

ENHANCING TRIBAL PROBATION: DOMESTIC VIOLENCE

Guiding Principles for Tribal Probation Officers

Kathryn Ford

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SUPERVISING INDIVIDUALS WITH A HISTORY OF DOMESTIC VIOLENCE

Supervising individuals who have committed domestic violence offenses is an important and challenging part of tribal probation. Probation officers often have many questions and concerns about how to supervise these probationers in ways that increase compliance and ensure safety for victims. This document introduces the foundational principles of domestic violence probation and provides additional resources to strengthen your probation department's response. In addition to following these principles, it is important that tribal probation officers participate in specialized training on working with domestic violence offenders in order to do this work safely and effectively.

1. SEEK OUT SPECIALIZED TRAINING

Supervising domestic violence offenders is emotionally difficult, complicated, and resource-intensive. And the stakes are always high—there are members of the community who are at risk of being seriously hurt or even killed by the person you are supervising. In addition, the dynamics of domestic violence are complex and often hard to understand. Because it can be hard to identify signs of domestic violence, offenders may try to manipulate justice system practitioners in order to abuse their partner. For these reasons, it is critical that probation officers receive ongoing training on how to use evidence-based supervision practices for this population. If possible, it is also a good idea to select officers to specialize in this area, so they can develop deep expertise and strong partnerships with the other practitioners handling these cases.

2. COLLABORATE WITH OTHER AGENCIES TO STRENGTHEN THE SYSTEM'S RESPONSE

Probation departments play a very important role in a tribe's response to domestic violence, so it's essential that your probation department build and maintain relationships with other justice and social service agencies.



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This should include coordinating with the tribal court, law enforcement, victim advocates, attorneys/lay advocates, abusive partner intervention programs, treatment providers, child welfare, and traditional healing resources. Frequent communication with these partners can help probation access (and share) more information, make referrals to appropriate services, and identify and address system gaps regarding offender accountability and intervention. This coordination can happen through domestic violence task forces or working groups, joint training events, or more informal relationship-building activities.

3. YOUR SUPERVISION IS ONLY AS GOOD AS THE INFORMATION YOU HAVE

One behavior commonly seen among domestic violence offenders is minimizing, denying, and blaming their partner for the abuse. If you rely solely on what the probationer tells you, you will likely be missing multiple pieces of the puzzle. For this reason, it is critical to collaborate with other agencies to develop protocols for sharing information about the history of domestic violence, probationer risks and needs, compliance, and other legal matters involving your probationer. Information should be gathered regarding past and present cases in any jurisdiction, and can include criminal records, protective order petitions, police reports, past assessments, treatment records, and interviews with current and former partners. Probation officers can even explain to probationers that every part of the justice system is monitoring them and sharing information about their case, so they understand that it will be difficult to hide their behavior if they violate their conditions.

4. ONLY WORK WITH VICTIMS IN A SAFE WAY

Probation officers may be able to connect victims with supportive resources and important legal information. Additionally, probation officers can obtain valuable information from victims about the history of domestic violence and any new incidents of abuse. If the offender finds out the victim has spoken with probation, however, communicating with the victim could put them at risk of additional violence. Therefore, probation officers should collaborate closely with victim advocates to create protocols for safe communication with victims.



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5. REGULARLY ASSESS THE RISK OF RE-OFFENSE AND HOMICIDE, AND ACTIVELY MITIGATE THE IDENTIFIED RISKS

Research has identified factors that predict a domestic violence offender's risk of future violence toward their partner, including lethal violence. For this reason, it is strongly recommended that probation departments supplement their general risk-need tools with specialized domestic violence risk assessments. A specialized assessment can more accurately identify the level of risk and enable probation officers to address the risk factors that are present. For example, access to a firearm and unemployment are two of the strongest predictors for domestic violence homicide. So, based on their assessment, probation officers can remove a probationer's access to firearms or help them obtain employment. In addition, the probationer's case plan should be tailored to their risk level, so that higher risk probationers receive more intense monitoring and intervention.

6. IMPOSE SPECIALIZED PROBATION CONDITIONS

Courts and probation departments can use special probation conditions to hold offenders accountable, support behavior change, and protect victims. Examples of special conditions include: protective orders, participation in an abusive partner intervention program, substance use treatment (where indicated), mandatory notification about new intimate relationships, surrendering firearms, abstaining from alcohol or drugs, not possessing pornography (if the probationer has been sexually violent), and avoiding locations frequented by the victim. Probation officers should clearly and repeatedly explain what is expected of probationers, how compliance will be monitored, and the consequences for noncompliance.



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7. USE EVIDENCE-BASED STRATEGIES TO PREVENT RE-OFFENDING

There are three important approaches tribal probation officers (and courts) can use to discourage future offending.

FOLLOW THESE APPROACHES:

- **Certainty:** probation officers should respond to every violation, no matter how small, so that offenders know that all noncompliance will be detected and addressed;
- **Swift:** probation officers should respond to violations as quickly as possible to reinforce the connection between the offender's behavior and the response; and
- **Severity:** the probation officer's response should be proportionate to the violation and strong enough to act as a deterrent.

8. CONNECT DOMESTIC VIOLENCE PERPETRATORS WITH RESOURCES THAT SUPPORT HEALING AND BEHAVIOR CHANGE

These resources may include an abusive partner intervention program, a parenting or fatherhood program, substance use treatment, mental health services, employment and educational assistance, and mentoring, as well as traditional, culture-based healing resources. If your community does not have an abusive partner intervention program, explore what options are available in nearby tribes or counties, or work with other stakeholders to create a new program.

For more detailed guidance, see *Recommendations for Tribal Probation when Supervising Domestic Violence Offenders*, a publication of the American Probation and Parole Association, available at: <https://www.appa-net.org/eweb/docs/appa/pubs/RTPSDVO.pdf>.



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AUTHOR

Kathryn Ford, LCSW
Center for Court Innovation

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For training and technical assistance, contact the Center for Court Innovation at:
<https://www.courtinnovation.org/abusive-partner-resources>



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CENTER FOR COURT INNOVATION

The Center for Court Innovation exists to achieve a justice system that is fair, effective, and humane. We work with both government and communities to develop and run programs that have reduced the use of incarceration, increased equity, and strengthened neighborhoods by increasing safety and economic opportunity. We perform original research to identify what works. And we share what we learn from our programming and research with those seeking to transform the justice system around the world.

TRIBAL JUSTICE EXCHANGE

The Center's Tribal Justice Exchange has worked with more than 60 tribes across the country to implement innovative practices within their justice systems. These include prevention initiatives, youth engagement, diversion programs, restorative justice practices, Healing to Wellness Courts, reentry strategies, and other approaches emphasizing healing and community-building.

We offer a range of training and technical assistance services designed to promote tribal sovereignty by expanding tribal court jurisdiction, building collaborations with state and local partners, and developing new resources to support justice-involved tribal members.

The Western, adversarial system of justice often runs counter to the traditional practices of tribal communities. We recognize that approaches that work in state justice systems will not necessarily fit tribes' needs. Our Tribal Justice Exchange works with tribes to incorporate traditional practices and values into tribal justice systems.



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