gondolf, E. (1987). Evaluating Programs for men who batter: Problems and prospects. Journal of Family Violence, 2 (2), 177-191; Gondolf, E. (December 1997). Patterns of re-assault in batterer programs. Indiana, PA: Mid-Atlantic Addiction Training Program; Gondolf, E. (1997). Results of a multi-site evaluation of batterer intervention systems. Indiana, PA: Mid-Atlantic Addiction Training Institute.

⁷⁰ Puffett, N. & Gavin, C. (April 2004). Predictors of program outcome & recidivism at the Bronx Misdemeanor Domestic Violence Court, New York, NY: Center for Court Innovation.

⁷¹ Bocko, S., Cicchetti, C., Lempicki, L. & Powell, A. (November 2004). Restraining Order Violators, Corrective Programming and Recidivism. Boston, MA: Office of the Commissioner of Probation.

⁷² Hayler, B. & Addison-Lamb, M. (November 2000). A process and Implementation Evaluation of the Specialized Domestic Violence Probation Projects in Illinois’s Peoria, Sangamon, and Tazewell Counties. Springfield, IL: University of Illinois at Springfield.

⁷³ Bocko, S., Cicchetti, C., Lempicki, L. & Powell, A. (November 2004). Restraining Order Violators, Corrective Programming and Recidivism. Boston, MA: Office of the Commissioner of Probation.

• **Rhode Island Study:** In Rhode Island, all domestic violence defendants are ordered to have no contact with their victims after arrest. The order can only be removed subsequently by a judge at arraignment or later. Research indicates that whether the order is maintained or lifted, the abuser is equally likely to re-abuse his victim, including when the order is retained as a condition of probation.⁷⁴

• **Quincy, Massachusetts civil restraining order study:** Whether women retained or dropped temporary restraining orders against their abusers, they were equally likely to be re-abused.

• **Seattle research suggests women who seek orders are less likely to be re-abused than those who do not.** Women who are abused but do not seek orders against their abuser are more likely to suffer more abuse than women who secure orders.⁷⁵ This does not mean the orders are effective but that the women who seek them (or the men they seek them against) may be different from those that do not.

• **Champaign County, Illinois:** In more than a quarter of the cases where no contact orders were part of the domestic violence offenders' probationary conditions, offenders violated the orders.⁷⁶

Implications for Practice: No contact orders, civil or criminal, in and of themselves are not sufficient to stop re-abuse, particularly because they are not self-enforcing. **Therefore, probation officers must warn victims that safety planning is still required even if no contact orders are in effect.** Further, officers should not assume that the order is working just because they have not heard otherwise from the victim. Violation of no-contact orders should be taken seriously and call for enhanced sanctions.

13. Does Specialized Domestic Violence Supervision Work?

There has not been a lot of research regarding specialized supervision programs. Most studies, including several early ones completed on Illinois' first generation of enhanced domestic violence probation supervision programs in Champaign, Tazewell, Sangamon and Peoria Counties, have been process, not outcome studies. The U.S. Justice Department National Institute of Justice funded the largest such study in Rhode Island.

• **Rhode Island specialized domestic violence probation supervision:** Rhode Island began a specialized domestic violence probation supervision program in 1995 but only had money to cover half the state. Researchers compared re-abuse differences between abusers supervised by the dedicated, specialized domestic violence supervision unit and abusers supervised by regular officers with large, mixed caseloads. Both sets of probationers had to complete 26 week batterer intervention programs mandated by law for all abusers in the state. Researchers found that the specialized supervision made a

⁷⁴ Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEK Analysis Corporation & American Probation and Parole Association.

⁷⁵ Holt, V., Kernic, M., Wolf, M., & Rivara, F. (2003). Do protection orders affect the likelihood of future partner violence and injury? American Journal of Preventive Medicine, 24 (1), 16-21.

⁷⁶ Hayler, B., Ford, N., & Addison-Lamb, M. (December 1999). An implementation evaluation of the enhanced domestic violence probation program in Champaign County. Springfield, IL: University of Illinois at Springfield.

significant difference, lowering re-abuse and new crime in general for most abusers. It made no difference for high risk abusers, those typically who had already failed probation for domestic violence before or were sentenced concurrently for multiple domestic violence charges. Researchers postulated, but could not prove, the specialized supervision worked because 1) the volunteer officers had specialized knowledge and interest in supervising abusers; 2) the specialized officers reached out to victims, getting them to report no contact violations to police significantly more often than victims of abusers supervised by the regular officers; 3) the specialized officers saw their caseloads more often (but not more than every two weeks for the most part); and 4) the specialized officers were significantly more likely to bring probationers forward on technical violations. Although the courts did not imprison violators, it increased in-court monitoring of them, requiring them attend court sessions weekly or monthly until they completed the program.

- The cumulative effect of probation monitoring and counseling completion was found to be statistically significant in lowering recidivism.⁷⁷

- **Illinois Enhanced Domestic Violence Program:** Researchers found that probationers had reduced recidivism related to the effects of prosecution, intensive supervision, and court mandated counseling.⁷⁸

- **Domestic Violence Courts:** These courts often feature specialized, dedicated probation supervision programs and have often found them effective in reducing reabuse. Milwaukee's federally funded domestic violence court, for example, found arrests halved for domestic violence defendant's sentenced to probation compared to those sentenced to probation before court reform, dropping arrests almost in half. Researchers posit that one of the prime explanations for the drop was a corresponding rise in the use of incarceration. As a result of tight probation and judicial monitoring and enforcement of release conditions, the post-reform probationers spent 13,902 days confined compared to the 1,059 days pre-reform probationers spent jailed. In other words, those sentenced by the special domestic violence court had less time on the streets to reabuse and reoffend.⁷⁹ Statistically significant reductions in reabuse rates at one other federally-funded domestic violence court in Dorchester, Massachusetts over eleven months were also found, but not in a third model domestic violence court examined in Michigan although the reductions were in the right direction 22% compared to 28%.⁸⁰

Three other studies of specialized domestic violence courts have found small but significant reductions in reoffending,⁸¹ including a study of the San Diego Superior Court

⁷⁷ Myers, C., Musser, P., & Maton, K. (September 1998). Coordinated Community Intervention for Domestic Abusers: Intervention System Involvement and Criminal Recidivism. Journal of Family Violence, 13, (3), 263-284.

⁷⁸ Hayler, B. & Addison-Lamb, M. (November 2000). A process and Implementation Evaluation of the Specialized Domestic Violence Probation Projects in Illinois's Peoria, Sangamon, and Tazewell Counties. Springfield, IL: University of Illinois at Springfield.

⁷⁹ Harrell, A., Schaffer, M., DeStefano, C. & Castro, J. (2006). The Evaluation of Milwaukee's Judicial Oversight Demonstration. Final Research Report. Washington D.C.: U.S Department of Justice, 99-WT-VX-K005, Urban Institute (<http://www.urban.org/publications/411315.html>.)

⁸⁰ Harrell, A., Catro, J., Newmark, L., & Visher, C. (2007). Final Report on the Evaluation of the Judicial Oversight Demonstration: Executive Summary. Washington D.C.: U.S. Department of Justice 1999-WT-VX-K005, National Institute of Justice, NCJ 219386. (<http://www.urban.org/publications/411498.html>).

⁸¹ Goldkamp, J. D Weiland, M Collins, M White (1996) Role of Drug and Alcohol Abuse in Domestic Violence and Its Treatment: Dade County's Domestic Violence Court Experiment, Final Report, NCJ

where rearrests dropped over one year from 21 to 14%.⁸² An evaluation of the Cook County's four domestic violence courts, on the other hand, found no differences in rearrest rates over six months.⁸³

Implications for Practice: Although it is not known what elements are the most effective in specialized domestic violence supervision programs, it appears that such programs may reduce both re-abuse and recidivism, at least among lower risk probationers. **Therefore, specialized supervision programs.** In absence of such specialized teams, probation officers should receive specialized domestic violence training, contact victims, monitor and enforce defendant participation in batterer programs, and enforce abstinence from alcohol and illicit drugs in order to provide equivalent supervision.

14. Victim Contact

What has come to distinguish specialized domestic violence supervision from supervision of other classes of probationers is its victim focus, both in terms of its primary concern for victim safety and its direct communication with victims. Contacting victims, however, has proven problematic and some victims may be uninterested in communicating with officers.

- **Champaign County, Illinois:** Despite attempts to send letters to all victims of domestic violence probationers, officers ended up only reaching half of the victims. Most were not interested in meeting with officers.⁸⁴

- **Rhode Island:** Probation officers also reached only approximately half of the victims of their domestic violence probationers. Subsequent interviews by advocates with victims contacted and not contacted revealed that those reached appreciated the officer contact and were more satisfied with probation's efforts and its positive effects on the probationer. Victim contact was associated with increased reporting by victims of no contact violations.⁸⁵

Implications for Practice: Although victim contact has proven problematic for probation officers, researchers have found it has proven to be an effective component of probation supervision of offenders and ultimate goal of promoting victim safety. **Therefore, probation officers should attempt to contact victims.** This may require

163408; Gover, A., MacDonald, J., & Alpert, G. (2003). *Combating domestic violence: Findings from an evaluation of a local domestic violence court*. *Criminology and Public Policy*, 3, 109-129.

⁸² San Diego Superior Court (2000). *Evaluation report for the San Diego County Domestic Violence Courts*. Report submitted to the State Justice Institute. San Diego, CA; San Diego Superior Court.

⁸³ Hartley, C. & Frohmann, L. (2003). *Cook County Target Abuser Call (TAC): An Evaluation of a Specialized Domestic Violence Court*. Washington D.C.: U.S. Department of Justice, 2000-WT-VX-0003, National Institute of Justice, NCJ 202944.

⁸⁴ Myers, C., Musser, P., & Maton, K. (September 1998). Coordinated Community Intervention for Domestic Abusers: Intervention System Involvement and Criminal Recidivism. *Journal of Family Violence*, 13, (3), 263-284.

⁸⁵ Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). *An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers*. BOTEC Analysis Corporation & American Probation and Parole Association.

efforts to encourage police to ask victims to provide third party contacts who will be able to get messages to them safely if the victims leave the immediate address given police at the time of their abusers' arrests.

15. Substance abuse treatment

The debate whether or not alcohol and substance abuse causes men to be abusive to their partners misses the point. The question is: Does successfully treating substance abuse, particularly alcohol abuse, reduce re-abuse?

- **Abuser intoxication significantly increased re-abuse:** A multistate evaluation of batterer programs found that after program completion, abusers who became intoxicated at least once within a three month period were three times more likely to re-assault their victim as those who remained sober.⁸⁶

- **Abstinence treatment alone reduces abuse:** Increased abstinence among alcoholic men achieved as a result of treatment has also been found to significantly decrease partner assaults even though alcohol treatment did not address partner violence.⁸⁷

Implications for Practice: It appears that re-abuse among substance abusing domestic violence abusers can be reduced if they are successfully treated. **Therefore, standard probationary conditions for intimate partner abusers should include substance abuse treatment and conditions of abstinence with testing.**

16. Technical Violations and Sentencing Violators

There is evidence that increased probation monitoring and strict enforcement of probationary conditions results in increased revocations and jail overcrowding but does not necessarily reduce recidivism because there is no correlation between technical violations and recidivism. These studies, however, examined generic intensive supervision programs and the violations prosecuted were not “criminogenic” in nature. They were for non-reporting or curfew violations as opposed to illicit drug use or failure to attend treatment.

However, it appears that enforcement of abusers' conditions may play a significant role in preventing re-abuse and recidivism. The research is clear that there is a positive association between batterer program failures and re-abuse. In addition, the research suggests a similar positive association between alcohol abuse and re-abuse.

The research is also clear that left on their own, prosecutors and judges consistently under assess the seriousness of criminal abusers resulting in their placement on probation supervision for offenses that had they involved victims who were strangers to the perpetrator would have resulted in imprisonment.

- **Rhode Island Technical Violations:** The specialized domestic violence probation supervision unit tightly monitored and enforced batterer program participation,

⁸⁶ Gondolf, E. (1987). Evaluating Programs for men who batter: Problems and prospects. *Journal of Family Violence*, 2 (2), 177-191; Gondolf, E. (December 1997). *Patterns of re-assault in batterer programs*. Indiana, PA: Mid-Atlantic Addiction Training Program; Gondolf, E. (1997). Results of a multi-site evaluation of batterer intervention systems. Indiana, PA: Mid-Atlantic Addiction Training Institute.

⁸⁷ O'Farrell, T. (2003). Partner violence before and after individually based alcoholism treatment for male alcoholic patients. *Journal of Consulting & Clinical Psychology*, 71, 92-102.

returning violators to court. Although it would be expected that these program failures should have increased re-abuse, it appears probation officers' actions in returning them to court where judges increased court monitoring through monthly hearings as well as making most offenders begin the programs all over headed off any expected increase in re-abuse.⁸⁸ Researchers also noted that the majority of probationers who reabused their victims, if they had been correctly charged and prosecuted as repeat offenders, would not have been eligible for probation in the first place because Rhode Island statute calls for mandatory imprisonment for second and third abusers!

● **Champaign County, Illinois Technical Violations:** The State Attorney consistently failed to file against probationers reported to be in technical violation of their probation. Petitions to revoke were successfully filed on only 25% of violators by the state's attorney office in Champaign County.⁸⁹ In Sangamon County, all petitioners were filed by the state attorney but only 38.3% were granted by the court, 10% were denied, and the rest were pending at the time of the study. Most violators were given suspended sentences. In Peoria County, the state's attorney filed 33, 25 or 62.5% were granted. Tazewell had 45 violators, the state's attorney filed on 31, the court granted 12, or 26.66%, and 9 cases were pending at the time of the study. Most violators were placed back on probation with a longer sentence.

● **Quincy, Massachusetts probation revocations:** In the south shore, Massachusetts study, 106 arrestees were placed on probation and supervised by a specialized domestic violence supervision unit. By the end of the study, while 17 had successfully completed their probationary period, 34 were revoked and jailed, 21 for technical violations, mostly for failing batterer program followed by failure to maintain abstinence from alcohol/drugs. Similarly, a specialized domestic violence supervision program in four Colorado counties with caseloads of 35 per officer, weekly visits, mandatory 52 week batterer programs and electronic GPS monitoring of some supervised reported that of 152 probationers assigned since 2002, 41% were revoked. Ten committed new crimes, 39 missed appointments with officers or failed drug tests, and 38 completed successfully although one then was arrested for another domestic violence offense and drunk driving and one committed suicide.⁹⁰ In Champaign County, Illinois 61% of the domestic violence probationers had at least one probation violation.⁹¹

● **Domestic Violence Offenders Under Assessed by Prosecutors and Judges:** Comparing offenders on probation for domestic violence offenses with a group convicted of other violent offenses, researchers found that the domestic violence offenders received

⁸⁸ Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEK Analysis Corporation & American Probation and Parole Association.

⁸⁹ Hayler, B., Ford, N., & Addison-Lamb, M. (December 1999). An implementation evaluation of the enhanced domestic violence probation program in Champaign County. Springfield, IL: University of Illinois at Springfield.

⁹⁰ Huntley, S. & Kilzer, L. (February 9, 2005). Battered Justice Series. Rocky Mountain News.

⁹¹ Hayler, B., Ford, N., & Addison-Lamb, M. (December 1999). An implementation evaluation of the enhanced domestic violence probation program in Champaign County. Springfield, IL: University of Illinois at Springfield.

shorter probationary sentences although they were more likely to re-victimize than their counterparts on probation for non-domestic violence.⁹²

Implications for practice:

1. Identifying and returning probation violators to court for technical or law violations constitute essential components of effective supervision of abusers. **Therefore, if third parties such as prosecutors are necessary for filing for violation hearings, probation needs to form partnerships with prosecutors to get these cases before the court.**

2. Further, the court response has to be appropriate, including incarcerating those violators most likely to re-abuse. **Therefore, one of the important roles probation must play in the supervision of domestic violence offenders is to use its power to act as a safety valve for victims, adjusting initial sentences that may jeopardize victim safety by permitting chronic, violent predators to remain in the community.**

⁹² Olson, L., Crandall, C., & Broudy, D. (1998). Getting Away with Murder, A Report of the New Mexico Female Intimate Partner Violence Death Review Team, Albuquerque, NM: Center for Injury Prevention Research and Education, University of New Mexico School of Medicine.

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