

Appendix 7C

Training Memo—Supervised Release in Domestic Violence Cases

Supervision of clients on supervised release for domestic-violence related offenses generally follows the same policies and protocols as supervision of clients on probation for domestic violence offenses. However, there are a few areas where special considerations apply.

One of those areas is victim engagement. Victim engagement following supervised release presents particular challenges for the supervising agent. As a result of the passage of time while the client was incarcerated, it may be more difficult to locate victims in supervised release cases. Any ambivalence or mistrust the victim feels toward community corrections may be heightened by the passage of time, the lack of any ongoing contact with corrections and minimal contact with corrections prior to the offender's incarceration. During the time the offender was imprisoned the victim may have moved on with his/her life and contact may be an unwelcome reminder of events the victim has tried to put behind him/her. Conversely, the victim may have continued the relationship with the offender and may be angry over the standard supervised release condition that prohibits contact with victims of the offense. For those victims the supervising agent may be viewed as the agent of yet one more unwelcome intrusion in his/her life.

Despite these challenges, it remains important to engage with the victim for several reasons. The initial contact with the victim, preferably prior to the client's release from incarceration, will: allow the supervising agent to ascertain the victim's ongoing safety concerns, if any; ensure that the supervising agent is aware of any common children which may give rise to ongoing interaction; allow the agent to understand the victim's position regarding an ongoing relationship; and, allow the supervising agent to discuss supervised release conditions with the victim. Continuing engagement following the client's release will help increase victim safety, and because the victim often has ongoing knowledge of the client's activities, it also will help monitor the client's compliance with supervised release conditions.

It is also important to keep in mind the patterned nature of most domestic violence when supervising offenders on supervised release for a domestic violence-related offense. The supervising agent's in-depth understanding of the

offender's history of violence can greatly enhance the effectiveness of supervision and increase public safety. An understanding of the particular offender's violence history can assist the agent when conditions of supervision are being structured; can assist the agent in evaluating the offender's adjustment to supervision and the level of ongoing risk and can assist the agent in evaluating the proper response to supervised release violations. To this end, in domestic violence-related offenses, the supervising agent will need to review the available information regarding the offender's history of violence. In reviewing the offender's general history, the agent will need to pay particular attention to factors that are associated with a heightened risk of continuing, escalating or lethal violence.

Special considerations also apply to the procedures and responses to violations of supervised release conditions. Department of Corrections policies and procedures form the basis for responding to all supervised release violations. However, there are additional considerations that should be incorporated into the response to a supervised release violation in domestic violence cases. First, it is important to get the victim's input on what effect, if any, the violation or response will have on his or her safety. Second, it is important to be clear with the client that the violation action arises from his or her actions and is not the responsibility of the victim. Careful attention to communicating this message to clients can both minimize retaliation against victims and promote the client's acceptance of responsibility for his or her own actions. Third, it is paramount to pay close attention to factors indicating risk or danger to the victim when deciding upon an appropriate response to violations.

To meet these additional considerations, in addition to general local Corrections policies and protocols and Department of Corrections policies, the following additional provisions apply to supervised release domestic violence related cases.

Requirements of Supervising Agents

Agents supervising domestic-violence related offenders will:

1. Have specialized training in domestic violence
2. Be familiar with the relevant policies and procedures of The Blueprint for Safety
3. Follow Probation Protocol 2: Victim Engagement Guidelines

Supervised Release Planning

1. When structuring and reviewing a supervised release plan, the agent will:
 - a. Review the available information regarding the offender's history of violence.
 - i. This review should include at least:
 1. the PSI
 2. the History of Domestic Violence Summary (HDVS) if available (See *Appendices 1D* and *1E* for information about the HDVS)
 - ii. Whenever possible the review should also include the following to the extent they are not already incorporated in available PSIs
 1. past domestic violence related police reports
 2. past and current Order for Protection and Harassment Restraining Orders including the supporting affidavits
 3. related child protection reports
 4. reports from rehabilitation or treatment programs previously used by the offender
 - b. Ascertain if there is any continuing order prohibiting contact with the victim or others
 - c. If possible, contact the victim
 - i. Discuss ongoing safety concerns
 - ii. Ascertain whether the victim wants an ongoing no contact provision
 - iii. Ascertain whether the victim intends to have an ongoing relationship with the offender
 - iv. Review information related to the factors associated with an increased risk of ongoing/escalating or lethal violence which are set out in *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*

- v. Determine if the victim and offender have children in common and if so the current legal framework governing custody and parenting time
 - vi. Discuss any incidents of harassing, assaultive or threatening behavior which occurred while the offender was incarcerated
 - vii. Determine the victim's ongoing safety concerns, if any
 - viii. Attempts to contact the victim should include attempts to contact through the local community advocacy agencies when necessary.
- d. Include or request the inclusion of the following supervised release conditions:
- i. You must obey all court orders, including any orders for protection, restraining orders or no contact orders. An action, or inaction, prohibited by court order violates probation even if it is not charged as a crime or does not result in a criminal conviction.
 - ii. You must obey all court orders including protection orders, child support and custody orders, and orders regarding return of children from parenting time.
 - iii. You must provide to your probation officer copies of all court documents relating to cases to which you are a party in which any of the following were issued:
 - 1. Protection orders
 - 2. Harassment restraining orders
 - 3. No-contact orders
 - 4. Custody, visitation or parenting time orders or agreements
- e. Request or include the following additional conditions of supervised release where appropriate:
- i. Abstinence
 - ii. No contact orders for persons beyond the victim(s) of the current offense
 - iii. Stay away orders for particular locations

- iv. Completion of a domestic violence treatment program
 - v. Other conditions designed to address risk factors in the case
 2. Review Intensive Supervised Release criteria to determine if the offender fits the criteria for mandatory or discretionary ISR.
 - a. Mandatory ISR: recommend or request ISR
 - b. Discretionary ISR: Given the ongoing, patterned nature of most domestic violence, ISR will generally be requested or recommended any time an offender meets the discretionary ISR criteria

Supervision of Offenders on Supervised Release for Domestic Violence-Related Offenses

1. Victim Engagement
 - a. Unless the victim does not want continuing contact, the agent should remain engaged with the victim.
 - b. The agent should offer information to the victim regarding the local community advocacy program.
 - c. Victim engagement is particularly important for victims who:
 - i. Are in a continuing relationship with the offender
 - ii. Have children in common with the offender
 - iii. Who have ongoing safety concerns
2. If the agent has not already done so, the supervising agent will:
 - a. Review the available information regarding the offender's history of violence
 - i. This review should include at least:
 1. the PSI
 2. the History of Domestic Violence Summary (HDVS) if available (See *Appendices 1D* and *1E* for information about the HDVS)
 - ii. Whenever possible the review should also include the following to the extent they are not already incorporated in available PSIs
 1. past domestic violence related police reports

2. past and current Order for Protection and Harassment Restraining Orders including the supporting affidavits
 3. related child protection reports
 4. reports from rehabilitation or treatment programs previously used by the offender
 - b. Ascertain if there is any continuing order prohibiting contact with the victim or others
 - c. Obtain releases of information as required by Probation Protocol 3, paragraph 4
 - d. Facilitate and monitor the completion of required domestic violence programming as required by **Probation Protocol 3: Supervision of Domestic Violence Probationers**, numbers 5 and 6
3. In assessing the offender's adjustment to probation and ongoing risk level, the agent will keep in mind the factors associated with risk of ongoing, escalating or lethal violence as detailed in *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*.
 4. The agent will be alert for situations and behaviors associated with increased risk as detailed in *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases* and by Probation Protocol 3, paragraphs 8, 9, 10, 11 and 12;
 5. Collaborate and conduct field works with local police as required by Probation Protocol 3, paragraph 14.

Violations of Supervised Release

1. The agent will investigate all suspected violations of supervised release as required by **Probation Protocol 4: Violation and Revocation of Probation**.
2. The agent will provide a sure, swift response to all supervised release violations.
 - a. Allegations of new criminal charges
 - i. Agent will immediately contact HRU upon being informed of the new charge.

- ii. Given the risk to the victim the agent generally will request a warrant/detainer without waiting for a court finding of probable cause in any case where the allegations involve:
 - 1. allegations of assaultive, threatening or stalking behavior against any person or
 - 2. a crime against the property of a current or former victim.
- b. All other cases
 - i. the agent will evaluate
 - 1. the ongoing risk in light of the factors and behaviors linked to victim safety (See *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*).
 - 2. Concrete changes the offender has made to date
 - 3. General community safety
 - 4. Current and past adjustment to probation
 - 5. In those cases where the evaluation indicates that the offender presents a risk to public safety, which includes risk to the victim, the agent will request that HRU issue a warrant/detainer without waiting for a court finding of probable cause.
- 3. In deciding whether to seek restructure or revocation
 - a. Because domestic violence—related offenses involve assault, threatening or stalking behavior and /or victim injury, there will always be at least one aggravating factor present (see Aggravating Factor 3 of DOC Revocation Guidelines).
 - b. the primary consideration should be the effect of continued release on the safety of the victim (including any secondary victims)
 - c. Aggravating factors which will generally support revocation rather than restructure even for Severity Level I or II violations include
 - 1. factors or behaviors included in *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*

2. a pattern of violence when using or intoxicated and the current violation is an abstinence or possession violation
 3. the fact that a misdemeanor conviction is for a domestic violence-related offense (see Aggravating Factor 9 of DOC Revocation Guidelines)
 - d. If requesting restructure, consider whether additional conditions will increase victim safety or promote offender accountability.
4. When revocation is sought, consider whether substantial and compelling reasons exist to request incarceration in excess of 90 days. In this regard, it is important to remember that many felony level domestic violence offenders are chronic offenders who present a high risk to their victim(s) and who have an aggravated criminal history by virtue of the patterned nature of the offense.

Transfer cases being handled by the Supervised Release Unit

See *Appendix 7J: Training Memo—Probation Transfer in Domestic Violence Cases*.