

Intimate Partner Violence among Justice-Involved Persons: Practice Guidelines for Probation Staff¹

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What Do Probation Staff Need to Know about Intimate Partner Violence?¹

The U.S. Department of Justice works with the U.S. Centers for Disease Control (CDC) on issues of intimate partner violence (IPV) and follows the CDC's definition. The CDC defines four types of IPV (Centers for Disease Control and Prevention, 2021):

- **Physical violence** is when a person hurts or tries to hurt a partner by hitting, kicking, or using another type of physical force.
- **Sexual violence** is forcing or attempting to force a partner to take part in a sex act, sexual touching, or a non-physical sexual event (e.g., sexting) when the partner does not or cannot consent.
- **Stalking** is a pattern of repeated, unwanted attention and contact by a partner that causes fear or concern for one's own safety or the safety of someone close to the victim.
- **Psychological aggression** is the use of verbal and non-verbal communication with the intent to harm another person mentally or emotionally and/or to exert control over another person. (Centers for Disease Control and Prevention, 2021 paragraphs 2-5)

The CDC's National Intimate Partner and Sexual Violence Survey provides information on how many men and women experience IPV. Specifically, over one's lifetime:

- 36.4 percent of women and 33.6 percent of men reported IPV that encompassed any contact sexual violence, physical violence, and/or stalking.
- 36.4 percent of women and 34.2 percent of men reported experiencing any psychological aggression from an intimate partner (Smith et al., 2018).
- 1 in 5 women and 1 in 7 men report severe physical IPV victimization (Centers for Disease Control and Prevention, 2021).

Who Perpetrates IPV?

There is no one profile of someone who perpetrates IPV; they are a very diverse group of offenders. Several experts have attempted to develop typologies of IPV perpetrators to help demonstrate the heterogeneity among perpetrators. One of the more well-known typologies (Holtzworth-Munroe et al., 2000) discusses four types of perpetrators:

Family-only batterer – This type of batterer uses low frequency and less severe IPV, and is unlikely to behave violently or criminally outside the family. This batterer has little evidence of a personality disorder, but potentially low-moderate alcohol or drug abuse issues.

Generally violent-antisocial batterer – This type of batterer uses severe and frequent IPV and has a high level of criminal and violent behavior outside the family as well. They often can be diagnosed with antisocial personality disorder, and they typically have alcohol and drug abuse problems.

Low-level antisocial batterer – This type of

batterer tends to fall between the family-only batterer and the generally violence-antisocial batterer on all of the dimensions, including frequency and severity of IPV, criminal and violent behavior outside the family, presence of a personality disorder, and alcohol/drug abuse.

Borderline-dysphoric batterer – Like the generally violent-antisocial batterer, this type of batterer uses severe and frequent IPV, but has low-moderate levels of criminal and violent behavior outside of the family. This batterer suffers from borderline personality disorder, and has moderate levels of alcohol and drug abuse.

Because of mandatory arrest policies, probation officers will see all types of batterers. In addition, it's important to understand that batterers come from all races/ethnicities, genders and sexual orientations.

Men and women are almost equally likely to perpetrate IPV (Smith et al., 2018), and there are more similarities than differences in the predictors of IPV among men and women (Langhinrichsen-Rohling, McCullars, et al., 2012). Moreover, power and control are equally motivating for men and women (Felson & Outlaw, 2007; Langhinrichsen-Rohling, McCullars, et al., 2012), and are predictive of injury and repeated physical IPV (Felson & Outlaw, 2007). Furthermore, rates of self-defense are low for both men and women (Langhinrichsen-Rohling, McCullars, et al., 2012). Although even less researched, data shows that IPV occurs at similar frequencies in LGBTQ+ relationships (Walters et al.,

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2013), with similar predictors and motivations as well (Hines et al., 2021).

Although there is heterogeneity among offenders, we know that certain mental health and other criminogenic issues are often comorbid with IPV perpetration. Among the many co-morbid issues that IPV offenders should be assessed for are:

- Substance abuse and/or alcohol abuse (Cunradi et al., 2014; Hines & Straus, 2007; Rhodes et al., 2009).
- Personality disorders (e.g., antisocial, borderline, narcissistic) (Holtzworth-Munroe et al., 2000).
- Trauma history (Rhodes et al., 2009).
- History of witnessing IPV as a child and/or experiencing child abuse (Ehrensaft et al., 2003).
- History of conduct disorder (Ehrensaft et al., 2004).

In addition, many perpetrators will report that their partners are also abusive. In other words, they report bidirectional abuse. Although many in the criminal justice field often dismiss these accusations as excuses, research demonstrates that there is a high level of bidirectional abuse. For example, a comprehensive review of IPV research showed that 57.9 percent of physical IPV is bidirectional (Langhinrichsen-Rohling, Misra, et al., 2012). Of couples with unidirectional physical IPV, 13.8 percent was man-to-woman, and 28.3 percent was woman-to-man. Furthermore, within military and male treatment samples, 39 percent of IPV is bidirectional; 43.4 percent is man-to-woman, and 17.3 percent is woman-to-man (Langhinrichsen-Rohling, Misra, et al., 2012). In all cases, rates of self-defense are low for both men and women (Langhinrichsen-Rohling, McCullars, et al., 2012).

What Do Probation Staff Need to Know about Intimate Partner Violence in the Criminal Legal System?

In most states, if the police are called to the scene of a domestic violence offense, they are mandated to arrest someone (mandatory arrest policies); in all other states, arrest is the preferred option (preferred arrest policies). These arrest policies essentially mandate that officers arrest for all IPV offenses, regardless of how minor; most arrests are misdemeanors and do not involve physical injuries (Hirschel & Buzawa, 2009).

Mandatory arrest policies have mitigated any potential impact of race on arrest, and there are no racial/ethnic differences

as perpetrators progress through the criminal legal system (Shernock & Russell, 2012). However, there is much less favorable treatment of men in comparison to women, which is seen not just in arrest, but also in the issuance of protection orders and in prosecution, with disparities between men and women growing at each stage of the criminal legal process (Shernock & Russell, 2012).

One reason why mandatory arrest policies lead to less favorable treatment of male perpetrators (in comparison to women perpetrators) is because of the predominant aggressor policies that resulted from them. Mandatory arrest policies initially led to an increase in “dual arrest,” where the officer couldn’t determine a single perpetrator, so they arrested both people. In efforts to reduce the number of women arrested and the number of dual arrests, states adopted primary aggressor policies, which directs officers to arrest the dominant aggressor in the domestic incident (Miller, 2001).

The predominant aggressor is typically thought of as the most significant aggressor, and not necessarily the initiator. Criteria for determination are not well defined and typically include: age, weight, height, criminal history, IPV history, use of alcohol & drugs, who called 911, who reports fear, presence of power and control, detail of statements, demeanor of parties, and corroborating evidence (Hamel & Russell, 2013).

Police training manual scenarios almost always (in some cases, always) deem the man to be the primary aggressor (Hamel, 2011). In fact, most police training manuals assume a heterosexual relationship where the man is the perpetrator and the woman is the victim, with most examples in those manuals focusing on heterosexual relationships, and most examples concluding the man is the perpetrator (Hamel & Russell, 2013).

In addition, police officers often fall back on gender stereotypes and the only predominant aggressor guidelines that can be easily interpreted (relative size and strength), and typically arrest the man. These policies are based on the false presumption that there is only one clear aggressor in most or all relationships (Hamel & Russell, 2013). Studies show that men are arrested more than women, even when controlling for physical injuries (Shernock & Russell, 2012).

When offenders reach the prosecution phase, they are often subject to no-drop policies. Sometimes they may go through a specialized domestic violence court (or

prosecution process), or other steps to increase rates of prosecution. Evidence shows no crime prevention benefits for any of these steps related to sanctions (Maxwell & Garner, 2012). However, what they do show is that harsher sentences are imposed on men who abuse women, in comparison to any other gendered composition of the offender-victim relationship (Poorman et al., 2003; Ragatz & Russell, 2010; Russell et al., 2009). In fact, men are treated more harshly at each stage of the criminal legal process (Shernock & Russell, 2012).

What Role Do Criminal Justice Interventions/Sanctions Have in Preventing Further IPV?

Overall, sanctions that follow an arrest for IPV do not impact subsequent re-offending (Maxwell & Garner, 2012). Below, we pay specific attention to protective orders and batterer intervention programs.

Protective orders. Protective orders can have varied effects on the perpetrators. Some offenders do not comply with protective orders; some are angered by the protective orders and seek out revenge upon receiving it; some victims seek out the offender in spite of the protective order because they want to see the person; and sometimes, the protective order works to keep the perpetrator away from the victim (Erez et al., 2004). It is important to recognize that the offender is very knowledgeable about the victim’s routines, friendships, family members, etc., which provides the offender with a relatively easy means to stalk, harass, intimidate, abuse, or assault the victim and violate a protective order.

In a comprehensive review of 43 scholarly studies on the effectiveness of protective orders, Russell (2012) found that approximately 40-50 percent of protective orders are violated. Large-scale studies show some reductions in revictimization, but smaller community studies show increases in psychological and physical IPV upon issuance of a protective order.

Female victims feel safer when there is a protective order and find them effective, and these feelings are related to whether the victim successfully separated from the offender and had access to resources/help. Rural women who don’t have access to resources typically feel less safe and satisfied with protective orders. Revictimization is related to maintaining a relationship with the offender, lack of resources, rural residence, and stalking. Married women are less likely to file for a

permanent protective order, have a harder time separating from the offender, and likely need additional resources. Women who get protective orders are often unemployed or underemployed, earning less than \$15K per year, and are financially dependent on their offenders; they also have higher rates of depression and PTSD (Russell, 2012).

Obtaining a final order of protection leads to lower rates of revictimization, in comparison to those who do not pursue or obtain a final order of protection. There is little research on women who are issued protective orders or men who are victims, although men are less likely to get a requested protective order. Studies are lacking on protective orders in same-sex IPV cases (Russell, 2012).

Batterer Intervention Programs. The traditional batterer intervention program (BIP) uses the Duluth Model as a means to re-educate a batterer in attempts to stop the violence. The Duluth Model is grounded in a feminist analysis of IPV, which posits that the patriarchal construction of society and its social institutions supports male domination of women and the use of any means necessary—including violence—to maintain that domination. Such programs rely on a gender re-education model (rather than psychotherapeutic), with the goal of exposing the batterers' misogyny, holding him accountable for the violence and accepting personal responsibility, and promoting gender-egalitarian attitudes and behavior within his relationships. Most intervention programs—and state laws and guidelines that regulate BIPs—have these as key aspects of the programs. Many approaches, however, also integrate tenets of CBT into their framework, to address issues of emotion dysregulation, cognitive distortions, and relationship skills deficits (Eckhardt et al., 2013).

BIPs are widely used despite minimal effectiveness research, which means they could be potentially harmful to clients and their victims, because it is likely the clients and victims assume that the treatment they are attending is effective (Lilienfeld, 2007). There have been several major meta-analyses and reviews of every study on BIP effectiveness, and they all show the same thing: minimal to no effectiveness in reducing IPV (by both victim report and official reports), with concerns that they may be harmful (Babcock et al., 2004; Eckhardt et al., 2013; Feder & Wilson, 2005; Karakurt et al., 2019; Wilson et al., 2021). These findings held whether the program was a Duluth Model program and/or

incorporated CBT elements.

In addition to the lack of effectiveness, there is also evidence of high attrition rates (Davis & Taylor, 1999). One recent analysis of this problem showed that in comparison to BIP completers, no-shows to BIPs are less likely to have a high school diploma/GED, less likely to be employed, less likely to be on probation, more likely to report a mental health problem, and more likely to have a history of drug crimes; drop-outs of BIPs (in comparison to completers) are more likely to have a history of general violence or property crimes (Richards et al., 2021). It is important for probation officers to be aware of these risk factors for BIP no-show and drop-out.

One main reason why Duluth Model BIPs are not effective (and potentially harmful) is that although there are many men who harbor sexist, patriarchal beliefs, and some act on them in abusive ways towards their partners, there is no consistent, necessary connection between patriarchal beliefs and IPV perpetration (Hamel & Russell, 2013). Sexist attitudes are typically the justification for IPV, but it's really personality disorders (ASP, BSP), developmental factors (e.g., exposure to child abuse, exposure to interparental IPV, conduct disorder), and current life stressors, including alcohol/substance abuse, that drive IPV perpetration (Dutton, 1994; Sugarman & Frankel, 1996). Duluth Model BIPs do not address these issues at all, while models that incorporate CBT components do not fully address them.

The good news is that there are currently some alternative treatment models that show promise of effectiveness. These include models that:

- Focus on motivation and readiness to change, which show promise on change-relevant attitudes, treatment engagement, and abusive behavior (Eckhardt et al., 2013).
- Incorporate substance abuse and/or trauma components (Karakurt et al., 2019).

What Role Does the Probation Officer Have?

In many jurisdictions, most IPV offenders will be sentenced to probation (with or without jail time) and mandated treatment (Buzawa et al., 1998). IPV offenders present unique challenges because of the relationship they have with their victims, and probation officers must be knowledgeable about victim and offender issues in IPV and work collaboratively with treatment providers (Spencer et al., 2020).

It's also important to know some of the similarities and differences between IPV offenders and other violent offenders (Olson & Stalans, 2001). For example, they are similar to other violent offenders on demographic and prior criminal history. For the probation officer, it's important to know that they are similar to other violent offenders in whether they violated the conditions of their probation and in their performance on probation (Olson & Stalans, 2001).

On the other hand, IPV offenders are more likely to report a substance abuse history (includes alcohol & illegal drugs). They were also more likely to have misdemeanors (rather than felonies) and shorter sentences; IPV offenders are more likely to be ordered to pay fines, less likely to be ordered to perform community service, more likely to be ordered into treatment, and more likely to be placed on a specialized probation caseload. Importantly, they were more likely to revictimize their victims, and their probation officers were more likely to have contact with the victim (Olson & Stalans, 2001).

This is related to one of the more important and unique roles of a probation officer when working with IPV offenders: protecting the victim.

Protecting the victim. A primary focus for the probation officer is the safety of the victim (Spencer et al., 2020). The context and dynamics of IPV make protecting the victims a continuous challenge (Erez et al., 2004). In comparison to other crimes, IPV is typically a pattern of behavior rather than an isolated incident, with the offender having abused the victim many times before the criminal legal system becomes involved. Thus, it is routine behavior that is likely to continue without intensive psychological counseling, which the offender typically will not receive. In many cases, the victim will return to the offender; reasons for returning include fear, financial dependency, family pressure, and often love. Thus, IPV offenders are at risk of abusing the same person again and often do (Johnson, 2001).

There are likely strong emotional ties between the victim and offender, with victims often reluctant to participate in criminal legal proceedings that institute punishment of the offender. When victims return to the offender for any or all of the above-mentioned reasons, it may feel like the victim is working against the probation officer, but victim safety must remain a primary concern. One way to achieve this goal of victim safety is

through proactive cooperation between the probation officer, social services, and victim advocates. Undergoing training specific to IPV to develop the specialized skills to work with these cases is also a good idea (Spencer et al., 2020).

Another potential means for keeping victims safe is the use of bilateral electronic monitoring (BEM) (Erez et al., 2004). BEM would be ordered by a judge, but requires victim consent, because equipment needs to be installed in the victim's residence as well, and its main purpose is to keep offenders away from the victim's residence. BEM has evidence of effectiveness: In two studies, there were few cases of offenders penetrating the radius of the BEM, most often when the offender was intoxicated. Only once was the offender overtly hostile. Victims also reported positive experiences with the BEM—they appreciated the time away to reassert control over their lives; they also felt an enhanced sense of safety and peace of mind for them and their children (Erez et al., 2004).

Ensuring compliance. BEM can also be used to ensure offender compliance. The probation department is pivotal because its purpose is to hold the offender accountable. Probation is typically used in IPV cases because both the victims and/or the judges do not want to see the offenders jailed; instead, they believe that probation is a solid alternative to jail time because it allows the offenders to stay under the watchful eye of the criminal legal system (Spencer et al., 2020).

In addition to BEM, GPS supervision can also be used. Again, this would be ordered by a judge. Pretrial GPS supervision has the same effectiveness as other non-technological supervision techniques in terms of assuring appearance at court and risk of rearrest; GPS supervision also increases the likelihood of appearing at meetings with pretrial services staff (Grommon et al., 2017).

It is also important to note risks for probation violation among IPV offenders, such as witnessing and experiencing abuse during childhood (Fowler et al., 2016). Criminogenic risk is a significant predictor of probation revocation by a felony domestic violence court (Garner et al., 2021). Experts in the field suggest that offenders undergo intervention to address early engagement in treatment, anti-social thinking patterns, and substance use disorder (Garner et al., 2021). Thus, knowledge of the limitations of most BIPs is crucial for probation officers, because they will likely need to suggest supplemental interventions,

such as those that focus on motivation and readiness to change (Eckhardt et al., 2013) and that incorporate substance abuse and/or trauma components (Karakurt et al., 2019).

Key Terms

Intimate Partner Violence (IPV): Violence by an individual toward someone they are in an intimate relationship with.

Physical violence: a person hurts or tries to hurt a partner by hitting, kicking, or using another type of physical force.

Sexual violence: forcing or attempting to force a partner to take part in a sex act, sexual touching, or a non-physical sexual event (e.g., sexting) when the partner does not or cannot consent.

Stalking: a pattern of repeated, unwanted attention and contact by a partner that causes fear or concern for one's own safety or the safety of someone close to the victim.

Psychological aggression: the use of verbal and non-verbal communication with the intent to harm another person mentally or emotionally and/or to exert control over another person.

Mandatory Arrest: If the police are called to the scene of a domestic violence offense, in most states, they are mandated to arrest someone (mandatory arrest policies); in all other states, arrest is the preferred option (preferred arrest policies).

Predominant Aggressor: The predominant aggressor in an IPV situation is typically thought of as the most significant aggressor, and not necessarily the initiator. Criteria for determination are not well defined and may include: age, weight, height, criminal history, IPV history, use of alcohol & drugs, who called 911, who reports fear, presence of power and control, detail of statements, demeanor of parties, and corroborating evidence.

Protective Orders: a form of legal protection that prohibits a perpetrator from having contact (physical or communication) with victims.

Batterer Intervention Programs (BIP): Traditional programs use the Duluth Model, which is a gender re-education model with the goal of exposing the batterers' misogyny, holding him accountable for the violence and accepting personal responsibility, and promoting gender-egalitarian attitudes and behavior within his relationships. Some versions also incorporate tenets of cognitive-behavioral therapy.

Bilateral Electronic Monitoring (BEM): typically ordered by a judge, but requires

victim consent because electronic monitoring equipment needs to be installed in the victim's residence as well, and its main purpose is to keep offenders away from the victim's residence.

Key Takeaways

1. IPV occurs at similar rates in LGBTQ+ relationships, and men and women are almost equally likely to perpetrate IPV. Additionally, bidirectional abuse is common, while rates of self-defense for both men and women are low. However, many police training manuals assume a heterosexual relationship and that the man is the aggressor while the woman is the victim.
2. IPV commonly co-occurs with substance misuse, personality disorders, trauma histories, history of witnessing IPV or experiencing child abuse, and conduct disorders.
3. Sanctions following an arrest for IPV do not impact subsequent re-offending. Protective orders have varied effects. Batterer Intervention Programs (BIP) are widely used, but the evidence indicates minimal to no effectiveness on reducing IPV and could potentially be harmful to clients and their victims.
4. Promising practices include models that focus on motivation and readiness for change, and incorporate substance abuse and/or trauma components. Additionally, bilateral electronic monitoring (BEM) has been found to keep the perpetrator away from the victim's residence and ensure offender compliance.
5. A primary focus in IPV cases for probation staff should be the safety of the victim. Probation staff should be aware that IPV is typically the result of routine behavior patterns.

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