



**Probation Group Reporting: Innovative and Effective
Supervision in Domestic Violence Cases**

**James E. Henderson, Jr.
with Jane Sadusky**

April 2014

The Battered Women's Justice Project
1801 Nicollet Ave S. Suite 102 Minneapolis, MN 55403
technicalassistance@bwjp.org
800-903-0111, prompt 1

Probation Group Reporting: Innovative and Effective Supervision in Domestic Violence Cases

James E. Henderson, Jr.

with Jane Sadusky

Introduction

The probation officer is the linchpin that connects possibilities for change together in an accessible and meaningful way . . . the supervising probation officer is the only practitioner in the system that develops an ongoing relationship with the probationer.¹

Probation becomes involved in a domestic violence-related crime at the end of a long chain of actions involving many practitioners and steps, from the first emergency-911 call through plea negotiations or trial. Probation's contact with a domestic violence offender might extend from twelve to twenty-four or more months, depending upon the nature of the offense and sentence. Probation is thus uniquely situated to manage risk on behalf of those victimized in the current crime as well as on behalf of future victims if the offender's behavior does not change. The American Probation and Parole Association (APPA) guidelines for practice recognize probation's distinct role in increasing safety and autonomy for victims of battering, reinforcing offender accountability, and intervening to change abusive behavior.²

The supervising probation agent has a fourfold job in domestic violence cases: (1) work with the offender to help change harmful behaviors, (2) stay aware of signs that the abuse and violence might be reoccurring, (3) find suitable and available rehabilitation programs, and (4) act swiftly when a probationer pushes against the controls that have been put in place to address abusive behavior.³

- Strengthen probation's role in managing risk
- Support offender compliance and change
- Enhance accountability

How to fulfill this role in a time of growing caseloads and shrinking resources? The probation group reporting approach provides an effective solution to balancing accountability and demand in domestic violence cases.⁴ Created out of the need for expanded domestic violence case

¹ "Probation Supervision in Domestic Violence-Related Offenses," *The Blueprint for Safety: An Interagency Response to Domestic Violence Crimes*, Praxis International, 2010, p.105. www.praxisinternational.org

² *Community Corrections Response to Domestic Violence: Guidelines for Practice*, May 2009, American Probation and Parole Association, <http://www.appa-net.org/eweb/docs/APPA/pubs/CCRDV.pdf>.

³ *Blueprint for Safety*, p. 105

⁴ The approach to probation group reporting presented in this guide was developed by author James Henderson while serving as a probation agent in Washtenaw County, MI, one of three sites in the U.S. Department of Justice

monitoring in a time of limited resources, probation group reporting offers a promising practice in reinforcing probation's unique role in managing risk. It reflects the guidelines and goals established by the American Probation and Parole Association for community corrections intervention in domestic violence cases.⁵ It offers offenders a path to compliance and an opportunity to change behaviors that have harmed their families and communities.

Beyond its involvement in individual cases, probation also has a role in a systemic response: "community corrections programs and professionals develop active partnerships with domestic violence advocates and other justice system and community organizations and personnel working with offenders and victims to better understanding domestic violence and unite in common efforts to promote victim safety" (APPA).⁶ The approach to probation group reporting presented in this guide was developed in the context of a coordinated, interagency response. It assumes that probation will have an active role and relationship with police, prosecutors, the courts, and community-based advocates, as well as the batterer intervention program.

Definition and language

Domestic violence is a big category; many kinds of actions get thrown into it, from a slap on the arm to repeated strangulation. Many kinds of relationships get thrown in as well, from teenager to parent, sibling to sibling, and intimate partner. Most of the domestic violence that involves criminal legal system intervention is what has come to be known as *battering*: i.e. the ongoing use of physical, sexual, and emotional intimidation, coercion, violence, and other tactics intended to control and dominate an intimate partner. Historically, battering has been and remains most characteristic of men's dominance over women in intimate relationships, although more knowledge is emerging about battering in same-sex relationships. Most of a probation domestic violence caseload is related to a male partner battering his current or former female partner. Therefore, this guide will generally refer to probationers as "he" and the victim of the crime as "she." The practices and strategies presented, however, apply to situations of battering regardless of gender. Understanding the context of any given act and pattern of behavior is essential: the intent, the meaning to the victim, and the impact. Who stops seeing friends, talking with people, or going places? Who is afraid? Who is in danger?⁷

Judicial Oversight Demonstration (JOD). The final report on evaluation of the JOD and its implications for research, policy, and practice is available at <http://www.urban.org/publications/411498.html>.

⁵ See APPA *Guidelines for Practice*, "Core Goals for Implementing the Guidelines" (Chapter 5). Practice principles include: (1) case intervention is victim-focused, (2) abusive behavior is the responsibility of the offender, (3) consider unintended consequences, (4) employ evidence-based practices, and (5) hold practitioners and organizations accountable.

⁶ APPA *Guidelines for Practice*, Guideline #1.

⁷ More than 90% of "systematic, persistent, and injurious" intimate partner violence is perpetrated by men. National Institute of Justice (NIJ), *Measuring Intimate Partner Violence*, <http://nij.gov/topics/crime/intimate-partner-violence/Pages/measuring.aspx> (citing research review by Michael S. Kimmel)

Benefits at-a-glance

Strengthen probation's role in managing risk

- Group reporting shifts probation resources to better fit the distinctive needs of domestic violence cases.

Group reporting positions a probation agent to (1) spend more time with victim contact and engagement, (2) conduct more in-depth compliance reviews, and (3) provide more intensive supervision to the highest risk offenders. Most domestic violence convictions are for misdemeanor-level crimes and probation group reporting is particularly well-suited to providing ongoing, high quality supervision to a larger number of offenders.

Support offender compliance and change

- Group reporting balances individual attention and group reinforcement for compliance.

The approach to group reporting presented in this guide goes far beyond requiring offenders to simply appear together at the same time and place. While the contact with offenders occurs in a group setting, the atmosphere is one of individual encouragement and attention as the facilitator checks in with each offender. At the same time, the group dynamic encourages participants to teach one another. Over the course of twenty-four months, some probationers earn a kind of leadership role, often for the first time in their lives. The group problem-solving that occurs reduces offender isolation and helps to address problems related to employment, transportation, housing, and sobriety. A key message to participants is that the group is there to help address and overcome obstacles to successfully completing probation. Another group member saying “don’t mess up like I did” has far more impact than the agent saying “don’t do that.” If an offender fails to comply with conditions of probation, the agent is well-positioned to present the case for additional sanctions in the court review.

Enhance accountability

- Group reporting reinforces broader community messages of accountability and change.

In challenging the coercion, control, intimidation, and violence that characterize battering, the consistency of the message across all points of intervention is critical. Probation group reporting reinforces the messages of the court, batterer intervention program, and overall coordinated community response: you are responsible for the harm you have caused, but here are opportunities to take responsibility and change your abusive behavior. The approach assumes that other community partners and practitioners—such as judges, prosecutors, victim services, community-based advocates, defense attorneys—will observe and provide feedback about how the groups are structured and facilitated. It assumes that part of probation’s role in the community response to domestic violence crimes is to contribute to a unified front and common message.

Features

It is the second Wednesday of the month at 5:00 p.m. The first men arrive for their monthly probation group reporting meeting. This is the first of four hourly sessions that probation agent Susan Jones will conduct. By the end of the evening, she will have completed the required monthly supervision for 76 probationers who have been convicted of misdemeanor domestic violence-related crimes. For the first 90 days of their probation, probationers also return on the fourth Wednesday of the month. Subsequently, if a probationer is 100% compliant, he is allowed to report in only once a month, a built-in reward. The resulting decreased size of the second monthly group allows Susan to focus more attention on non-compliant probationers and any new members. However, if a probationer falls out of compliance at some point, new sanctions are imposed, which may include a return to twice a month reporting. In any given month, she supervises between 90 and 150 domestic violence offenders via probation group reporting.

Prior to the meetings, Agent Jones has reviewed compliance reports from the batterer intervention program, substance abuse treatment, and other community service providers. She has checked arrest records and civil protection order filings. She has made a monthly follow-up call to those who were victimized by the domestic violence crimes that led to the convictions. The great majority of the calls go to women who are current or former partners of the men in the group.⁸

During the meeting, she reviews each man's report, focuses on any compliance issues, checks in on how each participant is doing with work and other life issues, and acknowledges any progress in meeting conditions of probation. She encourages members of the group to explain the purpose of probation group reporting to newcomers and to offer problem-solving suggestions to one another around issues of employment, transportation, sobriety, accountability, and support for children as such issues emerge.

Agent Jones relies on motivational interviewing techniques to encourage discussion and participation. She sets clear boundaries about language and respect in the group. She is alert to behaviors that might collude with a defendant's minimization of abusive and harmful behavior.

Content

- Content reinforces probationers' understanding of the consequences of abusive behavior, illustrates successful compliance, and reduces isolation from community resources.

The overarching content of a probation group reporting meeting focuses on supporting offenders to successfully complete probation and open pathways to changing harmful and destructive behaviors. Group reporting maximizes the potential of probation supervision to strengthen safety

⁸ See *Probation Interviews with Victims of Battering: Building a Foundation for Current and Future Safety*, James E. Henderson and Jane Sadusky, Battered Women's Justice Project, available at www.bwjp.org.

for victims of the offenders' abusive behavior. The group is not a batterer intervention program or psycho-educational group, although its content reinforces the work of batterer intervention and other community services and treatment. The emphasis in group reporting is on probation compliance and on messages of responsibility and change.

The content and sequence of events in a typical probation group reporting session include the following steps:

1. Take photos of new group participants.

This element of practical accountability helps ensure that each participating offender is who he or she claims to be.⁹ It also provides a current photo that presents the person's everyday appearance, in contrast to photos taken at the time of an arrest. If the only warrant photo available is a booking photo, it may not be the most useful representation.

2. Collect offenders' monthly written reports.

Each month probationers are required to report where and with whom they live, telephone, employment status and reasons for any lost days of work, school attendance, car identification and ownership, past month's income, amount paid on court order, any new debts, and any new arrests. They must also report the last time they had contact with the person they victimized and her/his current contact information, if known. When there is a no-contact order in place, most probationers nonetheless have the victim's current phone number. In the interest of probation's role in managing safety and accountability, the supervising agent wants to know such information. Documentation includes the monthly self-report presented at the group plus written verification of Alcoholics Anonymous or other group participation, drug testing, and receipts for child support or restitution payments. The report form provides space for the group facilitator to add notes as the check-in proceeds.

3. Reinforce the purpose of the group.

The agent reads or paraphrases the following kind of script, emphasizing a supportive environment and expectations for the group.

I've never been on probation. I can't tell you how to manage a family, job, and all that probation requires you to do. However, I know that several of you in this room are doing so successfully. We want to help you make it through probation and for this to be the last time that you are ever on probation.

I'm willing to listen to your feelings and discuss options. However, I'm not interested in complaints without a purpose. I know probation can be overwhelming, but if you look around you'll see that you aren't alone and many of these guys are doing well.

⁹ Male and female offenders are never included in the same probation monitoring group.

I also want to inform you of the consequences of not complying with the conditions of probation, with the hope that you never have to experience those consequences. Finally, I want to monitor the batterer intervention program you are in and other services you are using. I'm interested in learning about whether they are helping you to end the violent and abusive behavior that got you here today.

Alternatively, the agent asks participants to explain the purpose of probation group reporting. The agent adds any critical points they have omitted. This is the preferred approach whenever possible because it reinforces the intention of having group members speak up and provide examples of successful compliance or problem-solving tips to one another. Prior to an individual offender's attendance at the first group he will have met with the supervising agent to review the group process, expectations, and participation.

4. Review each offender's monthly self-report and reports from the batterer intervention program and any other treatment programs.

The focus of the check-in is on compliance with the terms of probation. Is the probationer attending the batterer intervention program and completing the homework, paying for ordered services, seeking or maintaining employment, passing required drug testing, and so forth?

The agent is also interested in hearing about how probationers are doing in general around housing, employment, school, and other aspects of their lives. **Inquiring about probationers' general well-being does not mean agreeing with offenders' assertions that they have stopped battering.** Claims that "everything is better at home" are not accepted or encouraged at face-value. Such statements are checked against information acquired via victim contacts, arrest records, and batterer intervention program updates. Prior to the probation group reporting meeting, the agent will have attempted to contact the victim and will have reviewed criminal records for any new arrests and any protection orders involving the offender.

Regardless of the specific information on hand, the group facilitator's role is not to compliment a participant's claims that the battering and abuse have stopped. There can be an acknowledgement of hope that an offender's behavior has changed, but without affirmation that the abuse has stopped. The agent gives credit for observable actions that can be proved, such as completing a substance abuse program or obtaining a high school equivalency degree or completing a batterer intervention program, but no credit for claims that the probationer is no longer abusive. The balance between possible collusion with an abuser and encouraging a supportive group environment requires this kind of response: "I hope this truly means that your wife and kids are safer"—and not this: "That's terrific, I'm glad to hear it."

5. Encourage group participants to share common roadblocks to compliance and strategies that have worked for them.

The group reporting approach balances messages of compliance and accountability with individual needs and attention. The group sees the consequences of failure to comply with sanctions reinforced by members of the group. For example:

Facilitator: Mr. Smith, I see you missed your batterer intervention group for the second week in a row.

Mr. Smith: I wanted to spend time with my kids.

Facilitator: Mr. Jones, can you please tell Mr. Smith what is likely to happen if he decides to skip his batterer group?

Mr. Jones: Take it from me, you skip and you'll spend a weekend in jail. I didn't get to see my kids at all when I was in jail and I missed my daughter's soccer game.

Group members hear about one another's success in meeting the conditions of probation. Instead of an atmosphere that is controlling and punitive, probationers share roadblocks to compliance and strategies for overcoming obstacles. Group reporting provides an opportunity to hear multiple solutions from peers as well as examples of excuses and actions that were counterproductive.

Probationers also see that they are treated respectfully and there is a genuine interest in figuring out how to succeed in meeting the terms of probation and keeping everyone safe. "What do you think needs to happen? What can we do to help?" Group reporting provides an environment for sharing common problems and concerns that may be interfering with successful completion of probation. Offenders begin to put their own experience in perspective as they hear directly from their peers about solutions related to transportation, employment, housing, education, and supporting their children.

The facilitator can tap the strengths of group members, fostering a sense of competence and self-esteem among the participants. Some of the men may have limited experience completing anything, whether school, work, or a relationship. Others can provide encouraging examples of making it through an equivalency diploma program or finding a job or staying sober. Group members share tips on where they have found employment, strategies such as ride-sharing or a different bus route for getting to required appointments and groups, and what has helped them stay clean and sober. A man who complains that he cannot be with his partner or his children will be reminded by others that such a situation is a consequence of his abusive behavior; instead of complaining he should focus on doing what he needs to do. Those nearing completion of their probation can be complimented for making it that far. "I didn't think you'd make it, Frank, but here you are at your last group."

When the probation agent has certain proof of concrete accomplishments, such as graduation or a new job or completing a drug treatment program or the batterer intervention program it is appropriate and helpful to acknowledge the accomplishment. In

the case of completing the batterer intervention program, the probation agent can acknowledge the achievement of sticking with something and fulfilling requirements for attendance and participation without accepting at face value that behavior has actually changed or making assumptions about the ways in which it may have changed. **The caution, again, is to support a probationer’s general well-being or progress in meeting goals without agreeing with his assertions that he has stopped battering.**

6. Periodically use a portable breathalyzer to conduct on-site tests of group participants.

Probationers are prohibited from using alcohol and illegal substances. While many probationers have specific testing requirements, occasionally using the group setting to screen for alcohol use helps reinforce responsibility across the group.

7. Invite guests from other intervening community agencies to observe or address the group.

Involving batterer intervention program staff, advocates and victim services workers, judges and court staff, and law enforcement officers emphasizes the community’s interest in probationers’ compliance and change. Inviting other interveners to observe probation group reporting positions them to reinforce the messages conveyed by probation and vice versa. It also ensures a level of accountability for the probation group reporting process itself. It reflects one of the core APPA principles for probation response to domestic violence: “hold practitioners and organizations accountable” (Principle #5).

8. Make announcements about court requirements and available community services.

Probationers are often disconnected from or unaware of the range of resources that can help them succeed in meeting the terms of probation and succeed in establishing a life that is less reliant upon current or former intimate partners meeting many of their needs related to transportation and daily living. Announcing the availability of support and free or low-cost services in the community—e.g., stop-smoking clinics, holiday gifts for children, employment counseling, housing assistance, transportation, food pantries, resources for children and families, and responsible fathering groups—conveys the message that the court is interested in the group members as human beings and not only because of their criminal conduct.

Probation group reporting supports compliance and change. It maximizes community messages about domestic violence that are set and reinforced via police, courts, and batterer intervention programs: “as someone who has used intimidation, coercion, and violence, you are responsible for the harm that your actions have caused; we are here to support your efforts to change.”

Facilitation

- Effective facilitation of probation group reporting balances an encouraging and engaging atmosphere with clear boundaries for language and behavior.

The facilitator's role is to establish a group dynamic where the members themselves will hold one another accountable and help one another solve problems related to successful completion of probation. While the facilitator's role is to not dominate the group as the probation agent, the role also requires clear boundaries and attention to behaviors that minimize responsibility for the abuse or disrupt the group.

- Stay attentive and respond to cognitive distortions.

The facilitator stays alert to statements and actions that disavow responsibility, blame others for the situation, minimize the impact of the violence or drug/alcohol use or other harmful behavior, or that dehumanize or blame the victim for the offender's situation.

While probation group reporting is not a batterer intervention program, it must work in concert with it and reinforce the community's messages of accountability (see discussion under Planning and Design). To the fullest extent possible, the facilitator encourages group members to carry those messages to one another. For example, reminding one another to use a partner's name rather than "she." Or, "here's what blowing off the two-hour BIP session meant for me: it meant spending forty-eight hours in jail one weekend instead of being with my kids."

- Incorporate motivational interviewing techniques.

Motivational interviewing helps set a tone for group reporting that supports self-efficacy, both individually and across the group, and overcoming resistance to change. The facilitator asks open-ended questions, reinforces what participants are doing right by affirming positive talk and behavior, asks the group to reflect on what they are seeing and hearing, and has the offender summarize what has been said in the discussion. This occurs with the previously noted caution to avoid directly or inadvertently agreeing with assertions that battering behaviors have changed.

Within the group reporting setting, the facilitator does not threaten or order a participant to take a certain action. Rather, the goal is to get the group to identify discrepancies between current circumstances and behaviors and their goals and values, and then to suggest solutions. Someone who has never had much voice in school or the workplace can now offer advice to someone else.

- Keep the energy up and the pace moving.

Discussions on a particular issue or question are generally brief: five to ten minutes. The facilitator pulls in feedback from more experienced group members or those who can relate to the specific issue at hand. When something clearly needs more time, such as

depression or a complex medical or employment problem, the facilitator acknowledges that it will need to be addressed outside of the group.

Setting and modeling guidelines for feedback keeps the discussion flowing and prevents exchanges between group members that are accusatory or demeaning. For example: “Tim, can you tell Tom how you dealt with your lack of transportation to AA?” Or, “How did you make it, Jim, when you were feeling so low? What advice do you have for John that might help?”

- Set clear expectations for participation.

Specific ground rules for conduct within the group help the facilitator model and maintain an atmosphere of respect. The following core rules set the framework: (1) arrive on time, (2) hats off, (3) no disrespectful clothing, such as t-shirts that promote drug and alcohol use or carry degrading images or language, (4) no profanity, and (5) no language or feedback that reinforces a sense of entitlement to abusive tactics or substance abuse.

Planning and Design

Specific knowledge and skills related to working with men who batter

- Probation group reporting requires confidence with educational group facilitation and knowledge of batterer intervention program content and process.

Probation group reporting is not group therapy. Supervising agents who understand and practice the difference between therapy and a group educational process will be the most effective facilitators. Probation group reporting has the specific purpose of monitoring compliance with probation in an atmosphere that supports opportunities to change while holding each offender accountable for the harm that he has caused. The overarching goal is to improve safety for the victims of men’s violence and abuse; the goal is not to provide therapeutic intervention.

The facilitation skills required to keep the group process and focus on track while maintaining a welcoming learning environment may be unfamiliar to many probation agents. Acquiring such skills can happen via formal training in group education process and/or observing and shadowing an experienced education group facilitator.

While probation group reporting is not a batterer intervention program, the training provided to facilitators of groups for men who batter may be the most relevant in terms of group process and content. Such training helps build a foundation of knowledge about the many ways in which domination, entitlement, and power and control are manifest in

tactics of battering.¹⁰ Training or significant exposure to batterer intervention group process will prepare the facilitator to pose questions without colluding. It will help position the probation agent to encourage a process of change that is anchored in compassion and an understanding of trauma in men's lives, but that does not excuse or minimize the crimes they have committed and the harm that they have caused.

Relationship with batterer intervention programs

- Probation group reporting functions in synergy with the batterer intervention program(s) to reinforce common messages of accountability.

A sound connection with the batterer intervention program is particularly important in utilizing probation group reporting. Group reporting relies on accurate information from the batterer intervention program(s). Progress reports sent directly to the probation agent on a weekly basis provide the most up-to-date and complete picture of each group member's compliance with the batterer intervention program as a key condition of probation. A clear agreement about and adherence to a deadline for documentation will ensure that information reaches the agent prior to each meeting.

Launching probation group reporting for domestic violence case supervision occurs in consultation with the batterer intervention program(s). Once established, batterer intervention programs are kept informed of the schedule, expectations for offender participation, and ground rules. Probation group reporting dates and times are announced in the batterer intervention group(s) as well as posted in probation offices and waiting rooms and on voice-mail. The probation group facilitator needs to be familiar with the batterer intervention program structure, content, and expectations in order to avoid any conflicting messages. Time spent observing groups for men who batter positions a probation group facilitator to address any collusion occurring in the batterer intervention program that might undermine the goals of probation group reporting. It also provides a vantage point to gauge whether the learning atmosphere is respectful for participants.

Similarly, inviting the batterer intervention program to observe the probation group reinforces the shared expectation that probationers' abusive behavior will stop and that they will make full use of probation as an avenue for change. It also provides an opportunity for feedback and support in strengthening facilitation skills, particularly if that is a new area of work for the probation agent facilitating the group.

Whenever possible, the probation group is comprised of men who are attending the same batterer intervention group. There may be circumstances, however, where offenders are waiting to get into a scheduled batterer intervention group and will benefit from starting with group reporting. The facilitator can call on participants who are currently attending batterer intervention to reinforce the value of following through, both to avoid jail time for missing a mandated sanction and in changing thinking about their behavior. For example, a man who says "I'm only on

¹⁰ For example, see "Creating a Process of Change for Men Who Batter," Duluth Domestic Abuse Intervention Programs, <http://www.theduluthmodel.org/index.htm>.

probation for wanting to tell my daughter that I love her” can hear from others about how well that is likely to go over in the batterer intervention group and how disconnected that claim is from the reality of being convicted for domestic battery.

A community with a poorly developed batterer intervention program or without any kind of batterer intervention poses a distinct set of challenges in implementing probation group reporting. While such situations do not preclude using the approach presented here, they require additional consideration in determining how to proceed. When the batterer intervention program is weak, those organizing and conducting probation group reporting may be in a position to encourage and support it to improve.¹¹ If no batterer intervention program exists, probation may consider a more active role in establishing one and in the interim adding sessions of probation group reporting (e.g., meeting twice a month for the first three to four months of probation) and expanded reinforcement of safety for victims of battering and their children by addressing offenders’ responsibility for their actions and the harm that they have caused. Both situations—a weak or a nonexistent program—involve complex decisions that require consultation with experienced batterer intervention programs.¹²

Relationship with victim advocacy and attention to safety for victims of battering

- Probation group reporting is shaped by consultation with community-based advocates and by engagement with victims of battering.

Ongoing consultation with advocates in the community helps ensure that probation group reporting proceeds with full attention to victim safety and well-being. Inviting advocates to observe group sessions provides an avenue for suggestions on how the group check-in and structure for discussion can be strengthened to reinforce safety and accountability. Establishing and maintaining a relationship with advocacy organizations also opens a line of communication to relay victims’ day-to-day experiences with how probation group reporting and supervision overall is enhancing or diminishing their safety. Probation group facilitators, in turn, may become aware of systemic problems that require attention from advocates and other partners in the coordinated community response, such as a court’s resistance to enforcing the consequences set for failing to comply with group reporting or problems with the batterer intervention program.

Establishing a relationship with community-based advocates and with those providing victim support services in the prosecutor’s office also positions probation to better respond to a victim’s

¹¹ A weak batterer intervention program has one or more of the following characteristics: lacks clear messages of accountability, colludes with batterers’ minimizing and justifications, lacks a partnership with victim advocates, has little to no consultation with victims, provides inconsistent reports to probation or the court, or treats its participants disrespectfully.

¹² The Battered Women’s Justice Project online library includes resources on batterer intervention: <http://www.bwjp.org/articles/article-list.aspx?id=5>. For examples of batterer intervention program standards, literature on the impact of batterer intervention, and related information see the Batterer Intervention Program Services Coalition – Michigan: <http://www.biscmi.org/aquila/>. Also see Jeffrey L. Edleson, *Groupwork with Men Who Batter: What the Research Literature Indicates*, VAWNet Applied Research, February 2012, http://www.vawnet.org/summary.php?doc_id=3159&find_type=web_desc_AR

needs related to ongoing safety planning, legal advocacy, housing, and support. While some victims of battering will not want contact with probation—and they are under no obligation or requirement to do so—many will. Ideally, the facilitator will talk with the victim of battering before the offender attends his first group. When the probation agent calls a victim of battering to check in prior to each monthly group reporting session there is an opportunity to build trust, identify and address safety concerns, link her with an advocate if that has not already occurred, and reassure her that she can call at any time.¹³

Risk assessment

- Risk assessment is an ongoing function and priority, with attention to changes in circumstances that can signal increased danger.

Along with the specific risk assessment instrument and process utilized during probation intake, risk assessment in probation group reporting is an ongoing function and core priority of the group facilitator. It includes information gathered prior to each monthly meeting as well as the agent's observations of an individual probationer's behavior, with particular awareness of stalking-related actions and changes in circumstances that can signal increased danger for the victim of battering and others.

Prior to each monthly meeting the agent reviews batterer intervention program updates, searches for any new arrests and protection orders, and checks in with victims who have requested ongoing contact with probation. In gathering and reviewing information about what is happening in the probationer's life, the agent pays attention to:

- A change in the offender's relationship with the person who he/she has harmed, such as a separation, divorce, or return to living together
- Changes or new concerns related to children and access to children via formal or informal supervised visitation or exchange
- The victim's level of fear and expression of increased concerns about the offender's behavior
- Behaviors related to the types of intimidation, coercion, and power and control tactics that characterize battering
- A probationer's expression of feeling adrift, hopeless, or isolated

The ongoing group process includes a routine check in: "How is it going, how are you feeling tonight?" When concerns about an individual probationer surface within the group, particularly in expressions of hopelessness and loss, the agent will seek to make a connection that draws on the group's collective ability to solve problems and support safe, positive behaviors. "Who else here has felt lost or stuck like Mike? What can you tell him that might help? We want to make sure that everyone stays safe and that you don't get into trouble." Depending upon the nature and level of concern, the agent may also schedule an individual meeting with the offender and will

¹³ *Probation Interviews with Victims of Battering: Building a Foundation for Current and Future Safety*, www.bwjp.org.

always inform the supervising agent if it is someone other than the probation group facilitator. The agent will promptly contact the victim to explore any concerns raised about the safety of herself, her children, the offender, and anyone else at risk, and inquire about whether she is connected with an advocate who can review safety strategies, emergency shelter, and other options. There may be follow-up probation home visits with the offender if that kind of contact is appropriate and safe. One of the primary benefits of probation group reporting is that it frees up time for more attention to those probationers who have demonstrated high risk battering behaviors or have had a change in circumstances that can signal increased danger. It also frees up time for increased victim contact in general and for activities such as home visits.

Size and scheduling

- Scheduling fits the overall caseload and keeps batterer intervention cohorts together.

Probation group reporting enables a single probation agent to provide ongoing, face-to-face supervision of significantly higher numbers of offenders than can be accomplished via individual meetings in the same time period. For example, as many as sixty offenders might attend the three groups conducted between 5:00 p.m. and 9:00 p.m. on a single evening. In that same four hours, only fourteen individual appointments would be scheduled.

The number and frequency of probation group meetings will vary according to overall caseload. For example, a jurisdiction where conviction of a misdemeanor domestic violence-related crime typically results in a sentence with a twelve-month probation term and ongoing judicial review may need multiple sessions of probation group reporting. The demand for group supervision might require scheduling three sessions on each of two days during the month. Groups might meet at 5:00 p.m., 6:30 p.m., and 8:00 p.m. on the second and the fourth Thursday of each month, plus one day-time group per month. Whether probationers are employed or seeking employment, this type of flexibility accommodates shifting work schedules and optimal attendance, reinforcing the goal of supporting efforts to find and maintain employment.

Ideally, cohorts from each batterer intervention program class attend the same group meeting. Offenders attending the Tuesday night batterer intervention program group, for example, would attend the Thursday night probation group reporting. Keeping offenders from the same batterer intervention program together in the same probation group helps avoid scheduling conflicts between two different probation requirements. It also helps minimize conflicting information related to confidentiality, program rules, and objectives. If multiple batterer intervention programs exist in the community, the probation group avoids getting lost in discussions about any differences in length, cost, and content between them. There are fewer opportunities for confusion overall by keeping the same batterer intervention cohorts together in the probation reporting group. This approach also aids in providing culturally- and linguistically-specific probation supervision. When a batterer intervention program exists to fit the needs of a distinct community, such as a group for Latino men or one for gay men, those participants will also attend the same probation reporting session.

Location

- Location balances easy access with reinforcing safety for the agent, group members, and visitors.

It may be that the group setting itself contributes more to safety than does a specific location, particularly with the atmosphere and expectation of respect that characterizes the approach described in this guide, as well as the number of individuals present, most of whom are invested in staying out of further trouble.¹⁴

A setting within probation offices or the police station or jail offers the experience of a facility that deals with defendants and security on a daily basis. Files and records will also be more immediately accessible in the probation office. A community location, such as a neighborhood center or human service agency or church, can be easier for probationers to reach and reinforces the message that domestic violence is a community issue. A community location is a visible reminder—along with spaces associated with the court, batterer intervention program, and jail—of the requirements of probation, responsibility for changing harmful behavior, and consequences of not meeting those requirements.

Unless the jurisdiction served is a major metropolitan area, it is unlikely that there will be enough women on probation for domestic violence-related crimes to support probation group reporting (see discussion under conditions warranting a separate group or individual supervision). Many women in the general probation caseload are current victims or past survivors of sexual violence and battering.¹⁵ Any group for women, therefore, should be attentive to time of day and bus schedules and not require late evening attendance or long waits in a remote location for transportation to arrive.

Staffing

A probation group facilitator who also conducts the presentence investigation will have the most complete picture of an offender's history of battering and the particular risks he may pose to his current, former, and future partners. When this kind of overlap is not possible, the group facilitator will review the presentence investigation report, with particular attention to the reported history of violence and any specific risk assessment conducted. When the supervising probation agent is someone other than the group facilitator, there needs to be clear and consistent communication back and forth about the individual's participation in group reporting and concerns related to risk and safety that emerge either in the group or via contact with the supervising agent.

Probation group reporting has specific benefits related to strengthening probation's role in managing risk, supporting successful compliance with probation, and enhancing messages of accountability and change. It works best when agents have the necessary flexibility to conduct

¹⁴ In ten years of conducting probation group reporting in domestic violence cases, author James Henderson was never threatened during a group and has never needed law enforcement intervention.

¹⁵ Estimates range from 57% to 85%. See APPA *Guidelines for Practice*, pp. 172-174.

group reporting in the evening and at times that best fit probationers' work schedules, to contact victims of battering when and where it most convenient to them, and to conduct any needed home visits in ways that provide maximum safety. It works best, in short, with flexibility beyond a rigid nine-to-five kind of daytime schedule.

Conditions warranting a separate group or individual supervision

- While probation group reporting is appropriate for most offenders, groups are never mixed gender and individual supervision may be warranted to best meet individual needs and ensure the benefits of group reporting.

When a community is attentive to making careful self-defense determinations and conducting a thorough predominant aggressor determination when warranted, relatively few women will reach the probation case load for domestic violence-related crimes. Unless it is a highly populated urban jurisdiction, the number of female offenders is unlikely to require group reporting. **Under no circumstances should female offenders be included in probation group reporting with male offenders.** If the number of women on probation for domestic violence-related crimes is small, individual supervision is the more appropriate and safer approach.

The probation group reporting facilitator has the responsibility of ensuring a culturally respectful and safe environment that supports each person's full participation in the group process and problem-solving. Organizing group reporting around batterer intervention program cohorts means that where culturally- and linguistically-specific intervention groups exist they will also be reflected in the probation groups.

On a case-by-case basis, the agent determines when consideration of an individual's culture or identity warrants language interpretation or other support within the group setting or when individual supervision will be the safest and most effective option. For example, some gay men may be comfortable in a group reporting setting with heterosexual men while for others individual supervision will be the most appropriate and safest option. In the case of transgender offenders, the gender identity of the offender guides the probation response. For example, a transgender woman will be treated as a woman, and not directed to a group with men, even though her birth certificate may identify her as male. In most jurisdictions, individual supervision is likely to be the safest option for a person who is transgender.

Probationers in the group reporting setting must be able to function in a group without derailing the process for other participants. When a severe mental health issue or intellectual disability or addiction makes it too difficult to participate in probation group reporting, it is unlikely that the person can function well in the batterer intervention program or other community environments. Individual supervision will be the most appropriate option in such cases, both for the specific probationer involved and for others who will benefit the most from the group reporting setting and dynamic.

Resources

Battered Women's Justice Project

BWJP provides probation-related webinars, publications, and training at <http://www.bwjp.org/probation.aspx>. BWJP is the national resource center on criminal and civil justice responses to intimate partner violence (IPV), and provides training and technical assistance on development of coordinated and effective multidisciplinary approaches to these cases. BWJP also provides technical assistance on coordinating civilian and military system responses to IPV involving military service personnel, including the assessment of co-occurrence of IPV and combat-related post-traumatic stress disorder. For more information, see <http://www.bwjp.org>.

American Probation and Parole Association

The APPA's detailed practitioner's guide, *Community Corrections Response to Domestic Violence: Guidelines for Practice*, is available at http://www.appa-net.org/eweb/dynamicpage.aspx?webcode=VC_FreePubsReports. The guide presents "a proactive community supervision approach" to intervention in domestic violence cases.

Praxis International

The Blueprint for Safety is an integrated, collective policy that addresses intervention in domestic cases across all points of the criminal legal system, including probation. Download Blueprint policy and protocol templates and training memos at http://www.praxisinternational.org/blueprint_materials.aspx.

This document was supported by Grant No. 2007-TA-AX-K015 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this document are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.