

Working with Domestic
Violence offenders with a
social justice lens.

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*“ There are very few jobs in this country that
require the interrogation skills of a detective,
the counseling skills of a therapist, the
persuasion skills of a salesman, and the
imagination of a magician.”*

REDDICK, C & CHAPIN, D. (1999). DOMESTIC VIOLENCE: A PROBATION OFFICERS VIEW. PERSPECTIVES: AMERICAN
PROBATION AND PAROLE ASSOCIATION, PG 19-22.

“ WHAT IS DOMESTIC VIOLENCE?
Domestic violence is the willful intimidation, physical
assault, battery, sexual assault, and/or other abusive
behavior as part of a systematic pattern of power and
control perpetrated by one intimate partner against
another. It includes physical violence, sexual violence,
threats, and emotional/psychological abuse.

Source: National Coalition Against Domestic Violence: National Domestic Violence factsheet.

“

Terminology: Intimate partner violence [IPV]

”

Prevalence:

DOMESTIC VIOLENCE

- ▶ In the United States, an average of 20 people are physically abused by intimate partners every minute. This equates to more than 10 million abuse victims annually.
- ▶ 1 in 3 women and 1 in 4 men have been physically abused by an intimate partner.
- ▶ Intimate partner violence is most common among women between the ages of 18-24

SEXUAL ASSAULT

- ▶ 1 in 5 women and 1 in 59 men in the United States is raped during his/her lifetime.
- ▶ 9.4% of women in the United States have been raped by an intimate partner.

STALKING

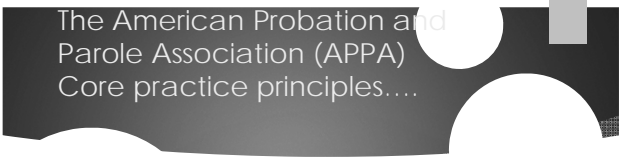
- ▶ 19.3 million women and 5.1 million men in the United States have been stalked.
- ▶ 66.2% of female stalking victims reported stalking by a current or former intimate partner.

HOMICIDE

- ▶ 1 in 3 female murder victims and 1 in 20 male murder victims are killed by intimate partners.

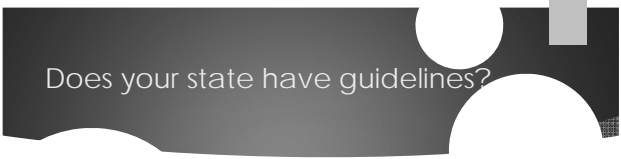
What do we know about IPV Perpetrators?

- ▶ **OVERLAP WITH GENERAL CRIMINALITY** - Studies show the vast majority of IPV male perpetrators have prior criminal records for DV and non-DV offenses, the population should be considered high risk - perhaps more so given threat to their past and present intimate partners.
- ▶ **ALCOHOL AND SUBSTANCE ABUSE** - Studies reveal high rate of intoxication during criminal abusive acts. IPV is correlated with A&SA meaning sobriety should be strictly enforced.
- ▶ **MENTAL ILLNESS** - batterers are **no more likely** to be mentally ill than the general population. M.I is not identified as causal factor for abuse.
- ▶ **AGE** - IPV is more prevalent among younger offenders
- ▶ **VETERAN/MILITARY PERSONNEL** - Studies have shown increasing rates of IPV among military population blw 2005-2015. Veterans with TBI and PTSD are more likely than peers to have engaged in IPV



The American Probation and Parole Association (APPA) Core practice principles...

- ❖ Respect for victims and victim safety
- ❖ Offender accountability
- ❖ Prevention of Domestic Violence
- ❖ Community Outreach and collaboration
- ❖ System Change and Accountability
- ❖ Acknowledgement that the justice system should be part of a larger concept of social justice that deplores oppression of and violence toward women.

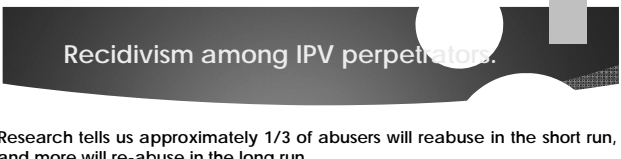


Does your state have guidelines?

NYS DIVISION OF PROBATION DOMESTIC VIOLENCE INTERVENTION PROJECT. The project came up with guidelines for attorneys, probation officer and other criminal justice professionals
NYS Model Victim Policy for Probation Departments 2009

In DV matters, probations role is

- Offender accountability
- Work to enhance victim safety
- Ensure victims have a voice in all proceedings.



Recidivism among IPV perpetrators.

Research tells us approximately 1/3 of abusers will reabuse in the short run, and more will re-abuse in the long run

Massachusetts study tracked 350 males abusers arrested for abusing their female intimate partners over a decade, 1995 to 2005. The study found that while the majority was not arrested for new IPV within a year of the study IPV arrest, ultimately 60 % were rearrested for a new IPV assault or had a protective order taken out against them, even though some went three to four years between arrests

Colorado study similarly high re-arrest rate – tracked 84,431 defendants arrested for IPV, more than 50,000 (nearly 60%) were re-arrested for additional IPV charges at least once over a decade 1994-2005

Recidivism continued...

- ▶ General criminality – Research informs us that general criminality [non-IPV related arrests] occur at a higher rate than IPV related arrests.
- ▶ Violence: The majority of IPV offenders in a Cook County Domestic Violence Court study were found to use violence in general criminality also.

Probation Officer: First
Contact [youtube]

How do we
affect
change in
individuals?



"Those of us in the field embrace our collective mission to provide services and resources that address the needs and concerns of victims and survivors but we often struggle with how best to effect and enforce lasting change in abusers"

GWEN WRIGHT, EXECUTIVE DIRECTOR
NYS OFFICE FOR PREVENTION OF DOMESTIC VIOLENCE

Trauma theory vs feminist theory

Trauma theory models

- ▶ Combination of Moral Reconciliation Therapy, Cognitive Behavioral Therapy, and Trauma Informed care.
- ▶ Individual and Social History of Violence or Trauma is lens through which participants create their worldview
- ▶ Groups attempt to identify and replace the use of abuse and violence with healthy, non-violent responses.

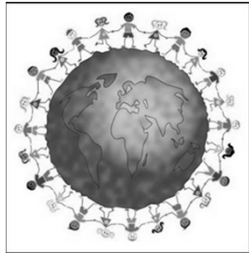
Feminist theory models

- ▶ Predominant theory in development of batterer programs
- ▶ Domestic abuse is exertion of power and control made possible by male privilege and social supports.
- ▶ Patriarchy as key concept
- ▶ Groups focus on education

"domestic violence is a NOT a treatable pathology, caused by stress, poverty, ignorance, family history, etc. Though each of these may be stressors, they are not the source of domestic violence. Time spent addressing these issues may be useful - but are neither the source of nor relevant to ending his violence against his intimate partner". [Source: www.NYMBP.org]

KEY PRINCIPAL, AS PER NY MODEL

Lets talk
about
social
justice...



“ Domestic violence is a pervasive epidemic social justice and human rights issue. ”

SOURCE: THE NEW YORK MODEL BATTERERS PROGRAM, WWW.NYMBP.ORG

“ Suzanne Pharr said that the greatest single failure of the battered women's movement was that we became *too much* of a service delivery system and *too little* a social change movement. (Suzanne Pharr, economic and social justice organizer, founder of the Women's Project, Little Rock, AR) ”

SOURCE: WWW.NYMBP.ORG

The legal System response to Domestic Violence

CIVIL REMEDY

- ▶ PROTECTION ORDER
- ▶ CUSTODY / VISITATION
- ▶ CHILD PROTECTIVE SERVICES RESPONSE

CRIMINAL REMEDY

- ▶ 4 LEVELS OF LAW:
 1. FEDERAL
 2. STATE
 3. LOCAL
 4. INTERNATIONAL



Federal law

Federal Violence Against Women Acts 1994, 2000, 2005 – laws designed to address DV, sexual assault, dating violence, and stalking

Family Violence Prevention and Services Act – federal funds to help victims of DV and their children

DELTA PROGRAM – DV prevention Enhancement & Leadership through Alliances – funded by CDC – uses a socio-economic model to target communities

Domestic Violence Offender Gun ban – 1996 – Bans firearms and ammunition to individuals convicted of misd DV under an OP in all states.

US federal probation and supervised release for DV offenders

US Asylum for victims of DV [2014] board of immigration appeals found women victims of DV can be eligible for asylum

State Laws

Mandatory Arrest

Primary aggressor law

Evidence based prosecution

Firearm restrictions

What do we know?
We live in an imperfect world.

Inequality is inherently embedded in HISTORY, CULTURE, and LAW. Its part of all systems and institutions

PRISON POPULATIONS

Data source:
United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Prisoner Statistics, 1978-2014. Bibliographic Citation: ICPSR3628-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2015-10-09. U.S. Census Bureau (2013). 2013 Population Estimates, Annual estimates of resident population by sex, race, and Hispanic origin for the United States, states and counties: April 1, 2010 to July 1, 2013. Washington, DC: U.S. Census Bureau.

Race	Average rate of incarceration per 100,000 population
Hispanics	~400
Blacks	~1400
Whites	~200

Source: Nellis, A. (2016) The color of Justice: Racial and ethnic Disparity on state prisons. Retrieved June 30, 2017 from www.thesentencingproject.org/publications

Key Findings

- African Americans are incarcerated in state prisons at a rate that is 5.1 times the imprisonment of whites. In five states (Iowa, Minnesota, New Jersey, Vermont, and Wisconsin), the disparity is more than 10 to 1.
- In twelve states, more than half of the prison population is black: Alabama, Delaware, Georgia, Illinois, Louisiana, Maryland, Michigan, Mississippi, New Jersey, North Carolina, South Carolina, and Virginia. Maryland, whose prison population is 72% African American, tops the nation.
- In eleven states, at least 1 in 20 adult black males is in prison.
- In Oklahoma, the state with the highest overall black incarceration rate, 1 in 15 black males ages 18 and older is in prison.
- States exhibit substantial variation in the range of racial disparity, from a black/white ratio of 12.2:1 in New Jersey to 2.4:1 in Hawaii.
- Latinos are imprisoned at a rate that is 1.4 times the rate of whites. Hispanic/white ethnic disparities are particularly high in states such as Massachusetts (4.3:1), Connecticut (3.9:1), Pennsylvania (3.3:1), and New York (3.1:1).

Arrest rates... for example

- ▶ African Americans and whites use drugs at similar rates, but the imprisonment rate of African Americans for drug charges is almost 6 times that of whites.
- ▶ African Americans represent 12.5% of illicit drug users, but 29% of those arrested for drug offenses and 33% of those incarcerated in state facilities for drug offenses.

Source: <http://www.naacp.org/criminal-justice-fact-sheet>

"Rehabilitation" for Domestic Violence offenders. What does that look like?

Points to remember:

- ▶ We can NEVER assume to measure recidivism for domestic violence offenders
- ▶ We know NOTHING about the way a man behaves at home, in the privacy of his intimate relationship with his partner, based on his behavior in our office

New Focus within an accountability supervision model:

ADDRESSING STRESSORS WITHIN COMMUNITY SUPERVISION:

- ▶ RACISM IN OUR CRIMINAL JUSTICE SYSTEM
- ▶ OPPRESSION THEORY AS IT RELATES TO OFFENDERS
- ▶ SOBRIETY
- ▶ MENTAL ILLNESS
- ▶ EMPLOYMENT AND VOCATIONAL GOALS

Holding offenders accountable.

Options:

- ▶ REPORTING TO PROBATION
- ▶ VERIFIED EMPLOYMENT
- ▶ HOME CONTACTS
- ▶ DRUG AND ALCOHOL SCREENS
- ▶ COMMUNITY SERVICE
- ▶ FINES
- ▶ SUPPORTING DEPENDANTS
- ▶ BATTERER PROGRAMS

Contacts with victims

- ▶ Probation Officers should make contact with victims during PSI stage
- ▶ Periodic contact throughout the caseload is key

OUR MOST IMPORTANT NOTES

THE WORK WE DO WITH OFFENDERS SHOULD NOT COMPROMISE THE SAFETY OF DOMESTIC VIOLENCE VICTIMS

VICTIM SAFETY AND ACCOUNTABILITY MUST BE CONSTANTLY REVISITED

OUR POLICYS AND PROCEEDURES MUST BE VISIBLE AND ACCOUNTABLE TO THE OUR LOCAL DOMESTIC VIOLENCE SERVICE PROVIDERS

REFERRALS TO OTHER PROGRAMS AND SERVICES SHOULD ALSO BE ACCOUNTABLE

BE THE

CHANGE

YOU WISH TO SEE IN

THE WORLD

-MAHATMA GANDHI
