

*Evaluation of Pilot Probation Program
for Misdemeanor
Domestic Violence Offenders*

July 1999

Alaska Judicial Council

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Executive Summary

I. Introduction

This is an evaluation of a fifteen-month pilot project in Palmer, Alaska funded by the federal Violence Against Women Act (VAWA). The project enabled the Palmer Adult Probation Office to supervise offenders convicted of misdemeanor domestic violence offenses during 1998 and the first quarter of 1999. The misdemeanor supervision project had two goals: (1) to increase the number of offenders successfully completing batterer intervention programs, and (2) to increase victim safety.

The evaluation was designed by the Alaska Judicial Council as a statistical study that treated the offenders under probation supervision as the experimental group and drew data from a matched set of cases from a control or comparison group. There were 47 offenders in the supervised group and 123 offenders in the control group. The evaluation analyzed four types of outcomes for both groups: repeat offenses and violation of probation conditions, completion of probation conditions, and satisfaction of the professionals, victims and offenders affected by the program.

II. Findings & Observations

The findings and observations cover three areas: a description of the probation supervision program, characteristics of offenders in the supervision program and of control-group offenders, and outcomes for offenders. This section summarizes findings in each of these areas.

A. Probation Supervision Program

One probation officer supervised all the domestic violence misdemeanants in the program. The caseload averaged about 40 offenders per month early in the project and about 30 offenders per month later. That compares to an average active felony probation caseload of about 100 offenders per officer in the Palmer adult probation office. This small caseload enabled the probation officer to maintain an intense level of supervision over these offenders and to keep in close contact with the victims. This level of supervision is not normally available in the criminal justice system.

B. Characteristics of Offenders

The evaluation recorded offenders' ethnicity, age, gender, education and employment, criminal history, substance abuse history and domestic violence history, including nature of relationship to the victim. It also recorded offenders' charges and convictions, sentences and conditions of probation.

(1) Charges and convictions. Almost all offenders had been charged with assault IV (a misdemeanor) against an intimate partner. A few originally had been charged with assault III, a felony. All offenders had been convicted of a misdemeanor offense against an intimate partner (most commonly assault or interfering with a domestic violence report). Most offenders were married to or living with their victims at the time of the offense. Sentences imposed by judges typically included incarceration for several days or weeks, conditions of probation requiring offenders to complete a batterer intervention program and substance abuse assessment or treatment, and in some cases a suspended fine. Judges seldom ordered restitution or community work service.

(2) Criminal history. The majority of offenders had at least one prior misdemeanor conviction, although fewer of the supervised offenders had no prior convictions (about 38% of the control-group offenders had no prior criminal convictions compared to 11% of the supervised offenders). Few had previously been convicted of a felony.

(3) Ethnicity and gender. The supervised offenders and the control group offenders were mostly Caucasian, although minorities were slightly over-represented in both groups compared to the general population of the Mat-Su valley. All offenders from the supervised group resided in the Matanuska-Susitna Valley (primarily Palmer and Wasilla), as did all but a handful of the control-group offenders.

There were fewer women in the supervised group than the control group. Women comprised 17% of the convicted offenders in our control sample, compared to only one offender in the supervision group (2%). The percentage of women in the supervised group also was much lower than the percentages of women charged with assaulting an intimate partner in Palmer during 1997-98.

(4) Education and employment. The supervised offenders reported relatively high educational achievement and employment rates, with all but two (4%) possessing a high school diploma or GED. No educational information was available for the control group. Over half of the offenders in both groups reported being employed full or part-time (55% of the supervised offenders and 58% of the control group).

C. Outcomes

(1) Completion of batterer intervention. There was no statistically significant difference between the control and supervised groups' compliance with court-ordered batterer intervention programs. About a third of the offenders in both groups successfully completed their court-ordered batterer intervention programs.

Although probation supervision could not be said to have helped offenders successfully complete their court-ordered batterer program, it may have helped them get started. Supervised offenders were somewhat more likely than control-group offenders to partially complete the program (the trend was **not** statistically significant).

(2) Completion of substance abuse treatment. There was no statistically significant difference between the control and supervised groups on compliance with court-ordered substance abuse assessment/treatment. About a third of the offenders in both groups successfully completed their court-ordered substance abuse assessment/treatment. Although probation supervision could not be said to have helped offenders successfully complete their substance abuse treatment, supervised offenders were somewhat more likely than control-group offenders to partially complete treatment.

(3) Commission of new offenses. There was no statistically significant difference between the control and supervised groups on the rates at which they were charged with new domestic violence offenses. Few members of either group were charged with new offenses, but the control-group offenders were no more likely than the supervised offenders to be charged with a new domestic violence offense against the same or a different victim. Supervised offenders were slightly more likely to be formally accused of violating a no-contact order.

Supervised offenders were more likely than non-supervised offenders to be charged with a new non-domestic violence offense. Many of these new non-domestic violence charges were traffic-related misdemeanors (DWI, DWLS).

(4) Probation revocations. The supervised offenders were more likely than the control-group offenders to have their probation revoked. The probation officer filed one or more petitions to revoke probation against 72% (N=34) of the supervised offenders, while only half (N=61) of the control-group offenders had petitions to revoke filed against them. The supervised offenders were more likely than the control group to be accused of "technical" violations or violations unrelated to the original offense. Thus, the supervised offenders often were accused of

failing to report to the probation officer, while the control-group offenders often were accused of failing to comply with court-ordered treatment.

Thirty-eight percent of the supervised offenders had their probation revoked at some time compared to only 20% of the control-group offenders. Offenders whose probations were revoked often were returned to incarceration to serve some or all of the suspended time in their sentences.

(5) Satisfaction with program. Judges, prosecutors, law enforcement and victim service providers perceived the probation supervision program as a helpful resource. They relied on the probation officer to keep track of offenders they regarded as being at high risk of re-offending or violating probation. They also believed that the probation officer played an important coordination role among all the players in the criminal justice system.

Defense attorneys did not believe the program helped offenders. Defense attorneys saw that their supervised clients were more likely to be charged with offenses or violations unrelated to the original crime, a consequence that in their opinion did not help clients complete treatment or stay out of jail.

(6) Victim safety. The program provided an important resource to victims, many of whom kept in close touch with the probation officer. Victims could ask the probation officer for information and advice or report concerns about the offender. The probation officer may have been more responsive to victim concerns than the district attorney or police. This level of victim service is not normally available for misdemeanor cases in the criminal justice system.

III. Observations

Based on these findings and conclusions, the Judicial Council made three observations. First, since probation supervision did not help offenders complete court-ordered treatment in this program, more research should be done before deciding to start any future monitoring programs. Research should examine other models of post-release monitoring that might more effectively encourage offenders to complete treatment and not commit new domestic violence offenses. While the intense supervision given by this program arguably held offenders accountable in the sense that they were more likely to be caught violating probation, it did not make them more likely to complete their court-ordered treatment.

Second, the program provided a valuable resource to victims and a level of victim service not regularly available for misdemeanor cases in the criminal justice system. Future work could focus on how to replicate this level of service in a cost-effective way.

Finally, this evaluation raised three areas for possible future research. One research project might involve consulting victims, offenders, defense attorneys, prosecutors and probation officers to design a post-release monitoring program that would more effectively help offenders complete court-ordered treatment. Other research could re-examine the offenders studied in this evaluation in a year or two to see how they compare on long-term success. The third research project is suggested by the finding that around a quarter of defendants in Palmer misdemeanor intimate-partner domestic violence cases are women. Future research could investigate how often and under what circumstances women in other Alaskan communities are charged with and convicted of crimes involving intimate-partner domestic violence, and could help the criminal justice system understand these women's rehabilitative or other post-conviction needs.

I. Introduction and Structure of Report

This is an evaluation of a pilot project in Palmer, Alaska funded by the federal Violence Against Women Act (VAWA). The project enabled the Palmer Adult Probation Office to supervise a total of 47 offenders convicted of misdemeanor domestic violence offenses. This evaluation describes the project's genesis, its goals and structure, how it operated, the methods used to evaluate its success, and whether it met its goals. The evaluation also includes recommendations for future projects.

II. Background of Project and Context

This section of the report describes the origin of the project and gives some background about the Department of Corrections' prior experience with probation supervision of misdemeanants.

A. Project Origin

In September of 1996, the State of Alaska (through the Violence Against Women Implementation Planning Committee) applied for federal funds under the *Grants to Encourage Arrest*. The grant requested funding for a five-pronged approach to improving each part of the criminal justice system that responds to a victim of domestic violence. The coordinated process was intended to integrate the response to domestic violence in Alaska.

One of the five projects was a pilot program to supervise domestic violence misdemeanor probationers.¹ The overwhelming majority (about 95%) of Alaskan offenders convicted of domestic abuse are convicted of misdemeanors and therefore receive no formal supervision once they are released from custody. This lack of post-custody supervision for misdemeanor domestic violence offenders was hypothesized by the VAWA Implementation Planning Committee and a Governor's Task Force to be a weak link in the criminal justice system. Thus, the grant proposed an experimental program in Palmer, Alaska to explore whether probation supervision of misdemeanor domestic violence offenders would improve victim safety and increase the rate at which the offenders completed court-ordered treatment.

¹ According to the grant application, Alaska was one of a handful of states that did not provide probation supervision to misdemeanants.

The \$130,739 grant was awarded around October of 1997. The Palmer Adult Probation Office began supervising misdemeanor domestic violence offenders in late 1997 or early 1998 and completed the project on March 31, 1999, with some wrap-up activity occurring in April as well. The Department of Corrections contracted with the Alaska Judicial Council, an independent state agency established by Alaska's constitution, to evaluate the success of the project.

B. Department of Correction's Prior Experience Supervising Misdemeanants

The Alaska Department of Corrections (DOC) does not routinely supervise offenders convicted of misdemeanors, although exceptions exist.² In Juneau, the superior court judges occasionally order the Department to supervise misdemeanants and the local probation office does so. The Fairbanks adult probation office occasionally supervised misdemeanants until 1998, but stopped because of lack of resources. The Anchorage adult probation office has not routinely supervised misdemeanants since the early 1980s.

In the 1970s, DOC acquired federal grant funds to conduct a pilot project to supervise misdemeanor probationers. The project evaluation compared the supervised offenders to control groups of unsupervised offenders. The project evaluation found that probation supervision made no difference in the rates at which offenders successfully completed probation (including no new crimes) compared to unsupervised offenders.

In 1982, the Anchorage adult probation office hired an officer to supervise misdemeanants. After several years, however, the Anchorage office stopped offering that service due to lack of resources, and because the supervision duplicated services provided by the Alcohol Safety Action Program (ASAP). One of the probation officers assigned to this caseload recently recalled that misdemeanants were difficult to supervise, partly because many of them had longstanding alcohol problems.

² The Department of Law took the position in 1998 that district court judges may not order DOC to supervise misdemeanants without DOC's consent. Memorandum from Cynthia M. Cooper, Deputy Attorney General to all Assistant District Attorneys Re: Probation Supervision of Misdemeanants (March 23, 1998). DOL cited AS 33.05.020(a) and .080(2) as restricting to superior court judges the authority to order probation supervision. *Id.* DOL argued that AS 22.15.090(b) and 22.15.100(7), which could be interpreted as giving the district court the authority to order probation supervision, are limited by the express provisions of AS 33.05. *Id.*

III. Project Goals and Structure

A. Goals

The misdemeanor supervision project had two goals: (1) to develop offender accountability, and (2) to increase victim safety. Specifically, the VAWA Committee hoped that supervising misdemeanor offenders would improve the safety of domestic violence victims and increase the number of offenders successfully completing batterer intervention programs.

The VAWA Implementation Planning Committee chose Palmer, Alaska as the location for the pilot project. Palmer is centrally located in the Matanuska-Susitna Valley and is one of the four communities in the state to receive “Community Policing to Combat Domestic Violence” funding for its police department and domestic violence shelter. Also, several years ago Palmer was the site of a domestic-violence-related murder and suicide that increased public awareness of domestic violence.

B. Structure

The project was designed, within the guidelines set out in the grant application, through a collaborative effort involving the local district attorney’s office, local law enforcement, the Palmer district and superior court judges, the Valley Women’s Resource Center (VWRC) and the Palmer Adult Probation Office. The participants met several times before the project began and during the project to discuss screening, to design necessary forms, and to coordinate other issues.

(1) Screening. The planning group decided to target more serious domestic violence misdemeanor offenders for inclusion in the program, on the theory that supervision resources should not be expended on mitigated offenders who would be likely to succeed without extra attention. An Assistant District Attorney explained at the beginning of the project that relatively mitigated offenders would continue to be offered a Suspended Imposition of Sentence with some jail time (typically a few days), and/or the chance to successfully complete a batterer intervention program. Subsequent comparison of criminal histories of offenders in the supervised group to Palmer-area offenders who were not supervised showed that the DAs had successfully targeted offenders with more significant criminal histories for inclusion in the supervised program (section V(A)(6), *infra* compares the two groups’ criminal histories in detail).

The screening guidelines targeted offenders who: (1) were repeat offenders; (2) were non-repeat offenders who made threats of death or serious physical injury or used or possessed a weapon (or otherwise involved a weapon in the offense, for example by mentioning a weapon); or (3) had

a history of domestic violence or stalking-like behavior against the same or a different victim. Other factors affecting the assistant DA's decision to recommend supervision included the capacity of the program at the time (whether too full or too empty), and a special concern for victim safety (for example, the case of a first offender if some facts caused the assistant district attorney to fear for the victim's safety). Also, an assistant district attorney reported that the office sent fewer offenders towards the end of the program, knowing that the supervision would continue only for a few more weeks.

The assistant district attorneys most often asked that an offender be admitted to the program, although the judges also ordered supervised probation *sua sponte*.³ Defense attorneys typically did not ask for their clients to be admitted to the program.

In deciding which offenders to order into the supervised program, judicial officers said they examined the length of the conflict history, including uncharged conduct, the severity of the current charge and the history of treatment attempts. These judicial officers thought that offenders with both substance abuse and domestic violence were good candidates for supervised probation because they might pose a greater risk to public safety, and they often needed extra support to complete the necessary treatment programs. One judicial officer also believed that cases in which the risk of lethality seemed high were good candidates for supervision.

(2) Supervision. One probation officer supervised all the domestic violence misdemeanants in the program. The caseload averaged about 40 offenders per month early in the project and about 30 offenders per month later. That compares to an average active felony probation caseload of about 100 offenders per officer in the Palmer office. The probation officer (PO) assigned to the program believed that her relatively small caseload enabled her to give more attention to each offender, and to victims, compared to a normal caseload.

A review of the PO's contact log showed the relatively intense level of supervision permitted by the small caseload. The probation officer averaged 42 contacts with each offender. During these contacts she typically inquired about employment, residence and compliance with treatment requirements. If the offender was living with the victim, she often asked about any problems at home (for example, were they arguing or getting along). She asked the offender his perspective on what had happened and used his response to open a discussion about the nature of domestic violence. She tried to help offenders understand that their coercive and intimidating behaviors also were domestic violence.

³ One judge estimated that as many as half of the referrals this judge made were *sua sponte*.

The probation officer had more than 21 contacts (in person, telephonic or in writing) with almost half (47%) of the offenders on her caseload. She had 28 or more contacts with 24% of the offenders. The probation officer met face-to-face with all but three offenders (she required each offender to report in person to the probation office once a month). She physically met more than eleven times with half the offenders and averaged 12 in-person meetings with each offender. Offenders in this program were subject to urinalysis and warrantless searches of their homes. The PO conducted home visits as time permitted.

The PO also contacted most of the supervised offenders' victims, a practice not normally associated with probation supervision (primarily due to lack of time and resources). The probation officer contacted 75% of the 47 victims at least once. She had between one and four contacts with 38% of the victims, 5-9 contacts with 21% of the victims and ten or more contacts with 15% of the victims. During these contacts she typically asked about the victim's safety and the offender's behavior, where the offender was living and whether the offender was complying with no contact orders. She also answered victims' questions and offered advice. Victims often initiated the contact with the probation officer.

IV. Evaluation Methodology

The evaluation was designed as a statistical study that treated the offenders under probation supervision as the experimental group and drew data from a matched set of cases from a control or comparison group. The study evaluated whether the program met its objectives of: (1) improving the safety of domestic violence victims, and (2) increasing the number of offenders who successfully completed the batterer intervention program. The evaluation analyzed four types of outcomes: repeat offenses and violation of probation conditions, completion of probation conditions, and satisfaction of the professionals, victims and offenders affected by the program.

This evaluation used both quantitative and qualitative data to understand the program's effects. Quantitative data included information from court and probation files, from the Alaska Public Safety Information Network (APSIN) and from treatment providers' files. Qualitative information included interviews of key professionals involved with the project, and with victims and offenders. Please refer to Appendix A for more detailed information about the study methodology.

V. Findings and Conclusions

This section of the report describes characteristics of the offenders under supervised probation and compares them to the control-group offenders. It then analyzes outcomes for both groups. It also describes the assessments of the professionals, victims and offenders affected by the program.

A. Supervised and Control Group Offenders

This section describes offenders' ethnicity, age, gender, education and employment, criminal history, substance abuse history and domestic violence history, including nature of relationship to the victim. It also describes offenders' charges and convictions, sentences and conditions of probation. Finally, it describes the rates at which offenders completed their court-ordered treatment obligations and how well they complied with other conditions of probation, including whether they committed new offenses while on probation.

All offenders from the supervised group resided in the Matanuska-Susitna Valley (primarily Palmer and Wasilla), as did all but a handful of the control-group offenders. The supervised offenders resembled the control-group offenders on many variables, including ethnicity, age, charges, convictions, relationship to victims and compliance with court-ordered treatment. The groups differed on several important variables: gender, prior record, sentences and compliance with conditions of probation.

(1) Ethnicity. The supervised offenders and the control group consisted primarily of Caucasians; but Natives were over-represented compared to the general population of the Mat-Su Valley. Thus, 17% (N=8) of supervised offenders were Alaska Native or Native American, compared to 11% (N=13) of control-group offenders and 5.5% of the general population of the Mat-Su Valley.⁴ Seventy-nine percent of the supervised offenders were Caucasian, compared to 78% of the control-group offenders and 93% of Mat-Su residents.⁵ One of the supervised offenders had a Hispanic surname, compared to about 3% (N=4) of the control group and 3% of Mat-Su residents. One member of the supervised group and one member of the control group were African-American, compared to 1% of Valley residents.⁶ Finally, two members of the control group and no members of the supervised group were Asian.⁷

⁴ See ALASKA DEPARTMENT OF LABOR, ALASKA POPULATION OVERVIEW: 1997 ESTIMATES 72 (1998).

⁵ See *id.*

⁶ See *id.*

⁷ We lacked information on the ethnicity of 6% (N=7) of the control-group offenders.

(2) *Gender*. The supervised group contained significantly fewer women than the control group. Women comprised 26% of the convicted offenders in our control sample, compared to only one offender in the supervision group (2%).

The percentage of women in the supervised group also was much lower than the percentages of women charged with misdemeanor assaults in Palmer during 1997-98 and women charged with assaulting an intimate partner. About 18% of all the assault IV cases filed in the Palmer court during 1997-98 named female defendants,⁸ and women were named as defendants in about 23% of the intimate-partner assault cases sampled.⁹ Please refer to Appendix B for more detailed information about prosecution and conviction rates for women in the Palmer cases.

(3) *Age*. The supervised offenders and the control-group offenders generally were in the same age range but older than the average incarcerated population. The supervised offenders' average age at the time of the offense was 34 years.¹⁰ The average age of the control-group offenders was 35 ½ years.¹¹ In contrast, the Department of Corrections reported in 1991 that only 14% of offenders in its institutions were 35-40 years old, 42% were 25-34 years old and 19% were younger than 25.¹² A study of felony offenders sentenced from 1986-1991 reported that 61% were under the age of 30 at the time they committed the crime, and 15% were 20 or under.¹³

⁸ Of the 1998 assault cases, 20% (N=54) named a female defendant. Of the 1997 assault cases, 15% (N=39) named a female defendant.

⁹ This figure varied by year: 26% of the 1998 cases (N=38) and 16% of the 1997 cases (N=9) named a female defendant.

¹⁰ Thirty-two percent were 35-40 years old, and 32% were 26-34 years old. Only 21% were younger than 25 years old.

¹¹ Twenty-three percent were 35-40 years old, 31% were 26-34 years old and 29% were 41 or older. Eighteen percent were younger than 25 years old.

¹² ALASKA DEPARTMENT OF CORRECTIONS, ALASKA CORRECTIONS IN REVIEW 155 (1992).

¹³ ALASKA SENTENCING COMMISSION, 1992 ANNUAL REPORT at A-3 (1992). This report was based on a statewide study of presentence reports and on corresponding information in court files. The study sampled 10% of presentence reports written during the five-year period 1986-1991 (761 reports from 12 court locations). *Id.* at A-1. The researchers thought that the sample may have been weighted somewhat toward more serious offenses, because first offenders committing less serious felonies often were sentenced under plea agreements that did not require preparation of a presentence report. *Id.*

(4) **Education.** The supervised offenders reported relatively high educational achievement and employment rates. Only two (4%) lacked a high school diploma or GED.¹⁴ One quarter reported some college or vocational education. No educational information was available for the control group.

(5) **Employment.** Employment information came from the supervised offenders' self-reports and from APSIN records for control group offenders. Fifty-five percent of the supervised offenders reported being employed full or part-time (including self employment), compared to 58% of the control group. About 15% of the supervised offenders reported being completely unemployed, compared to 26% of the control group. The remainder of both groups were classified as being irregularly employed.

(6) **Criminal and substance abuse history.** The Palmer probation office recorded whether supervised offenders had a history of domestic violence (against any victim), a history of substance abuse, and prior criminal convictions. For the control group, researchers consulted APSIN and court records for prior and subsequent criminal convictions, history of domestic violence (against any victim) and history of substance abuse.

(a) **Prior criminal convictions.** Offenders were grouped into five categories based on their prior record: no prior convictions, 1-3 misdemeanors, 4 or more misdemeanors, 1-3 felonies and 4 or more felonies.¹⁵ Offenders with at least one prior criminal conviction comprised the majority of both the control and supervised groups, although a larger percentage of control-group offenders had no prior convictions.

About 38% of the control-group offenders had no prior criminal convictions compared to 11% of the supervised offenders. Seventy-four percent of the supervised group had been convicted only of misdemeanors, compared to 50% of the control group. Fifteen percent of the supervised offenders had been convicted of a felony, compared to 12% of the control group. Table 1 shows how the two groups differed.

<p style="text-align: center;">Table 1 Prior Criminal History for Control and Supervised Groups</p>
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¹⁴ A 1992 study of felony offenders' educational levels reported that 40% did not finish high school or complete a GED. *Id.* at A-2. While the two groups were not necessarily comparable (for example, the offenders in the 1992 study were significantly younger), the disparity was worth noting.

¹⁵ The felony categories included prior misdemeanor convictions, if any.

	<i>Control</i>	<i>Supervised</i>
<i>No Record</i>	38%	11%
<i>1-3 Misdemeanors</i>	33%	49%
<i>4 or More Misdemeanors</i>	16%	25%
<i>1-3 Felonies</i>	12%	15%
<i>4 or More Felonies</i>	0	0

(b) *Domestic violence history.* A majority (64%) of the supervised offenders had a history of domestic violence.¹⁶ Only 18% of the control-group offenders could be identified as having a history of domestic violence, although this figure probably under-represents the domestic violence history because of the way the data were gathered.¹⁷ By way of comparison, 34% of offenders convicted in Juneau of intimate-partner domestic violence crimes during 1997 had a prior history of domestic violence.¹⁸

(c) *Substance abuse history.* Almost four out of five supervised offenders (79%) had a history of substance abuse. Offenders with a substance abuse problem most often abused alcohol (40%) or drugs and alcohol (32%).¹⁹ About 60% of the supervised offenders were under the influence of alcohol (or drugs) at the time of the offense for which they were being supervised. About 28% of the supervised offenders were sober when they committed the offense.²⁰

Information about substance abuse was less reliable for the control-group offenders. Just over half (54%) of the control-group offenders had an indication in their APSIN records or court files indicating a history of substance abuse. About a third (30%) showed a history of alcohol abuse, 7% drug abuse and 16% alcohol and drug abuse.

¹⁶ The probation officer determined the domestic violence history by asking the victim and the offender and through APSIN records. The domestic violence history was unknown for 8% of the supervised offenders.

¹⁷ Researchers coded a control-group offender as having a history of domestic violence if the court file contained a reference to prior domestic violence charges or incidents or if APSIN showed any prior domestic-violence-related convictions or charges. Unfortunately, it usually was not possible to tell from the APSIN history whether a prior assault conviction involved domestic violence.

¹⁸ The Juneau data was based on information from court case files, police reports, batterer intervention providers and other sources.

¹⁹ Only 6% abused drugs other than alcohol.

²⁰ Information was not available for six offenders.

B. Relationship to Victims

Most of the offenders in the supervised and control groups were married to or living with their victims at the time of the offense. Forty percent of the supervised offenders were married to the victim and 40% were not married to but were living with the victim. Similarly, 45% of the control-group offenders were married to their victim at the time of the offense and 25% were not married to but were living with the victim. The control-group had comparatively more offenders who were dating their victims— twenty percent compared to one offender in the supervised group.

The supervised offenders reported relatively longstanding relationships with their victims: Thirty-five percent of the supervised offenders had been in a relationship with the victim for 3-6 years at the time of the offense and sixteen percent had a relationship with the victim for 7-15 years. Almost a quarter (24%) had been in a relationship with the victim for more than fifteen years. Twenty-four percent had known the victim fewer than three years.²¹ Information about length of relationship was not available for the control-group offenders.

C. Charges and Convictions

Slightly more supervised offenders (55%) were charged with more than one count or crime than were control offenders (48%). Thirty-two percent of the supervised and control offenders were charged with two counts or crimes. Twenty-three percent of the supervised offenders and 16% of the control group offenders were charged with three or more. All but three (6%) of the supervised group were charged initially with misdemeanors, as were all but 9% (N=11) of the control group.

Most (78%) of the supervised offenders were convicted of only one count or crime,²² as were 85% of control-group offenders. All of the supervised and control-group offenders were convicted of a misdemeanor domestic violence offense, usually misdemeanor assault. All of the control-group assaults involved intimate partners, as did all but two of the supervised cases (those two involved a parent-child assault). The table below shows the most serious charge of conviction for each offender in both groups.

<p style="text-align: center;">Table 2 Charge of Conviction (Most Serious)</p>
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²¹ Information about the length of the relationship was not available for ten of the 47 offenders.

²² Twenty percent were convicted of two counts or crimes only one (2%) of more than two counts or crimes.

	<i>Supervised Offenders</i>	<i>Control Offenders</i>
Assault IV	87%	80%
Interfere w/DV Report	2%	4%
Other	11%	16%

D. Sentences

Sentences imposed by judges on both groups typically included incarceration for several days or weeks and conditions of probation requiring offenders to complete a batterer intervention program and to conduct a substance abuse assessment or treatment. Judges seldom ordered restitution, fines or community work service.

(1) **Incarceration.** Supervised offenders were more likely than control-group offenders to receive sentences containing some jail time and also tended to serve longer sentences than control-group offenders. Eighty-one percent of the supervised offenders received sentences that included some jail time to serve, compared to 63% of the control-group offenders. The table below compares sentence ranges for the two groups of offenders. One year is the maximum jail time that can be imposed for a misdemeanor conviction.

Table 3		
Sentence Ranges: Incarceration		
	<i>Control Group</i>	<i>Supervised Group</i>
None	37%	19%
1-29 Days	38%	36%
30-90 Days	23%	28%
91-180 Days	0	11%
181 or More Days	2% (N=3)	6% (N=3)

Most sentences included some suspended jail time. About 75% of the supervised offenders' sentences and 63% of the control-group offenders' sentences had some suspended time.

(2) **Fines, Restitution and Community Work Service.** Judges ordered fines in about 66% of the supervised group's sentences and about 53% of the control-group offenders' sentences

but typically suspended all of the fine amount. Only three supervised offenders and six of the control-group offenders received fines that were not suspended. Also, only two supervised offenders and two of the control-group offenders were ordered to pay restitution to their victims. Two supervised offenders and two of the control-group offenders were ordered to perform community work service.

(3) Conditions of Probation. Conditions of probation imposed by judges included orders to obtain treatment as well as restrictions on contact with the victim and movement. While significant numbers of both groups had conditions of probation imposed, the supervised offenders had slightly more conditions imposed than the control group.

(a) Services. Almost all offenders in both groups were ordered to complete at least one service (services were defined as substance abuse treatment/assessment, batterer intervention program, psychological or other counseling).²³ A typical probation order for a supervised offender included two services, while a typical probation order for a control-group offender required only one service. Thus, 60% of the supervised offenders were ordered to complete two programs as a condition of probation, while only 30% of the control-group offenders were given two services to complete. Thirty-eight percent of the supervised group and 60% of the control group were ordered to complete only one treatment program. One person in each group was ordered to complete three programs.

The most common requirement for both groups was participation in a batterer intervention program. Judges ordered all but one supervised offender and 76% of the control-group offenders to attend a batterer intervention program as a condition of probation.²⁴ Most offenders were ordered to attend the program at the Valley Women's Resource Center, although a few attended programs in Anchorage.

Judges also ordered just over half (55%) of the supervised offenders and 40% of the control-group offenders to complete a substance abuse assessment and recommended treatment as a condition of probation. The supervised-group figure is consistent with the fact reported earlier that

²³ Judges did not order a service for ten percent of the control group. All offenders in the supervised group were required to attend at least one court-ordered service.

²⁴ This figure raises the question of why almost one quarter of the control-group offenders did not receive an order to attend a batterer program. The explanation may be that these offenders showed no history of domestic violence or intimidation. A Palmer judge explained that batterer intervention generally was not ordered unless there was some indication, whether reported at the time or not, of a history of domestic violence or intimidation. If the state presented no evidence of any domestic-violence related behavior, batterer intervention generally was not thought to be appropriate. This explanation is consistent with study data that showed that whether offenders were ordered to batterer intervention was statistically unrelated to their prior criminal records, charge of conviction or gender.

about 60% of those offenders were under the influence of alcohol or drugs at the time of the offense; however, it seems low given the fact that almost 80% had a history of substance abuse. In addition, 51% of the supervised offenders were prohibited as a condition of probation from using alcohol or drugs, compared to 22% of the control group. Nine percent (N=4) of the supervised offenders were ordered to complete a psychological evaluation, compared to 4% of the control group.

(b) Other Restrictions. Sixty percent of offenders in the probation group and 43% of the control-group offenders were prohibited as a condition of probation from having contact with the victim. Forty-five percent of the supervised offenders and 18% of the control-group were ordered to physically stay away from the victim. Seventeen percent of the supervised group were prohibited by a condition of probation from possessing a weapon, compared to 5% of the control group.²⁵

E. Outcomes

Outcomes measured included whether the offenders complied with their conditions of probation, including treatment programs, and whether they committed new offenses after release. Few members of either group committed new offenses. Many more of the supervised than the control-group offenders were the subject of petitions to revoke probation, largely for violations of the conditions of release. Similarly, many more of the supervised offenders' probations were revoked.

(1) New Offenses. Eleven percent (N=5) of the supervised offenders were alleged to have committed a new domestic violence offense against the same victim compared to 9% (N=11) of the control-group offenders. Two (4%) of the supervised group and two of the control group offenders were alleged to have committed a new domestic violence offense against a different victim. Twenty-one percent of the supervised offenders and 8% (N=10) of the control group offenders were alleged to have committed other new offenses, typically traffic-related misdemeanors (DWLS, DWI), theft and shoplifting.

While the supervised offenders did not commit any fewer domestic violence offenses than the control group, they were more likely to be accused of violating no-contact orders. The probation officer filed petitions to revoke alleging violation of the no-contact order against five of the

²⁵ Federal law prohibits people convicted of domestic violence crimes against intimate partners from possessing or using firearms. A standard condition of probation is that offenders not violate any other laws, automatically prohibiting possession of firearms. One offender interviewed for this project found the restriction unfair. He said that his offense did not involve weapons and the restriction would prevent him from hunting for food for his family.

supervised offenders, compared no offenders in the control group.²⁶ This information lends at least indirect support to the hypothesis that victims of supervised-group offenders who objected to continuing contact were better able to get the criminal justice system to respond than victims whose offenders were not supervised. Victims could report no-contact violations to the probation officer, who was more available than a prosecutor or police officer to respond by filing a petition to revoke probation. Victims of supervised offenders may therefore have felt safer or more protected by the system than victims of non-supervised offenders.

(2) *Petitions to Revoke Probation.* Substantially more petitions to revoke probation were filed against the supervised group compared to the control group. Similarly, a substantially larger percentage of supervised offenders had their probations revoked compared to the control group.

(a) Number of petitions filed. The probation officer filed one or more petitions to revoke probation against 72% (N=34) of the supervised offenders. Petitions to revoke often cited more than one violation. About a third of all the petitions were for failure to report or failure to comply with treatment conditions, 22% (N=11) were for another (non domestic violence) offense, 15% alleged a new domestic violence offense (usually against the same victim), 13% alleged violation of a contact restriction with the victim and 13% alleged drug or alcohol use.

In contrast, petitions to revoke probation were filed against only half (N=60) of the control-group offenders. Of the total of 72 petitions filed against all control-group offenders, 64% cited failure to complete treatment, 15% cited a new offense against the same victim and 14% cited a new non-domestic violence offense. Two cited a new domestic violence offense against a different victim.

(b) Timing of petitions. For the supervised offenders, the average time from the date of sentencing to the filing of the first petition to revoke was just under seven months (189 days).²⁷ For the control-group offenders, the average time from sentencing to filing of the first petition to revoke was just over six months (174 days). For 60% of control-group offenders, the first petition was filed within the first six months of sentencing.²⁸

²⁶ Recall that 60% of the supervised offenders and 43% of the control-group offenders were prohibited by a condition of probation from contacting their victims.

²⁷ The average time from the date probation began to the filing of the first petition was 160 days. In 53% of the cases, the probation officer filed the first petition to revoke within six months of the date supervision began.

²⁸ Seventeen percent had petitions filed within 6-9 months after sentencing, and 18% had petitions filed within 9-12 months after sentencing.

(c) *Probation revocations.* Thirty-eight percent of the supervised offenders had their probation revoked at some time during their supervision, although this figure may under-report revocations because an additional 19% (N=9) of the supervised offenders had petitions pending at the time of this report.²⁹ In contrast, only 20% (N=24) of the control group offenders had their probation revoked.

Some offenders had petitions filed against them but did not have their probation revoked or modified. Petitions sometimes were amended (usually to add new allegations), withdrawn (often as part of plea bargain or in response to new charges being filed) or pending (usually awaiting a hearing or service of a warrant). About 9% of the supervised offenders had amended petitions, 17% had withdrawn petitions, and 21% were waiting for a warrant to be served. For the control group, one offender's petition was amended, 12% of offenders' petitions were withdrawn and 9% (N=11) of offenders' petitions were waiting for a warrant to be served.

In both groups, a judge's decision to revoke or modify probation could include imposition of some or all of the offender's suspended jail time. For the supervised group, about a third (34%) of offenders were incarcerated on revocation, compared to 19% of the revoked control group offenders.

(3) Completion of Treatment and Other Conditions. Supervised and control group offenders completed treatment at similar rates. Around a third of both groups successfully completed court-ordered batterer intervention programs, and about a third of both groups successfully completed court-ordered substance abuse assessments.

(a) *Batterer Intervention Program.* All but one of the offenders in the supervised probation group were ordered to attend a batterer intervention program as a condition of probation, compared to 76% of the control group. The batterer intervention program in Palmer, run by the Valley Women's Resource Center (VWRC), is based on a feminist educational model (the Duluth model). It proceeds from intake to assessment, victim contact, orientation, group sessions, completion or termination and follow-up. The program does not accept offenders who deny or refuse to accept their guilt during the assessment interview. The VWRC also operates a program for female offenders. To complete a court-ordered program, a male offender must attend 24 sessions (usually one per week) and a female offender must attend ten sessions.

There was no statistically significant difference between the control and supervised groups for completion of batterer intervention. One third of the supervised offenders and 34% of the control

²⁹ For seven of these nine offenders, an arrest warrant was outstanding.

group offenders successfully completed the court-ordered batterer program. Thirty-seven percent of the supervised group partially completed the program, compared to 21% of the control group (the partial completion figure includes offenders who began but were unsuccessful as well as those who were enrolled but had not yet finished at the time of this report). Thus, 28% of the supervised offenders and 39% of the control group never attempted the batterer program (some offenders with dual referrals may have been told that they should complete substance abuse treatment before beginning the batterer program).

(b) Substance abuse assessment and treatment. Fifty-five percent of the supervised offenders were ordered to complete a substance abuse assessment, compared to 40% of the control group. Mat-Su Misdemeanor Services performed an initial screening and depending on the result, often referred the offender to the Mat-Su Recovery Center for an in-depth assessment and treatment.

There was no statistically significant difference between the control and supervised groups for completion of substance abuse programs. Thirty-five percent of the supervised offenders and 32% of the control group successfully completed their substance abuse program requirement. Forty-two percent of the supervised offenders and 34% of the control group had partially completed by the time of this report. Twenty-three percent of the supervised group and 32% of the control group made no effort or were unable to start for a variety of reasons.

VI. Satisfaction of Participants with Program

With the exception of defense attorneys, the people interviewed for this report were satisfied with the project and asked that it be continued. The defense attorneys raised significant objections to the program and argued that it was ineffective in helping their clients complete court-ordered conditions of probation. None of the interviewees know the outcome of this evaluation at the time of the interview.

A. Overall Impressions

Judicial officers appreciated an additional sentencing tool to use as an alternative to jail or to complement jail time. They also believed that the program provided better monitoring than open court probation and earlier intervention with offenders who needed encouragement to complete conditions of probation. In addition, they believed that the probation officer helped offenders negotiate the system by answering questions or offering suggestions (for example, telling offenders they could pay for the batterer intervention program with community work service).

Prosecutors hoped that the program would increase victim safety and enhance rehabilitation of the offender by encouraging the offender to complete court-ordered counseling. Prosecutors thought that the program enhanced the authority of the court, because supervised offenders who violated the judge's orders were more likely than unsupervised offenders to be caught. Law enforcement officers were relieved to have the probation officer following convicted offenders, because law enforcement does not have time to perform that function. Victims' services providers believed that the supervision emphasized to offenders that domestic violence is a crime.

Defense attorneys believed the program had negative effects. Originally, they had hoped that judges would order supervised probation in lieu of jail time. In practice, they believed that judges most often ordered supervision in addition to jail time and with more suspended time than otherwise would be expected. Also, they objected to the prosecutors' practice in borderline cases of using the threat of supervised probation as a bargaining chip in plea negotiations. Finally, they claimed that the supervision was ineffective because it resulted in probation revocations for most of the participants. They thought that excessive revocations were related to the program's use of an intensive supervision model for misdemeanor offenders.³⁰ They said that subjecting their clients to warrantless searches, in addition to being an unwarranted invasion of privacy, led to the discovery

³⁰ The supervision provided in this program was substantially more intense than that provided for most felons, with the probation officer speaking with both victim and offender far more frequently and receiving more attention than most felons.

of relatively minor violations that otherwise would not have come to the attention of the criminal justice system.

B. Effects on Offenders

The judicial officers believed that it was important for the offenders to know that someone would be checking up on them. They approved of the probation officer's early, informal intervention with offenders who were not following through with their court-ordered conditions. The judges believed that this informal intervention prevented some offenders from coming back to the court on a formal petition to revoke probation.³¹ When offenders did return to court for noncompliance, the probation officer's report of her informal efforts helped the judicial officers assess the offender's amenability to rehabilitation.

Law enforcement praised the probation officer's ability to monitor offenders and deliver swift consequences for subsequent violations or failure to follow through with probation conditions. From law enforcement's perspective, the supervision program taught offenders that their behavior did have consequences, a lesson which came as "a shock" to some who previously had been through the system. Law enforcement officials also believed that the supervision helped offenders complete the conditions of their probation better than if no supervision had been available.

Prosecutors noted that many of the offenders on supervised probation were sent back to jail on revocations (for example, for failure to report to the probation officer) before they even started their court-ordered treatment. These prosecutors thought that the extra jail time helped at least some of these offenders successfully complete probation later on by impressing upon them the seriousness of their conditions of probation. One prosecutor believed that revoking more offenders also protected victim safety.³²

Probation officers believed that the supervision program helped at least some offenders complete their court-ordered treatment, and that these offenders otherwise would not have been successful. One officer noticed that some younger offenders' attitudes towards their victims improved; however, she thought that offenders with a longer history of domestic violence showed little or no positive change in attitude. A long-time probation employee noted that more resources

³¹ This belief was not borne out by the data that showed that most supervised offenders had at least one petition to revoke probation filed against them.

³² These impressions were not borne out by the data that showed that the supervised and control groups had about the same rates of domestic violence re-offense.

should be available for domestic violence offenders, because offenders need resources to help them change their behavior.

Victims' service providers believed that the supervision helped them keep offenders in their intervention program. They could report directly to the probation officer that an offender had missed a group meeting and know that the probation officer would follow up the next day.

Defense attorneys did not think the supervision helped their clients successfully complete probation. They noted that many of their clients were revoked for technical violations (such as driving without a license) that were not related to completing court-ordered treatment. Defense attorneys said that only two or three of their clients appreciated the extra supervision (one or two clients appreciated having someone to call besides the prosecutor if they had a problem with completing their conditions of probation, and another said the probation officer helped him complete court-ordered programs). In the vast majority of cases, however, the public defenders perceived negative effects.

Defense attorneys also raised the issue of clients who could not afford the court-ordered programs. They thought that helping clients pay for their court-ordered programs would be more helpful to their success than supervising them. They said the option of paying for the batterer program through community work service helped their clients much more than the supervision.

An offender interviewed for this project said that he found it helpful to talk to his probation officer and get advice from her. On the other hand, he found it inconvenient to take time off of work to see her and found it unfair that his misdemeanor conviction should carry a sentence of supervised probation. This offender said that he complied with his treatment orders right away and did not need the probation officer's help to do that.

C. Effects on Victim Safety

Victim services providers believed that the program increased victim safety because the probation officer was easier to reach and quicker to respond than the prosecutor or police. Service providers who learned of abuse during a victim safety check could report the incident to the probation officer for immediate follow up, instead of to the district attorney or law enforcement. Also, victims with questions about whether an offender had violated the probation conditions could ask the probation officer instead of trying to reach the assistant district attorney. The probation officer believed that her frequent contacts with victims and offenders enabled her to predict, to some degree, when offenders were most at risk of re-assaulting their partners, and her supervisory authority enabled her to take appropriate steps to intervene before an incident occurred.

Prosecutors believed that the program increased victim safety by enabling the probation officer to search for and remove weapons from offenders' houses. One prosecutor also hoped that the program would help victims who chose to continue their relationship with the offender, because the probation officer could monitor the dynamics of the home situation and intervene if necessary.

Law enforcement officers and judges believed that victims were safer than those whose offenders were not supervised, as did judges. Judicial officers noted that the probation officer had more victim contact and thus encouraged more victim input in the court process. A probation officer said that victims felt safer because of the supervision and believed that they had been re-assaulted less often than if their offenders had not been supervised.³³

Defense attorneys not infrequently were contacted by their clients' victims. These victims complained that the prosecutor and the court were not responsive to their wants and needs, and that once they set the criminal justice process in motion by calling police they felt powerless to control what happened to them and their families. The defense attorneys believed that victims who "said the right things" were heeded but victims who did not were viewed by the system as incapable of making decisions in their own best interests. While some of these women may have been suffering from impaired judgment caused by battered women's syndrome, the defense attorneys thought that many were capable of making their own choices. Victims' complaints to defense attorneys centered around hardships associated with the loss of the partner's income, being forced to have their pictures taken for evidence, being forced to testify in court, and in some instances being prevented by no-contact orders from continuing a relationship with the offender. Defense attorneys reported at least one victim who said she never would have called the police had she known what would happen to her partner. The defense attorneys suggested that rather than a program supervising the offenders, victims would be better served by being evaluated for battered women's syndrome and receiving domestic violence counseling.

A victim interviewed for this report said that the probation officer kept in frequent contact with her and let her know what was going on. She appreciated being kept informed and believed that the probation officer did a good job of supervising her partner.

³³ This belief was not supported by the data that showed no significant difference between the control and supervised groups on commission of new offenses against the same victim.

D. Suggestions for the Future

Law enforcement, prosecutors, probation, judges and victims service providers all wanted to see the program continued. Law enforcement officials suggested that the program be expanded to cover all misdemeanor crimes in Palmer. A prosecutor thought that supervision for misdemeanor domestic violence offenders should be offered statewide, or at least to Anchorage and other population hubs.

Defense attorneys did not wish to see the program continued; however, if it were, they had several recommendations for improving its effectiveness. First, they thought the screening process needed improvement. The criteria for admittance to the program should be identifiable and more objective. The extra supervision should be reserved for those who need it most, namely, batterers who used force or caused a physical injury, and who had at least three prior convictions for domestic violence assault. A prosecutor also said that screening standards should be more uniform and consistent. The prosecutor recommended using written standards in the future.

Defense attorneys also argued that the probation scrutiny should be tailored to the offense and restricted to domestic-violence-related treatment. They argued that warrantless searches were a significant, unjustified invasion of these misdemeanor offenders' privacy. A probation officer also suggested that future misdemeanant supervision programs be separated from felony-level supervision, although not for the reasons cited by the defense bar. The probation officer thought that felons should be separated from misdemeanants, and that a non-felony model simply would be more appropriate for misdemeanant offenders.

Defense attorneys believed there were more effective ways to encourage offenders to complete court-ordered conditions. They suggested scheduling the offender for regular status hearings before the judge or imposing sentences that included suspended time to be imposed if the offender failed to complete conditions by a certain date.

Most of the interviewees found interagency cooperation to be critical to their satisfaction with the program. In Palmer, good communication initiated by the probation officer with victim services, law enforcement and prosecutors helped the program run efficiently. Some of the professionals wished that the Palmer judges could have been included in that regular communication. They suggested that the prosecutor, the court and the probation office should be in the same building to support the necessary level of communication and coordination.

Several interviewees praised the personal energy and commitment of the assigned probation officer and the commitment from the head of the Palmer probation office. They recalled that the program had little effect until this officer was assigned.

VII. Discussion & Analysis

This analysis first discusses how the control and supervised groups differed and the implications of any differences. It then lists findings about the project's twin goals of increasing offenders' compliance with court-ordered treatment and improving victim safety. The findings are followed by conclusions and, in the next section, recommendations.

A. Comparability of Control and Supervised Groups

This evaluation was based on the assumption that offenders in the control and supervised groups resembled each other except that some received supervision and some did not. Thus, the first question is whether the supervised offenders could fairly be compared to the control group. The groups resembled each other on many factors (age, ethnicity, employment, relationship to victim and charges), but differed on at least three (number of prior convictions, number of services ordered and gender).

In terms of prior convictions, it could be argued that offenders with more prior convictions might be less likely to succeed on probation than those with fewer prior convictions.³⁴ In terms of services ordered, it could be argued that offenders who are court-ordered to complete more than one service are less likely to succeed on probation than those with only one service or no services.³⁵ It also could be argued that the presence in the control group of significantly more female offenders affected the analysis, although the implication (if any) of this gender difference is unclear. On the other hand, it could be argued that the groups were fairly comparable because they were roughly the same age and ethnicity, were employed at roughly the same rates, had similar relationships to their victims, and had been charged and convicted of similar offenses.

³⁴ Recall that a larger percentage of offenders in the control group had no prior criminal convictions compared to the supervised group (38% vs. 11%) and that a larger percentage of offenders in the supervised group had four or more misdemeanor convictions compared to the control group (25% versus 16%). Also, the supervised offenders were more likely to be sentenced to incarceration than the control group (19% versus 37%).

³⁵ Recall that 60% of the supervised offenders were ordered to complete two programs as a condition of probation, while only 30% of the control-group offenders were given two services to complete.

Further analysis did not support the hypothesis that offenders with more prior convictions were significantly less likely to succeed on probation than those with fewer priors. In other words, there was no statistically significant relationship between offenders' prior criminal history and compliance with court-ordered batterer treatment (*i.e.*, any relationship could not within a reasonable degree of certainty be attributable to factors other than chance). Nor did analysis reveal any statistically significant relationship between number of programs ordered and successful completion. Nor did it appear that the gender disparity affected the outcomes.³⁶ We believe it is fair to conclude from the lack of statistically significant relationships that the control and supervised groups were comparable for purposes of analyzing likelihood of completing court-ordered services.

Having failed to find a statistically significant relationship, we must report that we did find a less-than-significant but noticeable relationship between prior record and treatment success. Offenders with a felony conviction seemed the least likely to complete any court-ordered program.³⁷ In contrast, offenders with no prior criminal convictions seemed more likely than other groups to complete any program.³⁸ For batterer intervention programs, the analysis revealed no difference between offenders with 1-3 misdemeanors and first-time offenders— those groups completed at similar rates.³⁹ For substance abuse treatment, likelihood of success did seem to differ between offenders with 1-3 misdemeanors and those with no priors.⁴⁰ Among offenders with misdemeanor convictions, those with 1-3 did better than those with 4 or more on completing batterer intervention; but there was no difference for substance abuse.⁴¹

³⁶ Women were court-ordered to attend anger management with about the same frequency as men (73% vs. 76%), and they were only slightly more likely than men to complete court-ordered anger management (42% compared to 33%); but they were equally likely to make no effort (42% vs. 43%). Recall also that women were required to attend only ten sessions compared to 24 for men. Women also completed substance abuse treatment at about the same rate as men: 37% vs. 30%.

³⁷ Only 6% of offenders who had been convicted of a felony completed batterer intervention, and only 6% completed substance abuse programs.

³⁸ About 41% of offenders with no priors completed batterer intervention; about 44% of offenders with no priors completed substance abuse treatment.

³⁹ Forty-one percent of offenders with 1-3 misdemeanors completed batterer intervention compared to 44% of those with no priors.

⁴⁰ Twenty-five percent versus 44%, respectively.

⁴¹ For batterer intervention, 41% of those with 1-3 misdemeanors successfully completed compared to 9% of those with four or more. For substance abuse, one-quarter of both groups successfully completed.

B. Findings

This section of the report summarizes the findings described in the previous section. It focuses on the probation supervision program's effects on two outcomes: successful completion of court-ordered treatment and recidivism. It also discusses the supervised program's effect on victim safety and participants' satisfaction with the program.

(1) There was no statistically significant difference between the control and supervised groups' compliance with court-ordered batterer intervention programs.

About a third of the offenders in both groups successfully completed their court-ordered batterer intervention programs. Thus, it can not be said that probation supervision helped offenders complete court-ordered batterer intervention.

Although probation supervision could not be said to have helped offenders successfully complete their court-ordered batterer program, it may have helped them get started. Supervised offenders were somewhat more likely than control-group offenders to partially complete the program (the trend was **not** statistically significant). About 38% of the supervised offenders partially completed the batterer program, compared to 17% of the control group.⁴² Although offenders who partially completed the program did not necessarily receive the benefits of the intervention, victims did receive the benefit of weekly safety checks and offender monitoring performed by program staff.

Not all offenders had completed their probation terms by the time this report was published. Thus, some of the offenders who had partially completed by the date of this evaluation may go on to successfully complete, and some who had not started may go on to successfully or partially complete. Follow-up research is necessary to get a more accurate picture of ultimate completion rates.

(2) There was no statistically significant difference between the control and supervised groups on compliance with court-ordered substance abuse assessment/treatment.

About a third of the offenders in both groups successfully completed their court-ordered substance abuse assessment/treatment.⁴³ Thus, it can not be said that probation supervision helped

⁴² Recall that offenders who partially completed the batterer program included those who were attending but had not yet completed at the time of this study as well as those who started but quit and those who were terminated by the program.

⁴³ Thirty-two percent of the control group and 36% of the supervised group successfully completed.

the offenders complete court-ordered substance abuse assessment or treatment. About 35% of the supervised offenders partially completed their substance abuse program requirement, compared to 34% of the control group.⁴⁴ About 42% of the supervised group partially completed substance abuse, compared to 34% of the control group, suggesting that the probation supervision may have helped offenders get started on their treatment.

Not all offenders had completed their probation terms by the time this report was published. Thus, some of the offenders who had partially completed by the date of this evaluation may go on to successfully complete, and some who had not started may go on to successfully or partially complete. Follow-up research is necessary to get a more accurate picture of ultimate completion rates.

(3) There was no statistically significant difference between the control and supervised groups on the rates at which they were charged with new domestic violence offenses.

The control and supervised offenders seldom were charged with new offenses against the same victim, new domestic violence offenses against another victim or new non-domestic violence offenses.⁴⁵ The control-group offenders were no less likely than the supervised offenders to be charged with new domestic violence offenses against the same or a different victim. Supervised offenders were somewhat more likely to be formally accused of violating a no-contact order.⁴⁶

Supervised offenders also were more likely than non-supervised offenders to be charged with a new non-domestic violence offense (21% of the supervised offenders versus 8% of the control-group offenders). Many of these new non-domestic violence charges were traffic offenses (DWI, DWLS).

(4) The supervised offenders were far more likely than the control-group offenders to have their probation revoked.

⁴⁴ Recall that offenders who partially completed the substance abuse program included those who were attending but had not yet completed at the time of this study as well as those who started but quit and those who were terminated by the program.

⁴⁵ Eleven percent of the supervised offenders and 9% of the control-group offenders were charged with a new domestic violence offense against the same victim. Two of the supervised group and two of the control group were charged with new domestic violence offenses against a different victim. Twenty one percent of the supervised offenders and 8% of the control-group offenders were alleged to have committed other new, non-domestic-violence offenses while on probation.

⁴⁶ The probation officer filed a petition to revoke alleging violation of the no-contact order against five supervised offenders, while none of the control-group offenders had similar petitions to revoke.

The probation officer filed one or more petitions to revoke probation against 72% (N=34) of the supervised offenders, while only half (N=61) of the control-group offenders had petitions to revoke filed against them. The supervised offenders were more likely than the control group to be accused of “technical” violations or violations unrelated to the original offense. For the control group, petitions often cited failure to comply with court-ordered treatment, while the probation-group petitions cited failure to report to the probation officer, failure to comply with court-ordered treatment, violation of a contact restriction with the victim or drug and alcohol use.

Thirty-eight percent of the supervised offenders had their probation revoked at some time compared to only 20% of the control-group offenders. Offenders whose probations were revoked often were returned to incarceration to serve some or all of the suspended time in their sentences.

(5) Judges, prosecutors, law enforcement and victim service providers perceived the probation supervision program as a helpful resource. Defense attorneys did not believe it helped offenders.

Although the data did not support the hypotheses that probation supervision significantly improved compliance with court-ordered treatment or decreased commission of new domestic violence offenses, law enforcement, prosecution and victim service providers perceived the program as a useful resource for keeping track of offenders they regarded as being at high risk of re-offending or violating probation. They also believed that the program provided an important resource to victims. Defense attorneys, on the other hand, saw that their supervised clients were more likely to be charged with offenses or violations unrelated to the original crime, a consequence that in their opinion did not help clients complete treatment or stay out of jail.

(6) Women were named as defendants in almost a quarter (23%) of the Palmer intimate-partner assault cases examined for this study.

Women comprised a significant minority (23%) of defendants in Palmer cases and accounted for about 17% of those ultimately convicted. This was true even though Palmer prosecutors dismissed cases against women at a much higher rate than they dismissed cases against men (53% versus 34%). It is not clear why women accounted for nearly a quarter of those charged in Palmer.

C. Conclusions

(1) Completion of court-ordered treatment. The probation supervision can not be said to have helped offenders complete court-ordered treatment or to prevent offenders from committing new domestic violence offenses, but it did cause more offenders to be charged with violating conditions of probation and with committing new non-domestic violence offenses (for example,

traffic crimes). If the goal was to hold offenders more accountable for their behavior in all aspects, then the probation supervision could be said to have accomplished its purpose. If, however, the goal was to prevent commission of new offenses against the same victim or to help offenders complete court-ordered treatment, the probation supervision probably was not worth the expenditure of resources.

(2) Improving victim safety. The supervision could not be said to have improved victims' safety as measured by the number of new domestic violence offenses against the same victim or new domestic violence offenses against a different victim. Nevertheless, victims felt safer knowing that the offender was monitored and knowing that they could call the probation officer to report violations of no-contact orders or to discuss other problems. The probation officer believed that her frequent contacts with victims and offenders enabled her to predict, to some degree, when offenders were most at risk of re-assaulting their partners, and her supervisory authority enabled her to take appropriate steps to intervene before another incident occurred. Judges, prosecutors and law enforcement officers felt more secure knowing that the probation officer was monitoring the offenders, and batterer intervention program providers appreciated the probation officer's responsiveness when a client missed an appointment or session. Thus, the probation officer's work provided an important resource to victims and professionals in the criminal justice system.

VIII. Observations

- **Consider a different monitoring model for any future programs**

Probation supervision did not help offenders complete court-ordered treatment in this program; thus, more research should be done before deciding to start any future monitoring programs. The research should examine other models of post-release monitoring that might more effectively encourage offenders to complete court-ordered treatment without compromising victim safety.

For example, a different model might focus on helping offenders to get started on court-ordered programs, reminding them of appointments, explaining conditions of probation and coordinating between law enforcement, service providers, prosecutors and the court. The monitoring entity might incorporate a lethality assessment into the intake to help determine whether an offender required closer

supervision.⁴⁷ Offenders at lower risk (and their victims) would receive less supervision (and support) than those at higher risk. To maximize likelihood of success, the monitoring entity probably should avoid placing additional requirements on lower-risk offenders, for example, not require them to report in person during the workday.

- **Consider making more resources available to victims**

The evaluation showed that the program provided a valuable service to victims. Most professionals involved in the project believed that victims appreciated the probation officer's efforts to keep them informed about what was happening in court and offenders' progress with treatment. The probation officer thus served an important role as someone victims could ask for information and advice or to whom they could report concerns about the offender. Future work could address how to make this level of victim service available in the future in a cost-effective way. The probation officer also served an important role as coordinator among the players in the criminal justice response to domestic violence. Future work also could consider how to institutionalize such a role (for example, to ensure that the local victim service agency receives a list every week of all offenders who have been ordered to treatment, and the deadline for performance).

- **Consider follow up research**

This evaluation highlighted at least three areas in need of further study. First, the decision to implement another monitoring program should await more in-depth research with victims and offenders to design the program to offer the things they need the most. Defense attorneys also might provide insight, since they routinely work with batterers, victims (at least in Palmer) and female defendants. Prosecutors, too, should be consulted, and adult probation officers

⁴⁷ Lethality assessments typically assess threats or fantasies of homicide or suicide, batterer has been acutely depressed, victim has left or is planning to leave, offender possesses weapons (especially guns) and has threatened to use them, offender has easy access to victim and family, history of prior domestic violence (especially choking), hurt or threatened the children, killed or mutilated a pet, assaultive behavior against others, history of using weapons, alcohol and drug use, violence has increased in severity, stalking or obsessive behavior around the victim, employment.

should help design screening criteria for admission to the monitoring program.

Second, the offenders in this evaluation should be re-examined in a year or two to learn what percentage ultimately completed treatment and their rates re-offending. The follow-up study should include some qualitative inquiry into reasons and motivations that caused offenders to complete, partially complete or not start their court-ordered treatment. There is a need for similar research in other court locations as well.

Third, this evaluation highlighted the issue of female defendants. Although prosecutors dismissed charges against women at relatively high rates, women still accounted for a noticeable minority of convicted offenders. Further research is needed to understand whether similar situations exist in other court locations (see Appendix B for preliminary research on Juneau cases). Research also is needed to understand the circumstances under which women are charged and convicted of intimate-partner crimes, and to understand these women's rehabilitative or other post-conviction needs.

Appendix A: Study Methodology

This evaluation treats the offenders under probation supervision as the experimental group and draws data from a matched set of cases for a control or comparison group to evaluate whether the program met its objectives of: (1) improving the safety of domestic violence victims, and (2) increasing the number of offenders who successfully complete the batterer intervention program. The evaluation analyzes three types of outcomes: repeat offenses and violation of probation conditions, completion of probation conditions, and satisfaction of the professionals, victims and offenders affected by the program.

The evaluation used several methods to understand the program's effects. Quantitative data included information from court and probation files, from the Alaska Public Safety Information Network (APSIN) and from treatment providers' files. Qualitative information included interviews of key professionals involved with the project, and with victims and offenders.

A. Qualitative Data

The project evaluator interviewed fourteen professionals involved with the project, including judicial officers in Palmer, attorneys from the Palmer District Attorney's Office, defense attorneys, law enforcement (a representative from the Palmer office of the Alaska State Troopers and the Palmer Police Chief), Palmer Probation Officers, and administrators of the batterer intervention program at the Valley Womens' Resource Center. The project evaluator also interviewed one offender and one victim (attempts to contact more victims and offenders were hampered by lack of time and limited availability of potential interviewees due to summer schedules). Initial interviews used a structured format and follow up interviews were informal.

B. Quantitative Data

The Council designed a database in Microsoft Access and installed it in the Palmer probation office. The Palmer probation office's domestic violence clerk entered information into the database, including offenders' demographic information, criminal history, charges, offense of conviction, sentence, conditions of probation and performance on probation. The clerk also entered information about victims and probation officer contacts with victims and offenders. The Council used the same database to record information about the control group from court files, treatment provider records and APSIN.

1. Supervision Group

The domestic violence clerk at the Palmer probation office entered information about the offenders and the supervision services into a database. Information about prior criminal record came from APSIN. Offenders provided demographic and personal history information. The Valley Women's Resource Center and other service providers sent information about program completion.⁴⁸

2. Control Group

The control group was drawn at random from a list of all assault IV cases (AS 11.41.230) filed in the Palmer court during 1998 and the second half of 1997, and randomly from a list of 1997 and 1998 cases involving offenders who had been charged with a felony domestic violence assault but convicted of a misdemeanor (the felony domestic violence assault list was provided by the Palmer District Attorney's office).

The Alaska Court System reported that 522 cases charging assault IV were filed in Palmer in 1997 and 1998.⁴⁹ From these 522 cases we randomly selected 295 filed during the second half of 1997 through the end of 1998.⁵⁰ This random selection gave us a sample of about three-quarters of all 1998 cases and about a third of the cases filed during the last six months of 1997.⁵¹ We then examined the sample cases and discarded ones that (1) we could not physically locate, (2) did not involve intimate partners, (3) lacked a conviction or sentence and (4) involved offenders who had participated in the supervision program. To these cases we added 9 from the same time period involving offenders who were charged with Assault III but convicted of a misdemeanor. Our control group ultimately contained 123 cases.

Just over a quarter (28%) of the cases sampled from the court list did not involve intimate partners.⁵² Discarding non-intimate partner assaults left 201 cases in the sample.⁵³ Next, we

⁴⁸ Some offenders attended the batterer intervention program in Anchorage.

⁴⁹ 252 were filed in 1997 and 270 were filed in 1998.

⁵⁰ We chose cases filed during the second half of 1997 and during 1998 because they were most likely to represent current charging practices. Court records showed that 124 cases charging assault IV were filed in the second half of 1997 (i.e., were filed after 6/30/97).

⁵¹ We randomly selected 213 of the 1998 cases and 82 of the 1997 cases for further review. Of the randomly selected 1998 cases, we located and gathered information from 204 (a sample of 75%); of the randomly selected 1997 cases we located and gathered information from 76 (a sample of 61%). In total we reviewed about 280 cases.

⁵² We defined "intimate partners" as people who shared a sexual or dating relationship. Assaults not involving intimate partners typically involved family members (siblings, cousins, parents and children) and less frequently occurred among unrelated people.

⁵³ Fifty-five cases from 1997 and 146 from 1998.

discarded cases that were dismissed by prosecutors: about 37% of all cases.⁵⁴ Discarding these dismissed cases, a handful of not guilty or unsentenced cases and cases involving offenders who had participated in the supervision program left 114 cases in our control group, to which we added the nine offenders initially charged with a felony.

3. Outcome Information

Researchers also used the Department of Public Safety's APSIN system to check prior and subsequent criminal records for the control-group offenders. Researchers received information from the Valley Women's Resource Center, AWAIC, Mat-Su ASAP Misdemeanor Services and the Mat-Su Recovery Center about control-group offenders' participation in court-ordered substance abuse assessment/treatment and batterer intervention. Outcome information for supervised offenders came from the probation office's files.

⁵⁴ Dismissal rates varied by year, with prosecutors dismissing about 42% of the 1997 case sample (N=23 dismissals) and about 36% of the 1998 case sample (N=52 dismissals). The Palmer DA's office used a two-step process to screen cases for prosecution. The first step was to work informally with law enforcement officers in making the charging decision. For misdemeanors, the responding law enforcement officer would draft a written complaint and deliver it to the district attorney's office for review. The DA would briefly review the complaint and usually approve it for filing with the court. After filing but before arraignment, the DA would try to contact the victim for more information about the offense. Based on information from the victim and other information, the DA could increase or drop the charges before arraignment. Once the defendant was arraigned, the DA's decision to dismiss a misdemeanor case normally rested on two considerations: (1) whether the victim remained in the state; and (2) problems with the facts of the case. The Palmer DA's office dismissed misdemeanor cases in which the victim had left the state due to the expense of bringing the victim back for trial and dismissed cases in which further information from either the victim or the defense attorney raised significant doubts about the strength of the case.

Appendix B:

Comparison of 1997-1998 Palmer Domestic Violence Criminal Filings to 1997 Juneau Domestic Violence Filings

The information in this Appendix was drawn from a list of all court cases charging assault IV filed in Palmer in 1997 and 1998 and an Access database created by George Cole, III for a 1996 COPS Grant Project in Juneau. The Cole database contains information from Juneau Police Department reports, court records and other sources pertaining to all domestic violence arrests occurring from 11/1/96 to 10/31/97. The Palmer database is described in Appendix A, above.

I. Domestic Violence Criminal Filings: Palmer & Juneau

The Alaska Court System reported that 522 cases charging assault IV were filed in Palmer in 1997 and 1998.⁵⁵ About 18% of all the assault IV cases filed in court during those two years named female defendants.⁵⁶ The Juneau data showed that 318 adults were arrested for domestic violence during the twelve-month COPS grant study period, and that 310 domestic violence cases were filed in the Juneau court during that time period.⁵⁷

We reviewed a randomly selected a sample of the 1997-98 Palmer cases and all the cases in the Juneau database to determine how many of the filings involved a victim who was the defendant's intimate partner, how many cases named female defendants, how many cases were dismissed after filing and how many of the dismissals involved female defendants.⁵⁸ This paper briefly summarizes the findings.

⁵⁵ 252 were filed in 1997 and 270 were filed in 1998.

⁵⁶ Of the 1998 assault cases, 20% (N=54) named a female defendant. Of the 1997 assault cases, 15% (N=39) named a female defendant.

⁵⁷ The vast majority of the Juneau DV cases were misdemeanors from the start: Only 10 started as felonies and only 3 were adjudicated as felonies.

⁵⁸ Details about the Palmer sample are described in Appendix A.

II. Filing and Charging of Intimate Partner Domestic Cases

Just over a quarter (28%) of the Palmer cases did not involve intimate partners, compared to 14% of the Juneau cases.⁵⁹ Thus, the Juneau database contained 266 court cases involving intimate-partner offenses⁶⁰ and the Palmer database contained 201.⁶¹

We reviewed the Juneau and Palmer intimate-partner assault cases for gender of the defendant. In the Palmer sample, women appeared as defendants in about 23% of the cases.⁶² Similarly, in Juneau 24% of intimate-partner domestic violence cases filed during the twelve-month study period named a female defendant.

The vast majority of the Juneau intimate-partner court cases began with an original misdemeanor charge; only 3% (N=7) began with a felony charge. Thus, 79% of the Juneau intimate partner cases began with a charge of assault IV, about 9% began with a charge of violating a domestic violence restraining order, nine began with violating conditions of release and seven (about 5%) began with a felony charge of assault III. Other original charges included burglary, criminal mischief, criminal trespass, disorderly conduct, harassment, DWI, interfering with a domestic violence report, misconduct involving weapons, sexual assault and stalking.

III. Prosecution of Intimate Partner Assault Cases

Over a third of all intimate-partner assault cases in both Juneau and Palmer were not pursued by the prosecutor after filing. About 37% of all intimate-partner assault cases in our Palmer sample were dismissed,⁶³ as were 35% of the Juneau cases.⁶⁴

Dismissal rates in both Palmer and Juneau varied significantly by gender, with women being dismissed at much higher rates than men. Palmer prosecutors dismissed 53% of the cases against women compared to 34% of the cases against men. Similarly, Juneau prosecutors dismissed or

⁵⁹ We defined intimate partners as people who shared a sexual or dating relationship.

⁶⁰ The Juneau database showed that 318 adults were arrested for domestic violence during the twelve-month study period, 310 domestic violence cases were filed, and 266 of those cases involved intimate partners.

⁶¹ Fifty-five cases from 1997 and 146 from 1998.

⁶² This figure varied by year: Twenty six percent of the 1998 cases (N=38) and 16% of the 1997 cases (N=9) named a female defendant.

⁶³ Palmer dismissals varied by year. In the 1997 sample, prosecutors dismissed about 42% while in 1998 they only dismissed about 36%.

⁶⁴ Juneau city and state prosecutors dismissed 25% of the cases and deferred prosecution in 10%.

deferred prosecution in 46% of the cases against women compared to 31% of the cases against men. Women thus comprised 17% of the offenders convicted of assault (or a lesser charge) against an intimate partner in Palmer and 20% of those convicted in Juneau.

Table 1: Juneau Intimate Partner Domestic Violence Cases: Defendant Gender		
<i>1998 Cases</i>	Defendant Gender	
	<i>Male</i>	<i>Female</i>
All Cases (N=243)	75%	25%
Dismissed and deferred (N=85)	31%	46%
Total Convictions (N=155)	79%	21%

The explanation for this gender-based discrepancy in prosecution rates is not clear. It may be related to factors that we did not measure, such as prior domestic violence history between the female defendant and the male victim, or prior criminal record of the male victim. More study is necessary to understand these issues.

IV. Information about Offenders

A. Prior History

About a third (34%) of the convicted Juneau offenders had a prior history of domestic violence, compared to about 18% of the Palmer offenders.⁶⁵ About 65% of the convicted Juneau offenders had a prior criminal court case (unclear whether this variable counted any court case filed or only convictions). This number compares to about 62% of the Palmer offenders who had at least one prior conviction. An additional 15% of the Juneau offenders had only one prior criminal court case, and 14% had 2-3 prior cases. Thus, 29% of the Juneau offenders had 1-3 prior criminal court cases, compared to 33% of the Palmer offenders who had 1-3 prior misdemeanor convictions.⁶⁶

⁶⁵ Recall that data about prior domestic violence was not reliable for the Palmer offenders, so that the 18% figure probably under-represents the number of Palmer offenders with a domestic violence history.

⁶⁶ In addition, 15% of the Palmer offenders had 1-3 prior felony convictions, a category which included prior misdemeanor convictions.

B. Ethnicity

The domestic violence offenders convicted in Juneau were more ethnically diverse than those convicted in Palmer. Only 55% of the Juneau offenders were Caucasian, compared to 83% of the Palmer offenders. Over a third (38%) of the Juneau offenders were Native, 3% were Hispanic, 2% were Asian/Pacific Islander and 1% were African-American.

V. Sentences

Seventy percent of the Juneau offenders were ordered to attend batterer intervention at Tongass Community Counseling Center for Alternatives to Violence counseling, compared to 76% of the Palmer sample. Forty-three percent were ordered to JASAP (Juneau Alcohol Safety Action Program) for alcohol screening or inpatient treatment, compared to 35% of the Palmer group. Information about service completion rates was not available for the Juneau offenders.