Safety and Accountability Audit of Probation Supervision in Domestic Violence Cases

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BATTERED WOMEN'S JUSTICE PROJECT
HENNEPIN COUNTY PROBATION
SAFETY AUDIT FINDINGS AND RECOMMENDATIONS

I. AUDIT SCOPE

This safety audit was directed toward two questions of interest to the Hennepin County Probation Office:

1) Do probation officers have adequate information to enable them to refer domestic violence offenders to an appropriate batterer intervention program?
2) How does the communication of probation officers with domestic violence victims contribute to victim safety and offender accountability?

II. METHODOLOGY

Audit Procedures

Case Flow Chart
First, BWJP staff interviewed the Corrections Unit Supervisors of the North and Southside offices and the investigating office to understand the process a case goes through once a plea agreement or conviction is obtained. Many of the procedures that probation must follow are contained in the Adult Field Services Standard Operating Procedures.

Text Analysis
BWJP staff obtained a list of all of the domestic violence referrals to probation (including misdemeanor and gross misdemeanor domestic assault, disorderly conduct (DOC), gross misdemeanor interference with 911 calls, violation of Order for Protection and obstructing legal process) for Hennepin County Divisions 1 and 3 for February and March 2003. A total of 56 cases were referred to the investigating probation office in February and March. Of these 56 cases, 38 were referred on to the North or South side offices as new cases in that same period, and 7 were referred in April. 11 cases were not referred; of these, most involved defendants who were already on active probation, but in 3 cases it appeared that a referral should have been made.

Staff reviewed the probation files of the 38 cases that were referred as new cases, 22 cases from the Northside and 16 cases from the Southside office. All of the documents in the individual paper files as well as the case notes recorded by the supervising probation officer in the Adult Field Services (AFS) computerized database system (sometimes referred to as "chronos") were examined for each case.

Interviews
BWJP staff interviewed 6 supervising probation officers, three from each office. BWJP also interviewed the Victim Assistance Liaison regarding her experience with contacting victims and the Case Management Assistant. The Victim Assistance Liaison is a volunteer who provides supportive services to the victims of probationers. The Case Management Assistant works in the Domestic Abuse Service Center (DASC) checking on police reports where the suspect was gone on arrival. In addition, two focus groups were held with probation officers from investigation, pre-trial and conditional release, and supervision in October 2002. Probation officers were asked about their contacts with victims and any barriers to such communication.

Interviews with Victims

In addition, BWJP contracted with the Council on Crime and Justice (CCJ) to conduct interviews with women whose male partners were on intensive probation for a domestic violence conviction. The interview guide focused on issues of communication, their expectations of probation, and relationships with probation officers, and on their experiences with the criminal justice system in general. Ultimately only fourteen women were reached and interviewed. Given the small sample, themes that emerged are noted only when they were supported by other audit observations. The victim interview process and findings are discussed fully in a separate report.

III. PROBATION PROCEDURES

Demographics
Of the 38 cases, three did not involve intimate partner violence so they were excluded, leaving a total of 35 cases that were examined closely. BWJP staff reviewed the files during the time period of November 2003-February 2004. The breakdown of the 35 offenses was as follows: 18 convictions for misdemeanor domestic assault, 5 for gross misdemeanor domestic assault, 6 for disorderly conduct, 4 for gross misdemeanor interference with a 911 call, one for violation of order for protection and one for gross misdemeanor obstructing legal process.[1]

Only one of the offenders was female, the remaining 34 offenders were male. The race or ethnicity of the offenders was 21 African Americans, 9 whites, 4 Hispanics and 1 Native American. They ranged in age from 20-71, with a median age of 32 years old.[2]

Probation Procedures
Generally, once a plea agreement is reached, the court orders that probation complete a pre-sentence investigation (PSI).[3] Typically the investigating probation officer has four hours to prepare the pre-sentence investigation, during which s/he seeks to collect: the defendant's version of the offense, the defendant's prior violent behavior, alcohol or drug abuse, mental health issues and past or current orders for protection as well as the victim's version of the offense and desired outcome. The PSI form, however, does not direct the probation officer to

[1] Appendix A, BWJP Reports, Offense Report.
[2] Appendix A, BWJP Reports, Demographics.
[3] Appendix A, BWJP Reports, PSI Findings. There were 3 instances out of 35 where the pre-sentence investigation was done after the sentence was imposed. (BWJP Case Numbers 13, 16 and 30).

attach the defendant's criminal history to be forwarded to the court. As a result, the sentencing judge may be missing pertinent information when imposing the sentence.

The parties then report back to court and the defendant is sentenced. Probation then refers the defendant to the North or South side office depending on his/her address. The defendant is assigned to traditional domestic assault supervision unless the defendant has a prior domestic assault conviction or prior person felony, in which case the defendant is assigned to intensive supervision. Intensive supervision requires more frequent contact with the supervising officer for a longer period of time. At sentencing, the investigating probation officer gives the defendant the name of the defendant's supervising probation officer and the next available appointment date. The initial interview is typically scheduled about two weeks from the date of sentence. The investigating officer is responsible for gathering all the pertinent documents about the defendant into a case file. Clerical support staff then forward the paper file to the assigned office.

Supervising probation officers are required to conduct an initial interview with the probationer, ideally within 2 weeks of sentencing. Supervising probation officers are to review the conditions of sentence with the probationer, refer him to court-ordered or other appropriate programming or services, and monitor compliance with the conditions of sentence. They are also required to complete a Spousal Assault Risk Assessment (SARA) if the offender has a Domestic Violence Screening Instrument (DVSI) score higher than 8, which provides a more detailed analysis of risk. If the probationer is arrested for a same or similar offense or fails to comply with the conditions of probation, they must notify the sentencing judge by preparing an Arrest and Detention Order (A&D). Under certain conditions, the Fugitive Apprehension team can be directed to pick up the probationer. Two assigned probation officers will do immediate pick-ups in high risk cases, and there are protocols for their use in domestic violence situations. None of the cases reviewed for this audit indicated use of this team.

Forms Used by Probation

In reviewing the files, BWJP staff took note of the types of documents found in each file as well as the specific information about the probationer.[4] Any communication between the probation officer and the victim or batterer intervention program and also any rationale given by the supervising probation officer for choosing a particular batterer intervention program were noted.

IV. FINDINGS REGARDING REFERRAL TO BATTERER INTERVENTION PROGRAMMING

Finding: The court's sentencing of defendants to attend batterer intervention programs (BIP) is inconsistent and may contribute to noncompliance with the referral by the probationers.

Under Minnesota law, if a court orders probation for a domestic abuse offense, the court is required to order that the defendant complete a domestic abuse counseling or educational program (Minn. Stat.§518B.02, subd.1), that is required to be 36 hours in length unless the

[4] See Appendix A, BWJP Reports, Documents Found in Probation Files.

probation agent recommends fewer sessions (Minn. Stat.§518B.02, subd. 2(b)).

In Hennepin County, the court typically records the sentence on the form: "Terms and Condition of Sentence." The form contains a line for the court to check indicating that the defendant shall complete "anger management or domestic abuse counseling."[5] In the 35 cases studied, the court ordered the defendant to attend some type of programming for violence in 24 cases: 12 defendants were ordered to complete anger management or domestic abuse programming; 12 were specifically ordered to complete anger management.[6] In 9 cases, the defendant was ordered generally to "follow the recommendations of probation," and finally in 2 cases, there was no mention of programming or following the recommendations of probation.[7]

Probation officers referred these defendants to the following batterer intervention programs: Eastside Neighborhood Services, Domestic Abuse Project, Harriet Tubman, My Home, Inc., Phyllis Wheatley, La Oportunidad and Hennepin County Probation Services - Understanding Assaultive Behavior; and one anger management program: Choice Point (AACES).

Judges appear to use the terms "anger management" and "domestic abuse counseling" interchangeably, though they are not considered equivalent in the social services field. Anger management programs employ a brief cognitive therapy approach to behavior modification and do not address the psychosocial and cultural facilitators of battering behavior. Probation officers tend not to view the programs as equivalent and generally refer probationers convicted of domestic crimes to batterers programs. In fact, even when judges order a defendant to "anger management" specifically, the probation officer typically refers him to a batterers program as a more appropriate sanction.

The interchangeable use of these terms may contribute to problems with compliance. In the interviews, probation officers complained that some probationers resist referrals to batterers programs if the judge did not specifically make that part of the sentence. Moreover, under a recent Minnesota Court of Appeals opinion, *State v. Behr*, unless the court specifically orders the defendant to attend batterer intervention programming, the court may be precluded from imposing any sanction for failing to complete it.

Lastly, probation officers also make inappropriate referrals to anger management programs. In one instance[8], the referral was not appropriate according to state law and the program's own guidelines. This involved a defendant who had previously been convicted of gross misdemeanor domestic assault. He was charged with gross misdemeanor domestic assault in this instance as well, but was permitted to plead to disorderly conduct. This assault involved strangulation of his wife. He was referred to Choice Point (AACES), an eight hour anger management course. The guidelines for AACES specifically say it is not appropriate for a person who has exhibited a pattern of violence. Moreover, this defendant's DVSI score was 10, which suggests that a more intensive program was needed. The defendant never actually attended the program, but no A&D

[5] An example of this form can be found at Appendix B.
[6] Appendix A, BWJP Reports, Sentence Conditions Anger-BIP Programming.
[7] *Id.*
[8] BWJP Case Number 37.

was issued.

Possible Solutions

- The court could explicitly sentence defendants to complete a domestic abuse counseling program instead of directing the defendant to follow the recommendations of probation. This would give the message to the defendant that it is not simply the probation officer who thinks he needs domestic abuse counseling, but the court as well. This change might reduce claims by the defendant that he is not required to attend domestic abuse counseling or that an 8 hour anger management class fulfills his obligation.

  Research has found that batterer intervention programming is most likely to have a positive effect on re-assault rates if the criminal justice system incorporates the following features:

  1. Probationers attend appropriate batterer intervention programming as soon as possible.[9]
  2. Swift and certain sanctions are imposed for program noncompliance.[10]
  3. Good communication is maintained between batterer intervention programs and the court regarding attendance and progress in the group.
  4. Offenders who are severely abusive and who have been previously arrested for non-domestic violent crimes are ordered into intensive batterer counseling (3-4 times a week per week) for the first one or two months.[11]

- Since state law requires that defendants complete a domestic abuse counseling program and not anger management, changing the sentencing form to eliminate the anger management option would reduce the likelihood of misstating the type of programming ordered. Combining the two programs on the same line suggests that they are equivalent when they are not.

- Hennepin County Probation should develop and issue guidelines to help probation officers determine when/if a referral to an anger management program is appropriate, perhaps requiring that any variance from these guidelines be approved by a supervisor. The underlying history of violence, not simply the conviction charge, should determine the appropriate programming.

Finding: **Fewer than 10% of defendants started batterer intervention programming within 60 days of being sentenced. Very few of the defendants completed batterer intervention programming in the 6-12 months after sentencing.**

The Standard Operating Procedure for Arrest and Detention (A&D) Orders dictates that officers should file an A&D if the probationer has not shown adequate effort to enter a required treatment

[9] National Institute of Justice (1998) Batterer Intervention: Program Approaches and Criminal Justice Strategies, 84.
[10] Gondolf E. (2002) Batterer Intervention Systems: Issues, Outcomes and Recommendations, 213.
[11] *Id*.

program 30 days from the date of sentencing.[12] This procedure is routinely not followed. Case files were reviewed anywhere from six months to one year after the sentencing date for the defendants. In 15 of the 35 cases, the defendant had not yet started batterer intervention programming at the time of our review. Of the remaining 20 cases, one was already in programming at the time of his arrest; one started within 30 days of sentencing; 3 started within 60 days, 3 started within 90 days; and 12 took longer than 90 days. Therefore, fewer than 10% of the defendants started programming within 60 days of being sentenced.[13]

Some of the officers confirmed that they do not immediately require a defendant to enroll in a program because they are trying to establish a relationship with their client prior to referral, or might also wait until the defendant has a job or a stable place to live. Another source of delay may come from giving probationers two or three programs from which to choose, an approach which some officers view as improving the probationer's investment in completing it.

An additional obstacle to quick enrollment may be the lack of financial resources to pay for the program. A comparison of the employment status of the probationers who completed the programming to those who failed to start, reveals that 75% of the people who completed programming were employed compared to only 28% of the people who did not start programming.[14] Although the programs typically offer a sliding fee scale for those who have little or no income, lack of money may be a factor.

Some batterer intervention programs, particularly the culturally specific ones, may have long waiting lists. Both Phyllis Wheatley and Harriet Tubman use a closed group format, which means they only start a group several times a year. However, in the five cases where defendants were referred to closed group programs, the length of time defendants took to enter programming was not discernibly different from those who did not attend closed groups.[15]

Only 8 of 35 (23%) of the defendants had completed batterer intervention programming by the time the files were reviewed (6-12 months after sentencing).[16] Of the eight who did complete, 2 attended Choice Point AACES, a one-day program. At least 5 probationers didn't complete because they were terminated from the program due to non attendance, etc.[17]

It is standard policy that if a defendant also is chemically dependent, he will attend chemical dependency treatment first, before entering batterers programming. While this may explain some of the delay, almost half of those who did not complete batterers programming had no chemical

[12] AFS Standard Operating Procedure 3-5.
[13] In some instances, the initial interview between the officer and the defendant did not occur within 21 days of sentencing, thus adding to the delay. Of 31 cases where the date of the initial interview was noted, 7 of them occurred more than 21 days after sentencing. In two cases the initial interview occurred more than 90 days after sentencing. Appendix A, BWJP Reports, Length of Process.
[14] Appendix A, BWJP Reports, BIP Progress and Employment, Compliance.
[15] Appendix A, BWJP Reports, Length of Process.
[16] Appendix A, BWJP Reports, Batterer Intervention Program Progress.
[17] Appendix A, BWJP Reports, Batterer Intervention Program Communication. (BWJP Case Numbers 15, 20, 21, 27, 30)

dependency issues.[18]

Another possible reason that defendants fail to start programming may be that they have committed other probation violations that resulted in the sentence being executed or probation suspended. In fact, 78% of those who did not enroll in programming committed probation violations[19]. Due to the limited nature of the data collected on probation violations as part of this audit it is impossible to know whether the probation violations were the result of the failure to attend programming or violation of some other condition nor is it possible to know if time in jail led to the delays in beginning programming.

Possible Solutions:

- Require defendants to begin batterer intervention programming as soon after their initial interview as feasible to engage them in working on the issues that brought them into the criminal justice system. Enrollment in the batterers program attempts to address the violence and increases monitoring of his behavior. Since most programs last at least 10 weeks, defendants would have a greater chance of completing before probation ends if enrollment occurred as quickly as possible.

- Institute probation review hearings to insure quick enrollment and compliance with all probation conditions. Such hearings could be scheduled anywhere from 60-90 days after sentencing. The judge would review the probationer's progress in completing the conditions of probation and impose sanctions if adequate progress was not made. Typically these hearings are conducted before the same judge with the probationer and probation officer present. Probation review hearings have proved effective in increasing offender accountability in other jurisdictions such as Ann Arbor, Michigan; Milwaukee Wisconsin; Dorchester, Massachusetts and Brooklyn, New York.

- Probation officers could refer probationers to a specific batterer intervention programming, instead of giving them a choice, to decrease any delay in enrolling. The National Institute of Justice's Report, *Batterer Intervention: Program Approaches and Criminal Justice Strategies* recommends that probation officers assign offenders to a specific program, noting the experience of the 18th Judicial District in Colorado: "We found through experience that if you give [batterers] two or three programs to choose from- some would ask for the entire list- they spend two or three months shopping around to find which program is a dollar cheaper or seems to fit their schedule perfectly. So we stopped doing that and now we make specific referrals."[20]

- If inability to pay for programming is a delaying factor, perhaps consider some mechanism whereby the County pays so the defendant can attend and then gets reimbursed so that the goal of early enrollment in programming can be met.

[18] Appendix A, BWJP Reports, Batterer Intervention Program Progress.
[19] Appendix A, BWJP Reports, BIP Progress and Employment, Compliance.
[20] The National Institute of Justice's Report, *Batterer Intervention: Program Approaches and Criminal Justice Strategies* at 86.

Finding: **Most of the probation files contained adequate information about the history of the defendant to allow the supervising probation officer to make an informed decision as to which batterer intervention program is an appropriate referral. However, some files were not forwarded to the field offices in a timely manner.**

Most of the files contain a police report, criminal history, pre-sentence investigation, and DVSI for each defendant. The pre-sentence investigation contains the defendant's version of the incident, chemical abuse history, and information from the victim regarding the incident, any past incidents, and possibly the existence of orders for protection. Though the investigating probation officers typically have only 4 hours or less to complete a pre-sentence investigation, some are able to gather a significant amount of information. The interviews with the supervising probation officers revealed that they generally felt they had adequate information to make a good referral.

However, in 5 cases the file did not arrive from the investigating office until after the initial interview, and in 3 cases, it was not noted when the file arrived. If the supervising probation officer is to make a referral at the initial interview, the file must be available. [21]

Typically, supervising officers did not write down the reason for choosing a particular intervention program in the file.[22] However, in the audit interviews the supervising officers enumerated many reasons for their choices. They consider availability, location, cost, severity of offense, past history of violence, special language needs, availability of culturally specific programming, and education level of defendant. Several officers indicated that they do not use certain programs because the programs do not communicate how the defendant is doing.

Possible Solutions:

- Establish procedures to ensure that the probationer's file is forwarded to the supervising probation officer prior to the initial interview.

Finding: **Supervising probation officers do not have access to one source of information about batterer intervention programs that is kept updated.**

When asked about how they know which batterer intervention programming is available, the officers indicated that there is a resource book listing batterer intervention programming, but that it has not been updated in some years. The officers indicated that they rely on talking to their coworkers or staff meetings to find out about changes to or additional batterer intervention programming offered. Many were aware that BWJP had done a survey of batterer intervention programming, but they were not familiar with the results of the survey.

Possible Solutions:

- Establish procedures that maintain a current list of batterer intervention programs.

[21] Appendix A, BWJP Reports, File Arrival.
[22] Appendix A, BWJP Reports, Reason for Batterer Intervention Program Referral. Only 5 of the 35 cases noted their reasoning in the AFS system (BWJP Case Numbers 2, 11, 17, 23, 35). The reasons included Spanish speaking, needing longer programming and already attending the particular program.

- Disseminate the results of the BWJP survey of batterer intervention programs
- Incorporate the survey results into the listing of batterer intervention programming available.

Finding: **Hennepin County Probation does not formally evaluate the effectiveness of the particular batterer intervention programs it uses**.

Although officers feel they can gauge whether a defendant is making progress in batterer intervention programming by asking questions about what the defendant is learning, there is no formal follow-up to see if graduates of particular programs are less likely to reoffend than other programs, or if certain programs are more successful with certain types of batterers.

Possible Solution:

- Probation could periodically evaluate the outcomes for graduates of the main batterer intervention programs to which it refers defendants to see if they are equally effective. Perhaps this evaluation could be done by the court research staff.

Finding: **There is no specific programming to address the most violent and persistent offenders.**

As noted previously, many of the defendants in these files were quite violent, their assaults were serious and they had extensive incidents of past violence. However, there is no specific programming offered for the most violent and persistent offenders. When asked what they do with repeat offenders who have already attended a program, some of the supervising officers said they make the defendant attend it again.

Possible Solutions:

- Probation could work with the program providers to create a more intensive program for the most violent and persistent offenders, as recommended in research by Gondolf. [23]
- If no such programming is available, victims may be safer if these offenders are jailed instead.

Finding: Eighteen of 25 case files (72%) had documentation of contact with the batterer intervention program attended by the probationer. Seven cases contained no information about the referral to batterer programming.

In general, the batterer intervention programs used by probation communicated adequately regarding a defendant's progress. This finding is consistent with the interviews of the supervising officers who said they do not refer defendants to batterer intervention programs that do not keep them informed as to their progress. BWJP staff examined the paper files and AFS system for any communication to or from batterer intervention programs. In 16 of the 25 cases where the defendant was assigned to a batterer intervention program, written documentation

[23] Gondolf, E. (2002) Batterer Intervention Systems: Issues, Outcomes and Recommendations, 213.

from the batterer intervention program was found. BWJP staff found notations in the AFS system of contacts with batterer intervention programs in 12 cases of the 25. Between the paper file and the AFS system, 18 of 25 cases (72%) had some contact recorded with the batterer intervention program.[24]

Some batterer intervention programs provided frequent updates on the progress of the defendants; others only gave notice when the defendant failed to attend classes or when the defendant was terminated from the program. Of the eight batterer intervention programs used as referrals in these cases, no contact with probation was recorded from My Home, Inc. and Hennepin County Probation-Understanding Assaultive Behaviors (UAB). The lack of contact with UAB, an internal program, may be due to the fact that communications were informal and simply not recorded due to the close working relationship between group facilitator and probation officers.

The scope of the audit did not include investigating the actions taken by probation officers upon learning of a termination, but it is worth noting that in one case[25] the defendant was terminated from his batterer intervention program in June 2003 but no probation violation was filed with the court until he had missed seven appointments sometime in November 2003. Research has shown that technical violations often indicate criminal violations yet to come.[26]

Possible solutions:

- Standard Operating Procedures 5-6 on *Domestic Abuse Referral and Supervision* does not specifically require notations in the case file, but directs probation officers to "monitor the case to ensure compliance with the specific conditions ordered by the court" and "report violations to the Sentencing Judge." (p5) It would be reasonable for the probation department to expect that all case files should contain documentation of a probationer's compliance or noncompliance with a referral to batterers programming, as well as all other referrals.

V. FINDINGS REGARDING COMMUNICATION WITH VICTIMS

Finding: The probation department does not provide specific expectations for the role of the supervising probation officers in relation to victims, and individual probation officers do not have a common understanding of this role.

The interviews with probation officers followed a standard format. BWJP staff began by asking each probation officer to describe what they perceived their role to be and followed that question with several questions regarding their obligation (if any) to the victim, the defendant, and the court. Most of the six probation officers interviewed were very clear about what their role relating to the probationer, though responses fell largely into two categories, those who viewed their role as an enforcer and those who viewed their role as a helper. One said "I would rather be

[24] Appendix A, BWJP Reports, Batterer Intervention Program Communication.
[25] BWJP Case Number 15
[26] Office for Victims of Crime, "Promising Victim-Related Practices and Strategies in Probation and Parole," July 1999, 92.

seen as a facilitator than an enforcer," for example, while another compared her role as "like a parent, have to obey laws or consequences follow." All had similar views of their obligation to the court, succinctly stated by one probation officer as providing "accurate reports regarding the defendant's status."

There was no consensus about their obligation to the victim. A couple of probation officers expressed the view that they had an obligation to provide resources to victims, and only one identified victim safety as an obligation. This lack of a common understanding of their role vis-à-vis victims reflects the department's lack of comment on this role in SOP 5-6 *Domestic Abuse Referral and Supervision (2003)*. The only mention of the action to be undertaken by the supervising probation officer is to "maintain information in the AFS-SMS, including…updated victim information." (p5) Additionally, contact with victims may be initiated to complete a SARA (Spousal Assault Risk Assessment) when it is required for probationers scoring above 9 on the DVSI.

Clear expectations from the department about victim contact would also help address collusion with batterers, a danger often cited by batterer intervention specialists as inherent in working with this population, especially when information about the victim's experiences and perspectives is lacking. Most of the probation officers interviewed felt an obligation to the defendant to help him succeed, and one said specifically that perpetrators "are victims too." Another expressed the wish that they could have more authority over victims because victims push buttons and sending batterers to treatment is only treating part of the problem. These comments raise some concern about probation officers unwittingly colluding with their probationers. Without a clear focus on victim safety, the risk of collusion becomes greater, especially in a system overwhelmed by unmanageable caseloads.

Possible Solutions:

- Hennepin County Probation could develop a statement of its expectations of the role of supervising probation officers in relation to victims and in promoting victim safety. These expectations should be added to the standard operating procedures to promote a common understanding of this role by officers. Coordinating with advocates and prosecutors might lead to more victim contacts. There is much to be gained in terms of safety and accountability, if victims know what is going on during probation. As Gondolf recommends: "*Maintain more structured and consistent support of women during and after batterer programs*. The women (a) appear to have perceptions that will help to identify high-risk men, (b) could benefit from advisement on additional cures (e.g., drunkenness), and (c) need help in responding to the most violent men."[27] Probation officers should be speaking with victims during the course of supervision unless the victim clearly does not want this contact.

Finding: Procedures related to victim contacts by probation officers and the Victim Assistance Liaison could facilitate more meaningful contacts that better promote a victim's understanding of probation's role and the ability of probation officers to ensure compliance of probationers with the conditions of probation.

[27] Gondolf, E. (2002) Batterer Intervention Systems: Issues, Outcomes and Recommendations, 191.

Supervising officers send a letter to the victim at the beginning of the defendant's probation. The letter contains the defendant's conditions of sentence and the name and telephone number of the probation officer. The letter is signed by the victim liaison for probation. It urges the victim to call her if she needs help with services or restraining order. The language is only sent out in English, regardless of the primary language of the victim. Several of the officers indicated that often the letter is returned as undeliverable.

Although the victim letter is to be sent out in all cases, copies were found only in 23 of 35 cases.[28] In the remaining 12 cases, the letter may not have been sent out or simply was not filed, because 8 victims in these cases did ultimately have contact with the supervising probation officer.[29] However, several of the women interviewed by CCJ were unsure about whether they were allowed to initiate contact, suggesting the letter may not have reached them or was misunderstood.

The audit interviews with officers indicated a wide variation in rates of victim contact, beyond the initial letter. Their estimates of level of contact with the victim ranged from little or no contact to contact in 70-80% of cases. In the 35 cases reviewed, there was additional post-sentence contact in 15 cases (42%).[30] In only 5 of the 15 cases did the officer call the victim, a finding confirmed by the focus group participants who claimed that they typically initiated contact with the officers.[31] In addition, in the interviews with the officers, some gave reasons why they felt they couldn't contact the victim. One officer believed it would be a violation of the no contact order if the victim was contacted by probation. Another officer expressed concern that the probation telephone number appearing on caller identification could endanger the victim. Another said that language barriers prevented communication with the victim.

However, the perception of probation officers that they have many contacts with victims who take up a lot of their time was a strong theme that arose during the audit. From the interviews, it seemed that this perception reflected the officers' feelings of confusion about their role regarding victims, lack of resource information and linkages to community services that would be useful to victims, and uncertainty about assessing victim safety. Thus, even limited amounts of contact felt overwhelming.

The interview with the Victim Assistance Liaison found that she receives about 5 calls a week from victims. The calls ring into voicemail, which sends a page to let her know she has a call. She then calls the victim back. However, she cannot respond to many of the questions she receives since they are about the defendant's conditions of sentence and must be referred to the supervising probation officer. She does provide information about getting restraining orders, finding shelter or other resources, but indicated that sometimes she cannot return a call because the message left is unintelligible.

[28] Appendix A, BWJP Reports, Letter to Victim.
[29] Appendix A, BWJP Reports, All Contact with Victims.
[30] Appendix A, BWJP Reports, All Contacts with Victim.
[31] Appendix A, BWJP Reports, Contacts to Victim.

There is one possible additional source of contact with victims through the Case Management Assistant. The Case Management Assistant works in the DASC and so may talk with victims whose partners are on probation when they come in to get an order for protection. These contacts are not recorded in AFS.[32]

CCJ interviews indicated that most of the fourteen women interviewed reported having little contact with probation. Overall, women wanted more contact and for probation to be supportive of them and invested in their cases. Interviews with women showed that they were concerned that their partners were trying to beat the system, resulting in them not being held accountable. Often this related to probationer's finding ways to pass the drug screenings while continuing to use drugs and alcohol. Women also indicated a real lack of clarity about the different parts of the criminal justice system and their roles. They did not know who the players were nor did they feel engaged in the court process.

Given the severity of the violence perpetrated by Hennepin County probationers (see following section VI) and the likelihood of probation violations, proactive steps to reach victims would likely improve victim safety. The contacts they have reveal many misunderstandings on the part of victims about the role of probation, the risks of re-assault, and the lack of referrals to advocacy resources. In fact, there were no recorded contacts with any type of advocate in the 35 files reviewed.[33] In the interviews, most officers indicated that they rarely or sometimes have contact with an advocate working with a victim. Only one officer indicated that she regularly works with advocates. Ideally, the advocacy community and probation should work together to fill this gap.

Possible solutions:

- Translating the initial letter into the most common languages spoken by victims might help to reach a larger segment of victims. Since non-English speaking victims may be the most cut off from other services, this initial letter should be understandable to them.

- The receptionist could answer the calls to the Victim Assistance Liaison number, which might improve chances that the victim's contact information will be recorded properly. Also, being able to speak to a person instead of a machine may make victims more likely to leave a message. This should not be a great burden on the receptionist since currently there are only a few calls a week.

- While the Victim Assistance Liaison is able to provide referrals and information, she cannot answer many of the questions directed to her which the supervising probation officer can answer. If the receptionist answers the calls initially, the probation department could develop procedures to guide her in referring the call to the Victim Assistance Liaison or to the supervising probation officer.

- There is inexpensive technology available that can block the caller identification so that officers could safely call the victim. Probation could also contract with telephone language

[32] The position of domestic abuse case management assistant at DASC is now a probation officer position. As such, the assistant has more ability to intervene with A&Ds, and update the AFS for cases on which she works.
[33] Appendix A, BWJP Reports, Contacts with Others.

lines to provide translation services for speaking with non-English speaking victims.

- Any substantive contacts the Case Management Assistant has with a victim on an active case could be recorded in AFS so that the supervising officer has a complete record of victim contacts.

- Stronger relationships between supervising officers and advocates would better serve victims while alleviating probation officers from the advocacy tasks beyond the scope of their role. Providing victims with phone numbers to services is not as effective as setting up an appointment for her with a specific advocate who can meet her needs. Perhaps advocates and probation supervisors could develop a plan for more effective referrals, building on the experiences of those probation officers who have established these connections.

Finding: Probation officers do not have a common understanding of the level of confidentiality of their communications with probationers or victims.

In the interviews with the officers it was apparent that they had different understandings of whether their communication with victims was confidential Staff have a process for documenting victim contact in AFS by starting the entry with ***CONFIDENTIAL***, to make those entries more easily visible for subsequent redaction if the case chronologies are turned over during discovery for the revocation hearing. This process was not consistently followed. Some officers felt they had no confidentiality and told the victims that. Some felt they could keep information confidential by either not writing the information down or by marking it "confidential" or "anonymous" in the AFS system. Others told victims their conversation was confidential, but then shared the information with the judge.

Several of the officers interviewed felt that state law constrained them from sharing potentially helpful information with victims. For example, if a defendant was required to refrain from drinking as a condition of probation, some officers felt they couldn't tell the victim that he was caught drinking. They felt they could only share public information such as whether he was in compliance generally or if he made a specific threat to harm the victim.

Women interviewed by CCJ wanted a procedure to ensure confidentiality of their communications with the probation officer. Specifically, they noted that while they could update probation officers about possible violations, they feared their partners would find out. As one woman said, "That's all I need to happen. That puts me in fear for my safety."

Possible Solutions:

- The expectations of Hennepin County Probation related to the officer's role in relationship to victims should clearly outline issues of confidentiality so they understand which information can be communicated to victims, and how information from victims should be protected.

- Minnesota Statute §13.84, subd. 7, provides that the conditions of probation and the extent to which these conditions have been or are being met is public information. Accordingly, it appears that officers can share more detailed information about the

defendant with the victim, such as whether he is missing classes or drinking. This information may help enhance the safety of the victim.

- Since revealing confidential information from a victim could substantially endanger her safety, officers should receive training on preserving confidentiality. Confidential information should not be shared with anyone outside of probation without the victim's permission. Officers should explain to victims prior to the start of any conversation, what information they can keep confidential. For example, would they have to reveal a report from the victim that the probationer had abused their child? If there are instances where there is no confidentiality, victims should be encouraged to talk with an advocate first.

- To hold offenders accountable while keeping victims safe, methods must be found to use information gained from victims without exposing the victim as the informant. For example, Westchester County, NY, allocates resources to allow probation officers to make appearances in the community so that they observe the probationer in violation of stay away orders, living with the victim, or using drugs or alcohol. Other probation offices have instituted methods to trigger "random" drug testing if they receive a tip that the probationer is using substances.

Finding: There is no standard procedure regarding the lifting of no contact orders imposed by the court.[34]

No contact with the victim was ordered in 15 of the 35 cases.[35] Most of the victims' contacts with probation officers in the files dealt with requests to impose a no contact order, lift a no contact order or complaints about violations of the no contact order. BWJP staff interviewed the officers regarding the procedure for victims to request dismissal of a no contact order and found considerable variation between the officers.

Some required the defendant to have completed his batterer intervention programming before agreeing to recommend the lifting of the order, others required him to have made progress or attended a certain percentage of his classes and others did not impose any such requirement. All but one required the victim to meet with them so that they could determine that she was in fact the victim and not someone posing as the victim. Some officers engage in safety planning with the victim at this meeting; others simply try to determine whether her request is made of her own free will. Some officers require her to sign a document saying she has discussed the issue and wants the order lifted; others send a letter themselves to the judge explaining that they have spoken with the victim and one simply refuses to agree to the modification and tells the victim to go directly to the judge.

Officers indicated that the majority of the time a victim goes directly to the judge to get the order lifted, the court does contact the supervising officer and get input from him or her as to whether the order should be lifted. However, in 10-20% of cases the court does not contact the supervising officer prior to lifting the no contact order.

[34] Since the audit, a procedure has been developed for the Domestic Violence Court, but is not routinely implemented at this time.
[35] Appendix A, BWJP Reports, No Contact Ordered.

Possible solutions:

- The court and supervising officers should develop a standard procedure regarding requests to lift no contact orders. Currently, the information a victim receives and the process she must go through depends on the judge and supervising officer with whom she speaks. At a minimum, the policy should require that the probation officer be notified whenever a request to lift the order is received. Any policy should require that someone verify the victim's identity.

- It is also recommended that the order not be lifted unless the defendant has completed his domestic abuse counseling program. A no contact order is not automatically included as a condition of sentence; it is only included if the victim requests it or the circumstances are serious enough that the court feels it is necessary.[36] If defendants are not permitted to see their victims until they have completed their programming they have extra incentive to complete the programming promptly. It also gives defendants time to incorporate the principles they have learned at their programming into their behavior. Moreover, it gives officers additional leverage over defendants because defendants can be violated for mere presence in the victims' homes.

  For example, the Second Judicial District (Ramsey County) has a formal policy on requests to lift no contact orders.[37] It recommends that the judge contact the officer to get input. Probation does not consider modification unless the defendant has completed his domestic abuse counseling program. The officer is supposed to refer the victim to a specific advocate to discuss safety issues and other concerns. The advocates then confirm to the officer that they have spoken with the victim, but make no recommendations regarding the modification request. If the defendant has completed his programming, probation fills out a memorandum outlining the defendant's progress on probation and also includes the fact that the victim has spoken with an advocate. The pre-sentence investigation is also included. Probation makes no recommendation on whether the order should be lifted. The court then decides whether a hearing is needed. The policy recommends that the court be reluctant to change these orders without evidence of substantial change in circumstance.

CONTEXTUAL OBSERVATIONS

In the course of the audit, several issues were identified that directly impact victim safety and offender accountability. These issues involve the police, prosecutors, court and probation. These observations are included here as they provide a context in which to consider probationer programming and victim contacts.

A. Police: The audit found indications that arresting officers may not have considered

[36] Interestingly, of the 15 defendants who were ordered to have no contact with the victim, thirteen of them violated probation. This suggests that these individuals would not be good candidates for having the no contact order lifted. *Id*.

[37] Attached hereto at Appendix B.

self defense and predominant aggressor factors when arresting and charging defendants.

Two of the cases reviewed involved female defendants. The incident reports attached to each case revealed that both women might have used force in self defense; however, both women were still arrested. In the first case[38](not formally reviewed because it did not involve an intimate partner) an immigrant woman struck her 15 year old son with an object. According to statements in the file, her son was intimidating her and physically pushing her. She pled guilty to an amended charge of disorderly conduct and was ordered to attend a group that was provided in her community. Communications from that program to probation showed no awareness of the woman's possible use of self defense, or her possible inappropriateness for the program. Indeed, nothing from the letter revealed any concern that the woman's position in the home was made more vulnerable by the conviction or subsequent probation.

The second case[39] involved a dual arrest. BWJP staff reviewed the file on the male defendant and noted that the description from the police report suggests the female may have been acting in self-defense or at a minimum was not the predominant aggressor. Her husband literally sat on her for over an hour in response to her slap. She escaped and called the police.

These cases raise concerns that police and prosecution may not be vigorously applying a self-defense and predominant aggressor analysis. In addition, both of these cases involved immigrant defendants who are even more vulnerable to misunderstanding our legal system in general and the immigration consequences of criminal convictions in particular.

B. Prosecutors and Judges: In many cases, a significant discord exists between the apparent extreme level of dangerousness a defendant poses to a victim, and the sentence ultimately imposed. In plea negotiations and sentencing, there is a lack of consideration of the Pre-Sentence Investigation recommendations.

The text analysis of the probation files revealed a level of violence higher than one might expect for misdemeanor assaults. The pre-sentence investigation reports summarized the assaults. In ten cases there were references to strangulation, a potentially lethal form of violence.[40] In two of the strangulation cases, the victim received "multiple blows"[41]and one of those also indicated that the assault lasted over an hour. A case involving strangulation[42]had a photo in the file showing a "terrible black eye." Another strangulation case[43] also included a punch in the jaw that knocked the victim to the floor followed by kicking. However, conviction charges for these cases do not reflect the seriousness of the violence. Of the 10 cases involving strangulation: 2 resulted in a conviction of disorderly

[38] BWJP Case Number 1.
[39] BWJP Case Number 16.
[40] Appendix A, BWJP Reports, PSI Findings.
[41] BWJP Case Numbers 38, 29.
[42] BWJP Case Number 12.
[43] BWJP Case Number 3.

conduct, 5 were convicted of misdemeanor domestic assault, 2 gross misdemeanor domestic assault and 1 was a misdemeanor domestic assault conviction with a stay of imposition, an outcome with the potential of carrying no permanent record. Half of the defendants who used strangulation in their assault subsequently had probation violations.[44]

Severe violence was also present in some cases not involving strangulation. In one case[45] the defendant had fractured the victim's eye socket. Another case[46] involved "multiple blows, kicking, pushing, bruises and cuts." One victim[47] who sustained a black eye claimed the defendant threatened her with a gun. She also said the defendant was a gang member. Another defendant[48] struck his victim in the face four times with a closed fist. All of these defendants also subsequently violated probation.

As noted in our earlier audit of prosecution, felony charges in these cases should be considered.[49] Inherent legal problems in such cases may be partly responsible for the weak outcomes, given the persistence of this finding from the earlier audit, the Hennepin County Attorney's Office might wish to review these cases to determine if any changes in their policies on charging cases are warranted.

At various points during the audit, we noted cases in which substantial violence is indicated in the file, often involving a habitual offender. Certain dangerous cases are presented to the County Attorney's Office for felony charging, but perhaps because of evidentiary weaknesses, are returned to the City Attorney for misdemeanor charging. There were many instances in which we noted a significant discord between the apparent extreme level of dangerousness a defendant poses to a victim, and the sentence ultimately imposed. This was one of the more troubling and consistent observations made during the audit process.

Many of the defendants had previous criminal histories for both misdemeanor and felony crimes including drug crimes as well as domestic violence related offenses.[50] So, while probationers are being supervised for misdemeanor offenses, in reality they are repeat criminals committing violence that often has the potential of felony charging. These prior criminal convictions clearly have an impact on their "amenability" to probation supervision.

Pre-sentence investigations for three individuals[51] concluded that they were "not amenable to probation" and recommended that they serve all their time, a recommendation not heeded by the bench. All three of these offenders subsequently violated probation, two by re-assaulting the victim and one by continually harassing her. This failure to heed the investigating

[44] Appendix A, BWJP Reports, PSI Findings and Probation Violations.
[45] BWJP Case number 28.
[46] BWJP Case Number 24.
[47] BWJP Case Number 35.
[48] BWJP Case Number 27.
[49] Battered Women's Justice Project, *Fourth Judicial District Safety and Accountability Audit: Year 2* (2002), page 40.
[50] Appendix A, BWJP Reports, Probation Violations.
[51] BWJP Case Numbers 22, 26, 32.

probation officer's recommendation significantly decreased the victims' safety and well-being. One case[52] was particularly egregious because the defendant continued to harass and threaten the victim even after he was jailed. The victim continually reached out to the police and probation to try to get the defendant stopped. He broke into her home, threatened to kill her and kept violating the no contact order for months, even while he was in jail. At first the police said they could find no record of the no contact order so they wouldn't arrest. Then the police were unable to locate the defendant to arrest him. The probation officer advised the victim to leave her home until he was caught. Once the defendant was finally arrested and jailed, he continued to contact her for at least two months from the jail.

To improve victim safety, prosecutors could avoid plea bargains that foreclose jail time if the defendant is a serious and persistent violent offender. Likewise, the Court could reject pleas that recommend probation when the probation department determines the defendant is not amenable to probation. And the sheriff could more rigorously monitor defendants to prevent them from continually contacting victims from jail and/or assist in making records of these calls available for additional charging or sanctions.

In addition to the three cases where the pre-sentence recommendations of probation were ignored to the detriment of the victim and the three cases where the probation investigation was done post-sentence,[53] BWJP staff were also alerted to another instance when the court expressed little interest in the pre-sentence investigation. The following, taken from a sentencing transcript, captures the essence of this view. The judge uses the term "assessment" for pre-sentence investigation:

THE COURT: Prosecutor, there were so many cases this morning, I can't remember. Is this one where we're doing a domestic abuse assessment?
PROSECUTOR: It was.
THE COURT: And so we're coming back this afternoon?
PROSECUTOR: Yes.
THE COURT: What time do the two of you want to come back?
(Off the record)
THE COURT: Here's what I'm going to do. I'm going to go ahead and impose the sentence. I'm going to order the assessment to be done. And then if either side wants to reappear on the matter, they can. I mean, that way unless there's – I don't know what benefit the assessment is going to be for me at this point. It is that the defendant comply with whatever they recommend, right? I mean, that's the point of the assessment, so it seems to me that it's pointless to make you come back here unless there's a reason to come back. I mean, that's all I'm saying.
PUBLIC DEFENDER: I'm in agreement with that if the prosecutor is.
THE COURT: Prosecutor?
PROSECUTOR: Well, I'm supposed to object. But you are the judge, and I will live with what you decide. I agree I don't think it will be much different. The only thing is they may recommend jail time, but we've all agreed this is what it's going to be. So whatever you

[52] BWJP Case Number 22.
[53] Appendix A, BWJP Reports, PSI Findings.

wish, Your Honor, is fine by me.

The court tends to agree to sentences negotiated by the prosecutor and defense attorney. The extra time it takes to complete the PSI creates a disincentive to both judges and prosecutors to wait for the results, even though the negotiated sentence may be considered inappropriate by probation due to the level of violence or defendant's criminal history. In addition, the failure to request a PSI could result in a sentence that lacks the specificity required under *State v. Behr.*

Probation officers who were interviewed expressed much frustration with judges who fail to heed the recommendations of pre-sentence investigations that identify major compliance problems or suggest more jail time. Jail sentences often give credit for time served, but impose no additional time.

C. Judges: Probation officers generally feel that the courts often fail to impose swift and certain consequences for violations of probation

In the audit interviews, officers were asked what barriers they see to holding offenders accountable. One of the main barriers they identified is the court's failure to impose serious consequences for probation violations. Several officers commented on their perception that the court views these cases as unimportant, since they are "only misdemeanors."

One probation officer suggested that probationers do not feel the court has punished them for violations because they do not suffer any significant punishment for the violation. They are taken into custody and appear before a judge who gives them credit for the time served since they were jailed (usually one or two days) and then they are released. Imposing even one additional day of jail time would drive home the message that there is a consequence for violating probation and it is the judge that imposes that consequence.

Often, probation officers must weigh the possibility of judicial indifference against the need to issue an Arrest and Detain Warrant. Probation officers' credibility as enforcers is lost if probationers know that judges will not back them up or if probationers perceive "credit for time served" as judges not really giving them any sanction. Unfortunately, the officer's credibility is also lost if violations accrue with impunity.

D. Judges: There were no orders for restitution to victims included in the probation files reviewed.

Though not a special focus of this audit, the absence of any orders for restitution to victims in the 35 cases examined was striking. As noted previously, many of these assaults were severe, requiring medical attention. Sometimes property was destroyed, such as the telephone. The failure to order restitution means that victims' needs for restoration were not considered. Apparently the investigating probation officers completing the PSI do not ask the victim for any information about restitution, though this would be a reasonable point in the proceedings to solicit this information. Prosecuting attorneys do not include restitution in plea negotiations. So, often the issue is missed entirely. While it may be true that many of the

defendants have a limited ability to pay restitution, this does not explain the total absence of restitution. Over half of the defendants were employed so they probably had some ability to pay restitution if ordered to do so.[54]

Under Minn. Stat. §611A.04, a victim has a right to receive restitution as part of the disposition of the criminal charge, including medical and therapy costs. Routinely inquiring about victim losses and awarding restitution to victims is an essential part of crime victim restoration. Not only would it serve to validate the victim's loss but it would also be tangible evidence of the court's compassion and concern.

E. Probation: DVSI scores could be used to assign probationers to more intensive supervision.

The DVSI is a good predictor of future probation violations. BWJP staff compared the rate of probation violations for individuals who scored higher than 9 on the DVSI to those who scored 9 or less. Probation violators were almost 2.5 times as likely to score high on the DVSI as non-violators.[55] In the interviews supervising officers were asked how they use the DVSI in their supervision of a defendant; the officers indicated that they did not use it much other than to determine if a SARA form needed to be completed. Some officers indicated that the DVSI score gives them a quick thumbnail sketch of the client and at least one used it to determine the appropriate length for the batterers program.

Given the fact that a higher score on the DVSI has previously been shown to correlate with recidivism in Hennepin County and that in this study a higher DVSI score correlates with increased likelihood of probation violations, reliable differentiations between probationers are possible. Clients with DVSI scores greater than 9 could receive closer supervision and immediate consequences could be imposed for noncompliance with the terms of their probation. If the files examined are representative of domestic assault defendants who plead guilty in Hennepin County, they are a seriously violent and non-compliant population. With regard to dangerous men, Gondolf concludes "simply putting previously and continuously severely assaultive men in more intensive counseling, enhanced supervision, or jail is likely to reduce the reassault rate and severe reassaults." [56]

F. Probation: There is a need for linkage between Probation and Civil Court proceedings.

Many of the officers commented about the helpfulness of the email updates from the Minneapolis Police Department in tracking the progress of their probationers. Anytime the Minneapolis Police have any contact with a probationer, even if the probationer is only a

[54] Appendix A, BWJP Reports, Employment Status.
[55] Appendix A, BWJP Reports, Probation Violations with DVSI. Of 35 cases, one had no DVSI score indicated, 17 had a DVSI score of less than 9 and 17 had a DVSI score of greater than 9. Of the 17 cases where the DVSI was less than or equal to 9 there were 6 probation violators or 35%. Of the cases with a DVSI greater than 9, there were 13 probation violators or 76%. This difference is statistically significant.
[56] Gondolf, E. (2002) Batterer Intervention Systems: Issues, Outcomes and Recommendations, 192.

witness, the officers receive an email alert telling them about the encounter. However, no similar system alerts probation officers that an order for protection has been issued against their probationer. Although this civil information is available to officers if they search a particular database, some officers indicated they do not know how to access this information. If an alert system could be instituted to notify probation officers automatically anytime an order for protection is issued or modified against their probationers, the officers could take swift action if there has been a probation violation. Officers would also be alerted if the probationer is threatening a new victim. The officer could then try to reach the new victim to give her information that might increase her safety such as the fact that the probationer is on probation for domestic assault. They also could serve orders for protection on defendants when they came in for appointments.

CONCLUSION

This audit represents an examination of a small part of a huge and complex criminal justice system. The probation department acknowledges the difficulty of monitoring offenders with caseloads forced high by budget constraints. Probation officers express frustration over aspects of the system out of their control. It is not uncommon for plea agreements to override the recommendations of the Pre-Sentence Investigations, requiring probation officers to attempt to supervise men who predictably will re-offend or who are not amenable to treatment. Violence of repeat offenders is minimized by the legal categorization as misdemeanors despite the often extremely dangerous nature of the underlying behavior. Probation officers issue Arrest and Detain Warrants uncertain of whether the courts will impose meaningful sanctions.

Nevertheless, it is apparent that the Hennepin County Probation Unit takes domestic violence seriously. The supervising probation officers are a professional, committed group of individuals who realize the dangers the victims may face and take their responsibility to hold offenders accountable seriously. The leadership and line officers were very helpful and open during the audit process. Moreover, there appears to be good rapport and communication between the officers.

One of the greatest strengths of probation's supervision is the amount of information available to the officers as they make decisions regarding the probationer. With the police reports, DVSI, criminal history and pre-sentence investigation the officers have ample background on the probationer. In general, the officers use this information to make good referrals to batterer intervention programming and to determine the proper level of supervision needed. They are kept current with the Minneapolis Police Department e-mail updates. For the most part, they receive timely information from the batterer intervention programs regarding probationers' progress.

The audit findings lead to recommendations for changes that can improve victim safety. The most important one is for officers to initiate personal contact with victims and not rely on a letter that victims may or may not receive. Probation officers need clearer guidance on what information they can impart to victims about the probationer's progress. If they develop

more comprehensive relationships with advocates and other social service agencies, they may feel more confident in their ability to assist victims. Through communication with victims and advocates, the officers will have a more accurate picture of how well the probationers are complying with the conditions of their sentences.

The other key area to improve victim safety and enhance offender accountability is to require offenders to enroll in appropriate batterer intervention programming more quickly.[57] The current blurring of anger management classes and batterer intervention programming sends the wrong message to offenders. They need to receive the message from the judge that they must attend batterer intervention programming. Also, at present, too many probationers take months to begin, let alone complete their programming. For the persistent and serious violent offenders, the once a week classes may be insufficient to help this difficult population. Hennepin County Probation should work with the existing batterer intervention programs to develop a more intensive program for repeat offenders. With scarce resources throughout the system, identifying high risk offenders and concentrating efforts on preventing further violence against women should be a priority. But, probation cannot do this job alone; law enforcement, prosecution and the court must also work together to accomplish this goal.

Increasingly, probation departments across the country have added employees specifically assigned to help victims. For example, Westchester County Probation in New York has a Probation Against Violence (PAV) unit with two officers dedicated as Victim Resource Coordinators. These two officers, one of whom is Spanish speaking, provide a variety of services to victims whose partners have been convicted of domestic violence offences. Initially, the probation officers provide assistance with the Victim Impact Statement that the judge views prior to sentencing the offender. The officers also work with women on strengthening their on-going safety plan as well as informing them of community resources and making appropriate referrals as needed. In order to enhance the ongoing safety of victims/survivors, this model focuses on the on-going safety of the victims/survivors of probationers through the use of field based, high accountability probation methodologies. After sentencing, armed with specialized domestic violence orders and conditions of probation from the judge, PAV officers are in a unique position to immediately intervene for non-compliance of these orders and conditions, with ability to serve warrants of arrest and to take batterers into custody. A new domestic violence crime does not have to occur before PAV officers can intervene, thus further enhancing victim safety by removing the victim from the role of informant. While the availability of federal funding has allowed Westchester County Probation to expand their services to victims in ways that wouldn't be possible in every jurisdiction, it provides an interesting model of how probation offices can become victim-focused.

[57] National Institute of Justice (1998) Batterer Intervention: Program Approaches and Criminal Justice Strategies, 84.

APPENDICES

APPENDIX A
BWJP Reports

APPENDIX B
Terms and Conditions of Sentencing

APPENDIX C
Second Judicial District Guidelines and Procedures for Domestic-Related Criminal Cases

Documents Found in Probation Files	
Document/Form	**Number of files containing form**
DVSI	34
Pre-sentence Investigation	31
Intake Form	30
Sentence and Probation Instructions	28
Police Report	28
Court Referral Form 3214	28
Criminal History	26
Current Client Profile	24
Victim Notification Letter	23
SIP printout	23
Terms and Conditions of Sentence (4444)	17
BIP communication	16
Victim Liaison Memo	14
Probation Agreement	14
SARA	12
Pre-trial Release Evaluation	11
Domestic Assault Victim Input	9
Domestic Assault Report	9
Case Plan	9
Arrest and Detain Order	9
Court Disposition	8
Probation report	7
Chemical Assessment	5
Order for Protection	4
Complaint	4
Plea petition or transcript	3
Firearms Order	3
DSS Move to administrative probation	3
MPD contact form	2
Booking Photo	2
Victim's Statement	1
Victim communication	1
Other	1
New Criminal charges	1
Medical Record	1
Letter to defendant	1
DSS volunteer letter	1