

# Intensive Probation for Domestic Violence Offenders<sup>1</sup>

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**DOMESTIC VIOLENCE** is a serious problem in American society. Exhaustive research by sociologist Richard J. Gelles has revealed that violence is a common occurrence in over 25 percent of the homes in the United States.<sup>2</sup> Supporting this finding is data from the FBI Uniform Crime Reports that indicates that over 4 million American women report being battered by a spouse or boyfriend each year. The Uniform Crime Reports have also indicated that over 40 percent of female homicide victims in the United States each year are killed by a spouse, ex-spouse, or boyfriend. Domestic violence is clearly a severe national problem.

In Kane County, Illinois, a suburb of Chicago, the criminal justice system has made a valiant effort to address the problems of family violence. Through better enforcement strategies and stricter prosecution efforts, the Kane County system of justice has increased the number of convictions for spouse abusers. However, with the increase in the number of convicted domestic violence offenders has come an increased burden on the county's probation department. The number of violent offenders being placed on probation has increased markedly, causing new problems in supervising these violent offenders.

In response to some of these issues, Kane County Court Services has developed an intensive probation program to supervise the most serious of these violent offenders. This intensive domestic violence probation program singles out high-risk, felony domestic-violence offenders and places them under stricter supervision than that of normal probation cases. The felony domestic-violence offenders are subjected to more frequent office visits, repeated home visits, and are more closely monitored as they progress through a

specialized treatment program. The intensive probation program also involves an unusual twist with the establishment of contact between the probation officer and the victim of the abuse, in order to help ensure the victim's safety. The program has been effective in the public safety role by motivating offenders to rehabilitate and exposing new acts of violence that may otherwise have gone undetected. It is also quite possible that the program has saved the lives of some of the victims.

## **Domestic Violence in Kane County**

Kane County, Illinois, is the western-most suburban county of the Chicagoland metropolitan area. Anchored by the city of Elgin (population 80,000) in the north, and the city of Aurora (population 103,000) in the south, Kane County contains a healthy mix of urban, suburban, and rural communities. Yet like any other community in the nation, domestic violence is a continuing problem for the residents of Kane.

In 1997, the Kane County Health Department surveyed several law enforcement agencies, social service agencies, and community coalitions to determine the most serious problems facing the county. Domestic violence was unanimously voted the county's most serious crime problem. In response to this finding, many government resources were quickly focused on combating domestic violence through better detection, investigation, and prosecution.

Police officers from various agencies in the county were put through extensive in-service training on how to deal with domestic violence calls. The Kane County State's Attor-

ney Office, under the direction of State's Attorney David Akemann, secured a grant from the Illinois Criminal Justice Information Authority and hired a special police trainer to provide this domestic violence training for all of the police officers in the county. The grant also covered the purchase of dozens of specialized Polaroid cameras, which were distributed to all of the police agencies in order to better document injuries during investigations. The Aurora Police Department, the largest municipal agency in the county, developed a specialized domestic violence investigations unit with three investigators assigned full time to follow up on domestic battery reports and assist victims. This unit became housed in a local battered women's shelter so that the investigators could have easier access to many types of victim services.

As the enforcement efforts increased, the Kane County State's Attorney Office established a special unit to prosecute all domestic-violence cases within the county. Also funded through a grant from the Illinois Criminal Justice Information Authority, this unit consisted of assistant state's attorneys, victim advocates, secretarial staff, and a criminal investigator. This team focused on developing solid cases and pressing through with prosecutions, even in situations where the victim had been uncooperative or unwilling to testify. The mind-set of this team is that family violence is a serious crime and full prosecution of these violent offenders is required.

As a direct result of these increased enforcement and prosecution efforts, the number of defendants prosecuted for domestic-violence-related offenses rose by several hundred cases. Although domestic violence can include violence between adult siblings,

between parents and adult children, between cousins or any other combination of household members, the vast majority of arrests and cases brought to prosecution in Kane County involved a man battering his wife or girlfriend.

Most of the domestic-violence offenders who were being successfully prosecuted had not committed an act violent enough to result in permanent serious bodily injury to the victim. Therefore, the majority of those being convicted for domestic-violence offenses did not receive prison sentences. The majority were ordered to undergo a specialized domestic-violence counseling program and received a sentence of probation. Unfortunately, research has shown that in many cases family violence occurs for a long time in a relationship before an arrest of the abusive partner ever takes place.<sup>3</sup> So even if no permanent injury took place, many of these domestic-violence offenders on probation have a long history of abusing their victims.

### **Supervising Domestic Violence Offenders**

The supervision of domestic violence offenders on probation can be difficult, challenging, and sometimes very dangerous. One problem with domestic-violence offenders is that most do not think that they have done anything that deserves punishment. Whereas most criminal offenders are internally aware that they have committed a crime, many domestic-violence offenders believe that using violence against their child, wife, or girlfriend should be a legal right. They have been socialized to believe that they have a right to use violence to control their families.<sup>4</sup> This makes motivating the offender to change his behavior very difficult, since he sees no moral reason to change.

Another issue is that domestic violence is usually a pattern of behavior, rather than an isolated event. In most cases the offender has psychologically and physically abused his victim many times before the criminal justice system finally became involved.<sup>5</sup> This means that for many domestic violence offenders this is a routine behavior, and one that is likely to continue if the offender returns to the family. This pattern of behavior is usually changed only through intensive psychological counseling.<sup>6</sup>

Yet another problem with supervising domestic violence offenders is that in the majority of spousal abuse cases the victim will return to reside with the offender. This phenomenon occurs for a number of reasons,

such as fear, low self-esteem, financial dependency, or family pressure, just to name a few. As a result, domestic-violence offenders on probation are at an increased risk to abuse the same victim again. Not only has the offender not changed his perceptions of his behavior since his conviction, but the same victim-offender relationship exists that led to the offense in the first place.<sup>7</sup>

Substance abuse is also an issue frequently linked to violence in the home. Although substance abuse is not the direct cause of the violence, it does cloud the decision-making process, lower inhibitions, and increase the risk of irrational behavior. As a result, supervising a domestic-violence offender often requires treating both the violent behavior and a chemical addiction.<sup>8</sup>

Domestic violence offenders on probation often have a high propensity for committing new acts of violence in general. There are seven factors associated with determining the imminent danger of new violent acts. These factors are 1) a perceived loss of personal power and control; 2) interpersonal conflict issues; 3) a desire to seek attention; 4) psychological disorders; 5) substance abuse; 6) brain damage; and 7) a history of violent behavior.<sup>9</sup> Domestic violence offenders possess many of these factors when convicted and sentenced to probation. The offender must report to a probation officer, submit to drug tests, receive home visits, undergo counseling, and be forbidden to travel outside the state. In addition, he is labeled as a violent criminal by society. As a result the offender can easily feel a profound loss of power and control in his life.

The nature of a domestic-violence offense would suggest that the offender also has issues of interpersonal conflict in his home life. The offender's narcissistic thinking that he has a right to use violence to control his family suggests psychiatric issues that need to be addressed. As has already been mentioned, substance abuse is also common among domestic-violence offenders. Lastly, since domestic-violence behavior involves a long pattern of abuse, there is usually a long history of previous violent behavior. It would appear that by the very status of being a domestic-violence offender, the probationer automatically fulfills five of the seven risk factors for imminent violence. Therefore, all domestic-violence offenders can be assumed to be at an elevated risk to commit a new violent act if allowed back into the community. This makes probation supervision of the offender in the community especially difficult.

These various concerns were taken into consideration by Kane County when the number of domestic-violence offenders on probation rose dramatically in 1997. Probationers on domestic-violence charges appeared more resistant to rehabilitation, they resumed their controlling behaviors with the same victim, and they had an elevated propensity for new violence. Upper management within Kane County Court Services attempted to handle at least the most high-risk cases with a more intensive level of supervision through the development of a felony domestic-violence intensive-probation program.

### **The Development of the Domestic Violence Officer Program**

With the great increase in the number of domestic-violence cases on probation, Kane County Court Services was concerned about the presence of high-risk offenders who were in danger of causing serious harm to their victims now that they were back in the community. Consequently, Kane County Court Services developed a specialized program to select higher-risk domestic-violence offenders for specialized supervision. Implemented on November 7, 1998 by Court Services Executive Director James Mueller, and funded by a grant from the Illinois Criminal Justice Information Authority, the Domestic Violence Officer (DVO) probation program focuses on providing stricter supervision standards for repeat and serious family violence offenders.

The screening criteria for placement on the DVO program is a sentence of supervised probation for a domestic-violence-related felony, and an order to complete a 26-week domestic-violence counseling program. These criteria catch the most violent offenders through the felony conviction requirement. An offender who, for the first time, simply shoved his wife or threatened her verbally could only be convicted of a misdemeanor offense, such as simple domestic battery or assault. This type of offender would not be selected for the DVO program because of the misdemeanor status of the offense. However, if the offender committed an act of violence that caused bodily injury, the act would constitute the higher offense of aggravated battery, a felony. This felony offender would be placed into the program because of the felony nature of this serious offense.

Offenders with a history of abusive behavior would also be selected for the program through these screening criteria, even if each of the past offenses did not cause any great bodily injury. In Illinois, if a person is convicted of a simple battery against a household member, it is considered a misdemeanor domestic battery offense. However, once convicted of a simple domestic battery charge, any subsequent domestic battery charges are upgraded to felonies. So those offenders with a previous history of misdemeanor domestic battery convictions are selected into the program due to the felony status of the new conviction even if no major injury has ever resulted from their violence. The documented pattern of their violent behavior indicates the danger of such offenders.

Probationers placed in the DVO program are subjected to stricter supervision standards than other types of offenders. A regular probationer who has been convicted of a violent offense is required to report to the probation office about twice a month for at least the first six months of supervision. If the probationer makes steady progress, he may have this requirement reduced to once a month after a year has past. However, offenders assigned to the DVO program must begin by reporting at least once a week. When the offender is fully enrolled and participating in a domestic-violence counseling program, then the reporting requirement may be reduced to every other week. When the offender has successfully completed his counseling program, and has not violated any of the rules of his probation, he may be removed from the DVO program completely and transferred to regular probation supervision.

Supervision in the community is also increased for the high-risk DVO offender. While a probationer under regular probation supervision usually receives a home visit from a probation officer every other month, a probationer under the DVO program receives a home visit at least once a month until he successfully completes all counseling. The purpose of the home visit for the DVO program is to ensure that the offender is providing correct information about his place of residence, detect any new abuse that may be occurring in the home, detect any evidence of substance abuse, and reinforce to the offender that he is under observation by the criminal justice system. The visiting probation officer also attempts to develop a rapport with the offender's victim and hopefully open a pathway of communication between the victim and the probation officer.

Because so many battered women eventually return to their abusive relationships, the DVO program was also designed to incorporate a victim-contact component. When an offender is first placed on probation in the DVO program, the supervising officer sends the victim a brief letter explaining the basic conditions of the offender's sentence, a listing of the free victim counseling and shelter resources in the area, and an invitation for open communication with the probation officer. As previously mentioned, this attempt to establish communication with the victim is reinforced while home visits are conducted.

If the victim chooses not to have contact with the probation officer, this desire is respected. However, the invitation for communication remains open if the victim changes her mind later. When the victim returns to the offender she is almost always placed back into the weaker, submissive role. Having the ability to report new abuse to the probation officer, which would cause the offender's probation to be modified or revoked, may strengthen her position within the relationship.<sup>10</sup> Furthermore, even if the victim keeps silent about new abuse, she may display visible physical or psychological signs that the abuse is continuing. A properly trained probation officer may be able to detect these signs and investigate further.

### The Domestic Violence Counseling Component

The last major part of the DVO program is the requirement that all of the offenders complete a 26-week, domestic-violence counseling program. This counseling program deals with more than simply issues of anger management. If the problem were only anger control, then the offender would be violent with anyone who makes him angry. In domestic-violence situations the offender specifically targets a weaker family member for the purposes of control, not just because he is angry.<sup>11</sup>

The domestic-violence counseling programs focus on some techniques of anger management, reinforce the fact that violence is never appropriate, and break down socialized beliefs that a man must control his woman and children. The counseling seeks to reveal to the offender that his violence is a crime, and that feelings of self-esteem will never be achieved through controlling others. Although domestic violence counseling programs around the country vary in length from a few weeks to several months, the pro-

grams have shown some success in reducing violent behavior and breaking down improper stereotypes about a man's role within the family.<sup>12</sup>

As has been mentioned, substance abuse is often an issue in domestic violence cases, so substance-abuse counseling is frequently required. If alcohol or drug abuse is detected by the domestic-violence counseling agency, the offender is referred out to complete substance-abuse counseling in addition to the domestic-violence counseling. If the probation officer detects substance-abuse issues, then the officer can also order the offender to complete this type of counseling, with the authority of the court to punish non-compliance. Research has shown that requiring domestic violence offenders to complete both substance abuse and domestic violence counseling has been more successful at reducing future violence than just one of these two types of counseling.<sup>13</sup>

### Program Evaluation

The DVO program was implemented in November 1998, and began supervising 25 high-risk domestic-violence offenders. As of April 2001, there have been some early indications that suggest the program is very successful. The progress of the first 25 offenders placed into the DVO program was compared with a control group of similar offenders (n=32) who completed their probation sentences in the three years preceding the existence of the DVO program. Comparisons of these two groups has demonstrated that for the first 24 months after being sentenced to probation, the offenders in the DVO program were less likely to be arrested for a new criminal offense and less likely to be arrested for a new violent offense. For those offenders who did violate their probation sentences, those in the DVO program generally received much harsher sanctions for their violations.

The control group was created by selecting all offenders sentenced from 1995 to 1997 who met the selection criteria for the DVO program (conviction of a domestic-violence-related felony with a sentence of supervised probation and 26 weeks of domestic violence counseling). The offenders in the DVO program were found to be less likely to be rearrested for a new criminal offense during the first 24 months after being sentenced. In the control group, 78 percent (n=25) of the offenders were rearrested for a criminal offense within 24 months of beginning their sen-

tences, while only 64 percent (n=16) of the offenders in the DVO program were rearrested. The offenders in the DVO program were also less likely to be rearrested for a new violent crime. Of the DVO program offenders, 52 percent (n=13) were rearrested for a new violent offense within 24 months, while 59.4 percent (n=19) of the control group experienced a new arrest for a violent offense.

The DVO program also appears to have been successful in detecting, documenting, and punishing violations committed by the offender while on probation. The offenders in the DVO program received harsher sanctions than the control group for committing a new criminal offense, committing a new violent offense, and for failing to complete the counseling program. Of the 16 DVO program offenders who committed a new criminal offense, 81.3 percent (n=13) were committed to prison terms in the Illinois Department of Corrections. By comparison, only 40 percent (n=10) of the control group offenders with new arrests were sent to prison. Of the 19 control group offenders who committed new violent offenses, only 52.6 percent (n=10) went to prison, while 92 percent (n=12) of the DVO program offenders with new violence went to prison. Only 52.6 percent (n=10) of the control group offenders who failed to complete the counseling program within 24 months were sent to prison, but 81.3 percent (n=13) of the DVO offenders who failed to complete counseling were committed to prison. Being assigned to the DVO program seemed to identify the offenders as high-risk cases and their violations were dealt with more severely by the court.

This early analysis of the program suggests some success in improving offender competency by reducing recidivism. It also appears that the program promotes both public safety and offender accountability with harsher sanctions for violating the conditions of the sentence. The first 25 offenders who were assigned to the DVO program were 14 percent less likely to commit a new criminal offense of any kind. Of those DVO program offenders who did commit a new criminal offense, they were 7.4 percent less likely to be arrested for a violent offense. When found to have committed a new criminal offense, the DVO program offenders were over 40 percent

more likely to receive a prison term as a punishment for violating probation. They were also over 28 percent more likely to go to prison for failure to complete the 26-week domestic-violence counseling program.

At this early stage it appears as though the DVO program is having a positive impact on the lives of some offenders and has possibly helped ensure the safety of victims and the community. However, a longer-term study with larger test and control samples is recommended before the program can be deemed a success at rehabilitating felony domestic violence offenders. Nevertheless, in October 2000, the DVO program was recognized by the local battered women's shelters with a prestigious community service award for its efforts to reduce violent behavior in the community.

## Conclusion

Domestic violence is a serious issue in most communities and Kane County, Illinois, has taken aggressive actions to address the problem. Through increased investigation and prosecution efforts, more domestic violence offenders have been convicted of their crimes, causing an increase in the number of high-risk violent offenders on probation. Kane County Court Services has responded by developing an intensive probation program specifically designed for the high-risk, felony domestic-violence offender. The program subjects probationers to more frequent office and home visits, substance abuse counseling, and domestic violence counseling. The program also breaks new ground as it seeks to directly cooperate with, and protect, the victim of the probationer.

Thus far the program appears successful at preserving community safety, holding offenders accountable, and improving the non-violent coping skills of the offenders. In preserving community safety, the program has been successful at catching several offenders when they had committed new acts of violence. The program has held offenders more accountable for their actions through closer supervision and applying stiffer sanctions if the offender does not comply with his sentence. Lastly, the program assists the offender in developing better social skills by offering

treatment that corrects the dysfunctional, abusive behavior patterns of the offender.

It is too early to present conclusive evidence about the success of the Domestic Violence Officer program; however, the short-term results appear promising. The criminal justice system in Kane County has sent a clear message to family-violence offenders in the community. Domestic violence is a serious crime and will not be permitted to continue.

## Endnotes

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<sup>2</sup>R. Gelles & C. Cornell, *Intimate Violence in Families* (Newbury Park, CA: Sage, 1990).

<sup>3</sup>Ibid., Gelles & Cornell.

<sup>4</sup>C. Reddick & D. Chapin, "Domestic Violence and Probation: Developing a Strong, Coordinated Community Response." *Community Corrections Report*, 6 (1999): 51-61.

<sup>5</sup>Ibid., Gelles & Cornell.

<sup>6</sup>A. Crowe, P. Wack, & P. Schaefer, *Intervening in Family Violence* (Lexington, KY: American Probation and Parole Association, 1996).

<sup>7</sup>B. Aguirre, "Why Do They Return? Abused Wives in Shelters." *Social Work*, 30 (1985): 350-354.

<sup>8</sup>P. Fazzino, J. Holton, & B. Reed, *Substance Abuse Treatment and Domestic Violence* (Rockville, MD: U.S. Department of Health and Human Services, 1997).

<sup>9</sup>H. Cellini, *Assessment of Imminent Danger and Supervising Violent Adult Offenders* (Chicago: American Probation and Parole Association, 1994).

<sup>10</sup>Ibid., Aguirre.

<sup>11</sup>Ibid., Crowe et al.

<sup>12</sup>L. Hamberger & J. Hastings, "Recidivism Following Spouse Abuse Abatement Counseling: Treatment Program Implications." *Violence and Victims*, 5 (1990): 157-170.

<sup>13</sup>Ibid., Fazzino et al.