



Lessons Learned from the Queens Probation Domestic Violence Pilot Program

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Although overall violent crime rates in New York City have decreased dramatically since 1990, domestic violence (DV) crimes have persisted and even become more frequent since 2007 (ENDGBV 2017). Queens in particular has experienced an uptick in DV in recent years: in 2018, 24,577 intimate partner domestic incidents, 1,105 intimate partner felony assaults, 115 intimate partner rapes, and 6 intimate partner homicides were reported to police (ENDGBV 2018a, 2018b). To address DV crimes, actors in community corrections are building capacity to more effectively work with people on community supervision who use violence.¹ Some evidence shows that specialized DV probation units—which employ intensive supervision and address clients’ criminogenic needs—might reduce DV (Bledsoe et al. 2006; Johnson 2001; Klein et al. 2008).

In November 2017, the NYC Department of Probation (DOP), the Mayor’s Office of Criminal Justice (MOCJ), and the Mayor’s Office to End Domestic and Gender-Based Violence (ENDGBV) collaborated to launch the Queens Probation Domestic Violence (QPDV) Pilot program to improve the borough’s response to DV. The pilot was designed for defendants with cases in the Queens Criminal Court DV part,¹ and aimed to prevent DV and other kinds of recidivism and promote victim safety. Core components of the pilot include the provision of specialized, intensive probation supervision to people

¹ When an incident of abuse prompts justice system action, we refer to the person who may have used violence as a person who uses violence (or domestic violence), defendant, probation client, or program participant, depending on the context. Furthermore, we refer to a person who suffered as a victim. Our use of these terms reflects our attempt to differentiate the dynamics between intimate partners, and should not be interpreted as a determination of someone’s guilt, innocence, or agency.

on regular and interim probation,² the use of DV risk assessment, abusive partner intervention programs (APIPs), and responses to probation noncompliance.

Between July 2018 and June 2019, the Urban Institute worked with local program partners to conduct a mixed methods evaluation of the pilot during its early implementation stage. To do so, Urban conducted a formative evaluation, an approach designed to coincide with the program's initial development, during which its model was being finalized (Royse, Thyer, and Padgett 2014). Generally, we found that the program made substantial progress in its first 16 months, connecting 101 participants to services. However, it can be refined in certain ways. In this brief, we highlight key findings from our evaluation of the pilot's development and initial implementation, early outcomes, successes and challenges with implementation, and lessons learned for other localities seeking to institute an effective response to DV.

Background on DV in Probation Contexts

Research has shown that at least four factors help reduce the likelihood of DV reoffenses among people on probation supervision: participation in specialized DV units or dockets; participation in batterer intervention programs (BIPs);³ the use of risk assessments to determine treatment and supervision levels; and prompt responses from criminal justice agents to probation noncompliance.⁴

Specialized Probation Units and Dockets

An emerging evidence base from jurisdictions across the US indicates that specialized probation units and dockets that use a variety of program models can effectively reduce DV recidivism (Bledsoe et al. 2006; Johnson 2001; Klein et al. 2005; Schlueter et al. 2011). People on probation in these units are typically subjected to more intense supervision and monitoring than people with normal probation cases. Two unique components of the specialized DV units are the contact they have with victims to enhance victim safety and collaboration between agencies, including victim service providers and advocates. Research suggests that when victim service providers and criminal justice agencies or service providers working with people who use violence coordinate, systemic responses to DV are more effective (Hilton and Eke 2017; Messing et al. 2017). However, such coordination is often difficult because of limited resources, competing priorities, and privacy concerns or legal restrictions (e.g., regarding confidentiality) around information sharing. To overcome some of these barriers, engagement and committed leadership across systems are important (Willison et al. 2012). Generally, it is critical for the service agencies involved in DV cases to coordinate and collaborate to respond effectively, improve victim safety, and hold people who commit DV accountable (White and Sienkiewicz 2018).

Risk Assessment

Using risk assessments in DV programming to determine treatment and supervision levels has also been shown to deter repeat DV offenses (Stewart, Flight, and Slavin-Stewart 2013).⁵ The Ontario Domestic

Assault Risk Assessment (ODARA) is widely used to assess risk of reoffending in DV cases and is a core component of the QPDV Pilot model. ODARA is a 13-item questionnaire designed to be used by frontline police officers and criminal justice agents, and it has been shown to predict future reassault well (Waypoint 2016). Most information needed to complete ODARA can be gathered through criminal databases or case files (Messing and Thaller 2014). However, victim information is difficult for criminal justice agents to obtain if they do not typically work with victims, and data sharing is also challenging because of limitations during ongoing investigations. Like any risk assessment tool, ODARA requires access to good data to accurately assess risk factors.

Studies have shown that some important risk factors for DV recidivism, including victims' perception of risk, are not captured in many risk assessment tools. Furthermore, certain characteristics of people who use violence are also risk factors for DV recidivism, meaning such characteristics are *associated* with recidivism and might help predict it.⁶ Such characteristics include unemployment, economic disadvantage, living with a firearm in the house, childhood exposure to DV, and living with nonbiological children (Heckert and Gondolf 2004; Klein 2015; Roehl et al. 2005; Ward-Lasher et al. 2017). Other important predictors include use of a shelter or social services by victims, coresidence by the victim and person using violence at intake, having children living with the person using violence, and the person using violence having been arrested for a non-DV offense before intake (Heckert and Gondolf 2004). In sum, victim input should be an important part of any risk calculation considered by probation departments (Klein 2015).

Batterer Intervention Programs and Abusive Partner Intervention Programs

The most widespread intervention to treat people who use DV and address their abusive behavior is batterer intervention programming, which can be offered in the community and in correctional facilities (Aaron and Beaulaurier 2016; Babcock et al. 2016). Such programming focuses on holding people who use violence accountable, changing their behaviors, and protecting victims from further harm (Ferraro 2017). Evidence on the effectiveness of BIPs is mixed (NIJ 2019);⁷ some studies have deemed them ineffective at reducing DV (Feder and Wilson 2005; Jackson et al. 2003; Labriola et al. 2005), whereas others have shown that people who complete programs or engage in them for longer periods are less likely to be arrested for future DV than people who do not.⁸

Responses to Noncompliance

Prompt responses from criminal justice agents to probation noncompliance and BIP nonattendance helps reduce violence in relationships. People who are justice involved benefit more from immediate rewards and sanctions than from unclear and/or delayed consequences (Wodahl et al. 2011); this holds true for people on supervision for DV charges (Visher et al. 2008). People who use violence benefit from the structure and certainty of sanctions that are immediate and proportionate to their specific violation (IBH 2015). When a probation violation occurs, it is essential that probation departments and officers provide clear guidance on consistent sanctions while rewarding and praising people when they take responsibility for their actions and behave appropriately (IBH 2015).

Why a Probation Domestic Violence Program?

The pilot's launch was part of a larger initiative in New York City to reduce DV. In November 2016, Mayor Bill de Blasio launched the NYC Domestic Violence Task Force to develop a comprehensive, citywide strategy to address DV (ENDGBV 2017).⁹ One of the task force's four overarching goals was to improve the city's response to abuse that comes to the attention of the criminal justice system. As such, its preliminary work laid the foundation for launching the pilot. In addition to the need to address DV citywide, there was specific interest in using probation more often to respond to DV in Queens. Notably, only 14 people were on probation for DV in Queens in 2017, before the pilot launched at the end of that year. Partners considered probation a strategy that could balance the need to provide accountability *and* support to people who use DV.

Compared with other available responses, probation presents an important opportunity to strengthen the criminal justice system's response to DV through ongoing contact with people who use violence. Probation officers (POs) often have ongoing interactions with their supervisees and can thus monitor their progress more closely than other criminal justice agents, who are often limited to brief interactions in court. Through ongoing monitoring, POs can see clients in their homes by making announced and unannounced home visits. Such an approach can be particularly beneficial in DV cases, which can be volatile and unpredictable and in some cases escalate quickly. In addition to more effective accountability levers, POs can also provide much-needed social support and address any other identified needs.

Another opportunity the probation context provides is the possibility for probation departments to coordinate with victim service agencies to better reach and serve victims. Coordinating with these providers can help probation departments work more effectively with people who use violence and hold them accountable. Furthermore, probation departments can refer victims to victim service agencies, where staff are well equipped to provide support and services tailored to each victim's needs. This coordination is important because as emerging evidence shows, probation staff, as well as other criminal justice agents, often struggle to work effectively with victims. Probation agencies, however, are not set up to obtain victim information or seamlessly establish ongoing contact with victims (Duane and Vasquez-Noriega 2018). They can face challenges working with victims, such as a lack of trust from victims and, in some cases, skepticism from victim service providers. While recognizing these challenges, NYC leaders decided to capitalize on the unique opportunity probation presents, particularly for working closely with people who use violence and providing close monitoring and tailored supervision to support them while promoting accountability and victim safety.

BOX 1

Evaluation Research Methods

Urban researchers conducted mixed methods data collection and analysis between August 2018 and March 2019. During three site visits, the Urban team completed courtroom and program observations, interviews with 33 stakeholders (including defense attorneys and stakeholders from DOP, MOCJ, ENDGBV, the district attorney's office, and the Queens Criminal Court), a focus group with eight program participants, and interviews with two DV survivors whose current or former partners had been involved in the program. Urban researchers also reviewed program materials and fielded a survey to 47 stakeholders (33 completed their surveys). Lastly, the Urban team collaborated with DOP staff to examine administrative records—including DOP program data, Queens court data, and New York State Division of Criminal Justice Services state-level criminal record information—on 101 participants who were enrolled in the pilot between December 14, 2017, and April 3, 2019. Department of Probation policy prohibits it from sharing individual-level client data, so DOP staff analyzed and shared aggregate, deidentified information with the Urban team.

Development of the QPDV Pilot

Several development activities preceded the pilot's official launch and established groundwork for its eventual implementation. In fall 2017, all DOP staff who would be key implementers received an intensive two-week training on DV. In addition, a consultant from the Battered Women's Justice Project, a national resource center that provides training and technical assistance on civil and criminal justice responses to DV, was assigned to provide training, technical assistance, and consultation to the pilot. To enhance the competency of DOP's pilot program unit in supervising DV defendants, this consultant and DOP representatives traveled to Atlanta to observe Men Stopping Violence's APIP, part of a larger community-based response to DV in the city. The consultant also shared material from the Battered Women's Justice Project, which, along with lessons from the Men Stopping Violence APIP curriculum, eventually informed the pilot's program model and internal probation APIP, called Q group.

Pilot Description

The QPDV Pilot formally launched in December 2017, when it became available to defendants with cases in the Queens Criminal Court DV part (part AP4), with day-to-day operations led by the Queens Department of Probation. After it launched, the pilot's core components, goals, and objectives were continuously fine-tuned throughout 2018 and early 2019. One major change was made to the model: although the pilot was initially intended exclusively for people on interim probation, in May 2018, it was made available to people on regular probation to increase the program's reach. Although it is tailored to the needs of individual participants, the pilot's core components include the following:

- **Specialized, intensive probation for people on regular and interim probation:** the Queens Department of Probation operates a unit that specializes in DV cases, coordinates closely with the Queens Criminal Court's DV part, and has capacity to work intensively with clients.

- **Domestic violence risk assessment:** DOP uses the ODARA tool to evaluate risk of DV reassault among potential pilot participants.
- **Abusive partner intervention programs:** pilot participants are referred to in-house or external APIPs, which typically use a 24-week curriculum designed to change abusive behaviors.
- **Responses to probation noncompliance:** DOP tracks and responds to misconduct with appropriate sanctions to promote accountability and victim safety.

Pilot goal (developed in summer and fall 2018): to provide an additional sentencing option that offers an individualized response for domestic violence defendants, including swift accountability for noncompliance, while providing information to victims and connecting them to community resources.

Key Agencies and Stakeholders

Implementing the pilot required collaboration and coordination between key partner agencies—including DOP, ENDGBV, and MOCJ—and stakeholders in the Queens criminal justice and victim services systems. As such, during the pilot’s development in fall 2017, when key partners were designing a new approach and day-to-day procedures for the pilot within DOP, DOP leadership worked in partnership with MOCJ to ensure all other relevant stakeholders were aware of the pilot and could coordinate appropriately to make it operational. Four meetings were held in fall 2017 with the Legal Aid Society, the Queens District Attorney’s Office, the Queens Family Justice Center (QFJC), and Queens Law Associates to inform them about the pilot and discuss their respective roles. Table 1 summarizes relevant stakeholders’ roles through spring 2019.

TABLE 1

Key Agencies and Their Roles

Agency/agencies	Role	Responsibilities
DOP	Implementer	<ul style="list-style-type: none"> ▪ lead the pilot program and oversee daily activities ▪ conduct internal data analyses and quality assurance ▪ coordinate department-wide DV efforts ▪ liaise with pilot program stakeholders and exchange information about participants (when appropriate)
ENDGBV	Pilot program sponsor	<ul style="list-style-type: none"> ▪ conceptualize the pilot ▪ consult on the overall direction of the pilot ▪ assist in securing funding
MOCJ	Pilot program sponsor	<ul style="list-style-type: none"> ▪ conceptualize the pilot ▪ consult on the overall direction of the pilot ▪ assist in securing funding ▪ fund some AIPs
Queens District Attorney’s Office	Stakeholder/implementer	<ul style="list-style-type: none"> ▪ assist victims in ensuring their safety ▪ file charges against defendants ▪ advise when a defendant could be appropriate for the pilot ▪ share information about cases with DOP (when appropriate)
Queens Family Justice Center ^a	Stakeholder/implementer	<ul style="list-style-type: none"> ▪ work with victims around victim safety ▪ provide information about victims, as appropriate, to DOP (while abiding by client confidentiality standards) ▪ regularly communicate with DOP on victim success and challenges abiding by all confidentiality rules and ethics
Queens Legal Aid Society, Queens Law Associates ^b	Stakeholder/implementer	<ul style="list-style-type: none"> ▪ represent participants’ interest in court ▪ advise on accepting plea to interim probation (or any other sentencing options)

Notes: APIP = abusive partner intervention program; DOP = NYC Department of Probation; DV = domestic violence; ENDGBV = Mayor’s Office to End Domestic and Gender-Based Violence; MOCJ = Mayor’s Office of Criminal Justice.

^aThe Queens Family Justice Center is one of five such centers citywide, and is operated by ENDGBV and city-contracted service providers, to offer comprehensive legal, counseling, and supportive services for survivors of gender-based violence, including intimate partner violence and sex trafficking.

^bParticipants who hire private attorneys are also eligible for the pilot program. However, participants with private attorneys represent a small share among all pilot program participants; approximately 20 percent of clients had private attorneys as of March 2019. Urban did not interview or collect any data from private attorneys as part of this evaluation.

Importantly, to strengthen DOP-wide capacity to work with clients who have DV charges, a DV coordinator was hired in January 2019. The coordinator’s role is to spearhead best practices in responding to DV in probation, liaise with community and criminal justice stakeholders, and enhance victims’ safety and experiences.

How the QPDV Pilot Was Implemented

Pathways through the Pilot: Interim and Regular Supervision

The pilot is designed for men and women whose cases are assigned to the Queens County Criminal Court DV part (part AP4). In Queens, AP4 court oversees every defendant with a DV charge (be it a

misdemeanor or felony charge) and has one presiding judge. Furthermore, DOP has two court liaison officers working in AP4 who coordinate between the court and DOP. Before a defendant with a DV assault charge first appears in AP4, a court liaison officer completes an ODARA assessment for them.¹⁰ Although ODARA was intended to be used as a screening tool, it is not used to exclude anyone from the pilot. Depending on a criminal case's elements and how it is processed, eligible defendants can enter the pilot through one of two pathways: via an **interim probation plea**, which is allowed at the postconviction, presentencing stage, or via a **regular probation sentence**. The district attorney's office, defense attorneys, and the AP4 judge are tasked with agreeing on a participant's plea and conditions. The two pathways into and through the pilot are summarized in figure 2 (the pilot case flow diagram).

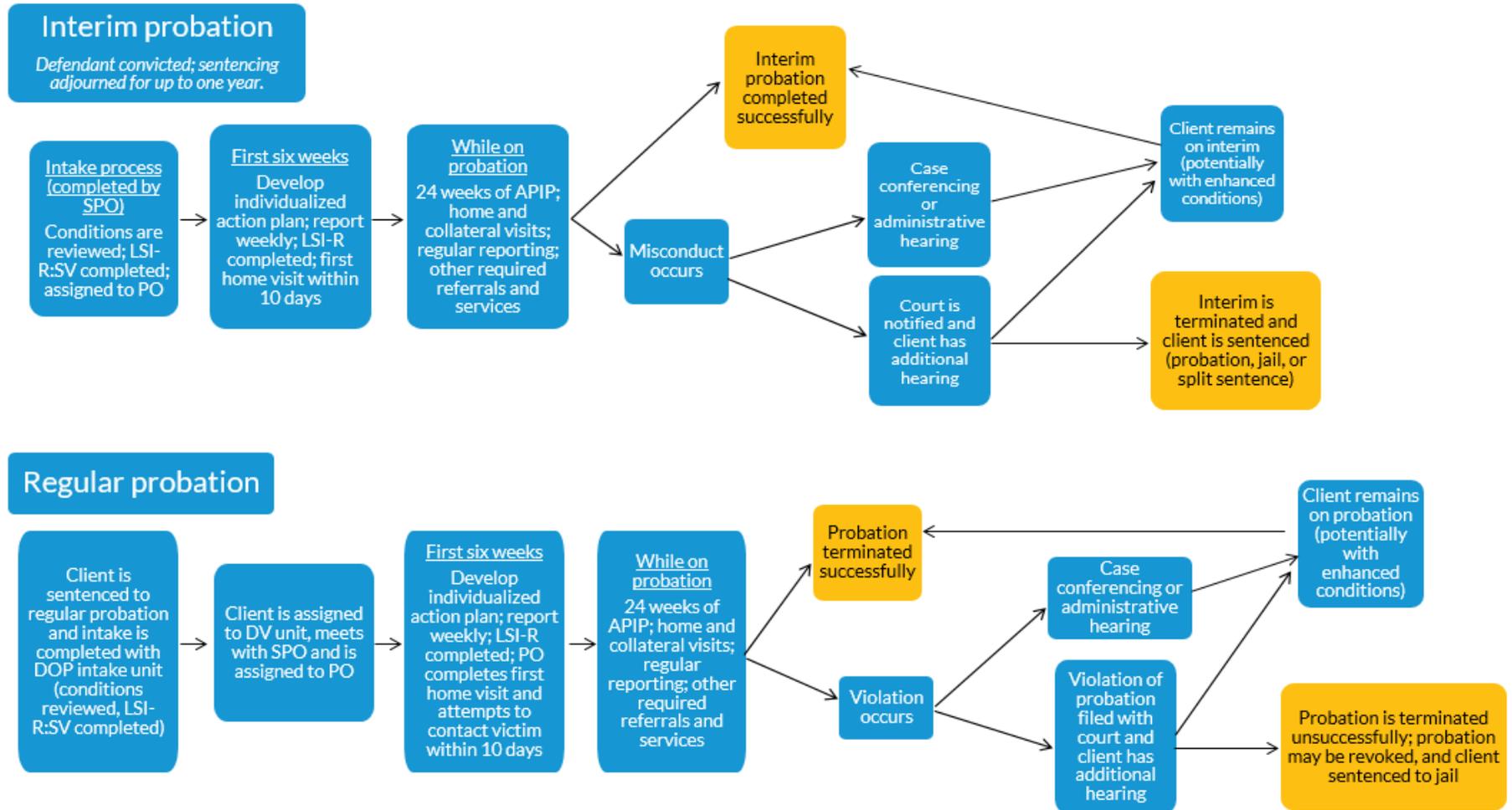
When a defendant enters the pilot via the interim probation option, the court adjourns sentencing for up to a year. Within the first six weeks of pilot participation, for both interim and regular probation, the assigned PO works with the participant to complete an individualized action plan. During this period, the Level of Service Inventory-Revised tool, which documents offender attributes and contextual information, is administered and used to inform level of supervision and treatment decisions (Casey et al. 2014). During these first six weeks, participants are also required to report to their POs weekly, and within 10 days, POs conduct the first home visits and attempt to contact victims.

While in the pilot, participants on interim and regular probation are required to report to their POs at specified intervals, and POs conduct home visits and collateral contacts (communication with other parties, such as employers or program facilitators) concerning participants' behavior or status. Concerning programming, each participant is enrolled in and required to attend a weekly APIP group for 24 weeks. In addition, POs use the Level of Service Inventory-Revised to determine any other referrals or services that might be needed and required (e.g., substance use treatment or mentorship programs). If misconduct occurs (i.e., noncompliance with conditions), DOP offers a response that scales with the severity of the misconduct; ultimately, the court could decide to end interim probation (or revoke regular probation) if necessary. While clients participate in the pilot, DOP staff attempts to engage with victims and can make referrals to community services; QFJC is the key partner that coordinates with DOP around victim services.

At the end of the interim or regular probation term, the AP4 judge determines whether participants have complied with probation conditions. For interim probation, the judge sentences the defendant. Sentencing options can include a conditional discharge, probation, split sentence, or incarceration (this can happen prematurely if the client is found not to have complied with probation conditions).¹¹ For regular probation, probation can be considered completed (if successful) or revoked (if conditions are not met). If revoked, the client is typically sentenced to jail.

FIGURE 2

Queens Probation Domestic Violence Pilot Case Flow Diagram



Notes: APIP = abusive partner intervention program; DOP = NYC Department of Probation; LSI-R = Level of Service Inventory-Revised; LSI-R:SV = Level of Service Inventory-Revised: Screening Version; PO = probation officer; SPO = supervising probation officer.

Program Reach: Characteristics of Pilot Participants

A DOP analysis of court data indicates that between mid-December 2017 and early April 2019, 256 defendants whose cases were heard in AP4 were offered interim probation. Among these, 175 (68 percent) did not enter the pilot, typically because the defense counsel rejected the offer. The remaining 81 defendants (32 percent) who were offered interim probation ultimately entered the pilot. During this period, an additional 20 cases with sentences to regular probation were also assigned to the pilot, yielding **101 participants** during the evaluation period. Data show that 99 of these 101 participants (roughly 98 percent) were male, and the majority were African American (45 participants, or 45 percent) or Hispanic (29 participants, or 29 percent). The vast majority (68 participants, or 67 percent) were convicted of a misdemeanor DV offense, and a substantial share (29 participants, or 29 percent) were convicted of a felony DV offense. Four participants (nearly 4 percent) enrolled in the program after a probation violation.¹²

Use of DV Risk Assessment

Again, two DOP court liaison officers work in AP4 court and complete ODARA for every potential participant with a DV assault charge.¹³ ODARA was developed to identify the risk of future assaults against intimate partners, and its developers state that it can be used in policing, victim support services, health care, and corrections (Hilton, Harris, and Rice 2010). However, pilot stakeholders have found it difficult to obtain all the information needed to properly score the tool; in particular, DOP typically faced challenges accessing domestic incident reports with victim information.

As of the end of the evaluation period (spring 2019), ODARA was not being used to determine participant eligibility, to guide POs' work changing clients' attitudes and behavior based on participants' risk levels, or to inform the caseload of POs assigned to the pilot. Refinements to ODARA implementation were also slowed by the anticipated implementation of a new tool, the Domestic Violence Screening Instrument-Revised (Messing and Thaller 2014). Regardless of which tool is used, addressing the challenges DOP is having obtaining data will strengthen the use of risk assessments.

Abusive Partner Intervention Programs and Service Referrals

Participation in a 24-week APIP group is a primary requirement of the pilot. There are numerous APIP providers throughout New York; the two primary providers for pilot participants are DOP's in-house Q group and a private, city-sponsored provider. The Q group is a 24-week program that is free for pilot participants. The hour-long meetings are offered two times per week (participants attend one of the two), and are facilitated by two POs, one male and one female. Lessons were created using materials from the curricula used by the Domestic Abuse Intervention Programs in Duluth, Minnesota, Men Stopping Violence, and West Virginia's batterer intervention program. Facilitators also use videos and other materials to assist in educating and guiding discussions. During the meetings, participants are encouraged to challenge each other and offer personal experiences in reaction to the curriculum material. Attendance is recorded and stored in the DOP data management system.

Clients enrolled in the private APIP in Queens are required to attend either 24 or 52 sessions, depending on their individual needs. Participants attend one hour-long session per week, and sessions are held in the evenings and offered at various times. A \$25 fee is charged per session, although fees can be adjusted on a need-based sliding scale. Each group has one facilitator, and the program uses the Duluth curriculum. Clients are encouraged to share and discuss with others during sessions. Staff provide monthly reports to POs about clients' progress in the program.

Victim Contacts

As part of the pilot, DOP staff, in collaboration with QFJC, attempt to make contact with victims. Probation officers reach out to victims primarily via phone calls and/or e-mails to provide them with referrals to community services, including the NYC Family Justice Centers, Safe Horizon, and the New York City Domestic Violence Hotline. The supervising PO also keeps victims notified of pilot participants' status, including orders of protection and upcoming court dates. From December 2017 to April 2019, DOP contacted victims for 85 percent of participants. It made 225 contact attempts in total during this period; for the vast majority of participants, one or two victim contacts were made, but in a handful of cases, as many as seven or nine contacts were made.

Lessons Learned: Interim Progress

After 16 months of implementation, the QPDV Pilot has made considerable progress; however, as is common for new programs, there are areas it can refine. The lessons pilot stakeholders have learned can inform policymakers and practitioners in New York and other jurisdictions seeking innovative strategies to address DV.

Program uptake was slow to start but eventually increased. During the program's initial months, key stakeholders—including some prosecutors and defense attorneys—were unsure what the pilot entailed. This concern was most pronounced in regard to interim probation, which had never been available in Queens Criminal Court. However, by the fourth month of implementation, offers for interim probation had substantially increased, as stakeholders grew more familiar with the model. By the program's 16th month, 256 offers of interim probation had been made, and of those, roughly 32 percent (81 offers) were accepted. In the remaining cases, offers were not accepted for various reasons, typically because the defense counsel rejected the offer.

Participants benefited from the program. Focus groups, interviews, and survey data show that most stakeholders and participants report that the pilot has benefited participants. Stakeholders and participants particularly emphasized its success in offering individualized responses to defendants. Participants we spoke with also generally felt that the pilot's resources and service referrals were helpful; they were particularly satisfied with the job referrals, classes for obtaining their driver's licenses, and public transportation fare cards. Participants also appreciated the relationships they had built with their POs, and felt a sense of pride when POs acknowledged their progress in reports to the court.

Many stakeholders are invested in the program. Although there are certainly concerns and reservations, the majority of stakeholders we interviewed and surveyed saw the pilot as a step forward. Launching the program has required strong DOP commitment and partner agency leadership. Program partners have made efforts to innovate and refine the model, such as by hiring a program coordinator to increase staff training opportunities and victim engagement, developing a fee-free APIP option, and planning to implement a new DV risk assessment tool (the Domestic Violence Screening Instrument-Revised) that aligns with the types of information available to POs.

Participants' preliminary outcomes are mixed. Although quantitative data are too limited to draw any strong conclusion at this time, DOP data were available for the 39 participants who had completed the program by April 3, 2019 (the remaining 62 had not yet completed it). Among those 39, outcomes varied: roughly 26 percent (10 participants) received a conditional discharge, meaning they avoided a harsher sentence or additional probation time. Roughly 28 percent (11 participants) are pending, so we cannot make a determination about their outcomes. Moreover, two interim cases received a sentence to probation (ranging from two to three years), which is an expected outcome for completed interim probation cases. One interim case was sentenced to jail and probation (six months of jail followed by five years of probation), and an additional 14 of the 39 (36 percent) received a jail sentence of 3 to 12 months. Future research on the pilot should examine these types of cases in more detail to determine what led to a jail sentence.

Regarding initial measures of recidivism, DOP analysis of Division of Criminal Justice Services data indicates that within six months of enrolling in the program, roughly 32 percent of participants were rearrested for any reason,¹⁴ and roughly 21 percent were rearrested for a DV-related crime. Importantly, these findings are limited because of a lack of conviction data; however, they do suggest that the participant rearrest rate is not dramatically higher than the rearrest rate among people on probation for any reason in New York, which is roughly 29 percent during the one-year period after sentencing.¹⁵ We would need more data to draw a strong conclusion here, because we were unable to assess participants' one-year rearrest rates and because conviction data were unavailable. In sum, the sentencing outcomes of participants exiting the program have varied substantially, but data are not robust enough for us to determine whether this pattern is representative of the full participant group. Additional data and analyses are also needed to more conclusively assess participant recidivism.

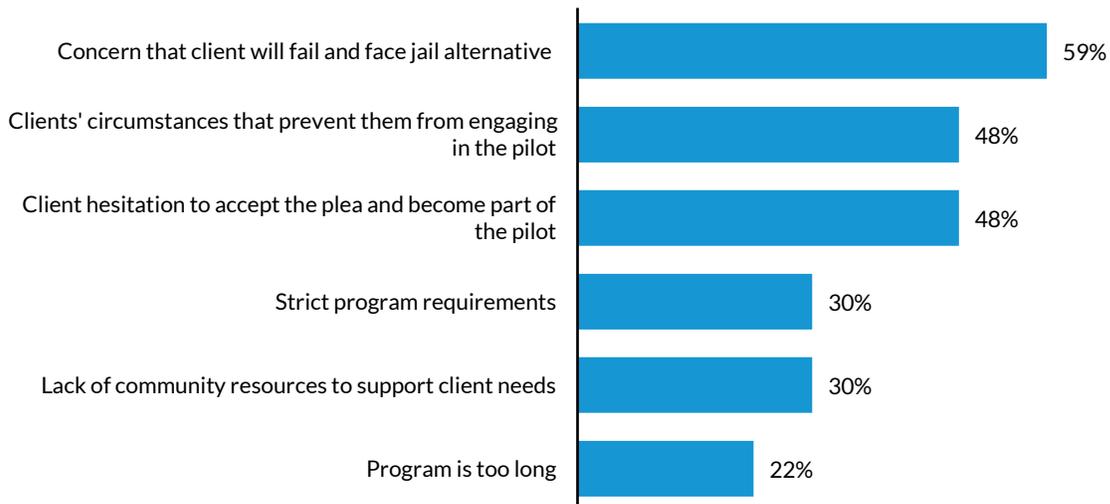
Continuing Challenges

The pilot model can be clarified. In particular, it is unclear whether the pilot will determine who its target population is—that is, defendants at lower or higher risk levels. Stakeholders with different positions in the criminal justice system expressed confusion and strikingly different opinions about who was best suited to participate in the pilot. For example, some defense attorneys tended to characterize the pilot as a good alternative to jail for high-risk defendants, whereas some proponents of victim rights—such as victim service provider staff—characterized it as suitable only for low-risk defendants. The pilot would benefit if leadership refined this element through additional data analysis (to see whether its outcomes

vary by participant risk level), holding conversations with stakeholders, and disseminating information on any adjustments.

Some stakeholders had concerns about participants' ability to succeed in the program. Through surveys and interviews, some stakeholders identified challenges that might be keeping participants from successfully engaging in and completing the pilot. These primarily involved participants' ability to comply with probation conditions and the possibility of receiving a jail sentence. These concerns were most pronounced among some defense attorneys, who are charged with representing their clients' interests. The other primary concern involved clients' ability to successfully engage with and complete the program, particularly clients whose circumstances might make compliance challenging.

FIGURE 3
Top Six Challenges That Survey Respondents Thought Might Keep Participants from Successfully Engaging in and Completing the Pilot



Source: Urban stakeholder survey.

Notes: N = 27. Survey respondents were able to select one or more values, so percentages add up to more than 100.

Victim engagement and information sharing can be improved. Because victim safety is an essential aspect of DV probation programs (Bledsoe et al. 2006; Johnson 2001; Klein et al. 2008), victim engagement is one of the pilot's objectives. Supervising POs and POs work with QFJC and reach out to victims to provide them with information and connect them to resources. Although victim engagement has been incorporated into the pilot, some stakeholders were unaware that DOP's pilot protocols include victim outreach, whereas others were aware but wanted victim contact to be more frequent and substantive. Though DOP's capacity to make victim contact can be enhanced, it is important to acknowledge that many criminal justice agencies designed to work with defendants often struggle to engage with victims (Duane and Vasquez-Noriega 2018). To the extent possible (while preserving victim confidentiality), victim service stakeholders should continue collaborating with DOP to identify new opportunities to

coordinate in the interest of victim safety. Relatedly, stakeholders also repeatedly expressed that there have been challenges in sharing victim information (including contact information and domestic incident reports) between agencies. This impedes victim engagement and substantially limits the use of ODARA, which requires victim information from domestic incident reports.

Clearer standards are needed for APIPs. The pilot refers participants to various APIPs to ensure the timing and location are convenient for them. Although this practice is laudable, it has made it more difficult to establish uniform standards. Standards should be instituted for curricula, facilitator training, and monitoring of implementation fidelity to ensure all participants are set up to succeed. Relatedly, in some cases, the AP4 judge assigned participants to anger management classes as a substitute for APIPs. However, this approach is not supported by research evidence, which shows that anger management is not an effective response to DV. Program stakeholders should push against this practice to ensure participants receive programming that targets DV behaviors.

Recommendations

Findings from Urban's formative evaluation indicate that the QPDV Pilot offers a promising strategy for working with people who use DV, in a community supervision context. Drawing on the lessons learned from the pilot, we offer the following recommendations for criminal justice policymakers and practitioners in New York and other jurisdictions across the US interested in implementing similar programming to address intimate partner violence:

- **Build and maintain communication channels** for interagency collaboration and information sharing, and ensure that representatives from across the criminal justice and victim service systems are involved and disseminate key information to their respective agencies. This is essential to ensure buy-in from key stakeholders and to effectively implement a new program.
- Develop and/or refine a **well-defined program model** that describes key objectives, how evidence-based practices will be employed, and what a typical participant's experience in the program will look like. As additional program and criminal justice outcome data become available, also consider defining a target population. Make sure stakeholders have access to documentation on the program and know who to contact with questions.
- **Invest resources in quality APIP services** for participants, and consider offering fee-free options for qualifying participants. Ensure program leadership receives information on various APIP providers' models and curriculums, and do not accept anger management classes as a substitute. Participant attendance at and engagement in APIPs should be closely monitored by POs and leadership in probation departments.
- Make use of a validated **DV risk assessment tool** that aligns with available resources and program needs. Before implementing a new tool, ensure it is feasible to consistently obtain the types of information the tool requires, train staff who will use it, and develop a plan for how participants' risk levels will correspond to their program requirements.

- Inventory current data management practices, and, if applicable, **adopt new performance measures** that track key participant indicators. Such indicators could include misconducts, program completion, violations and recidivism, and program performance metrics including victim contact and engagement. Routinely share a summary of performance measures with partner agencies.
- To the extent possible, obtain detailed state-level criminal justice records for program participants, and consider pursuing **rigorous outcome evaluation** to assess whether the program is reducing recidivism and whether it is best suited for a particular target population (e.g., people at low risk or people at high risk of DV recidivism).

Conclusion

In this brief, we have presented findings from a formative evaluation of the Queens Probation Domestic Violence Pilot's development, implementation, and preliminary participant outcomes, highlighting program partners' key successes and challenges. In the first 16 months, partners have developed and implemented a new and innovative approach to working with people who use DV in a community supervision context. Although program uptake was slow to start, it increased, and by spring 2019, 101 clients had been enrolled and connected to services, marking a fundamental shift in practice—in 2017, before the pilot launched, only 14 people were on probation for DV in Queens. Furthermore, the program model incorporates best practices, such as AIPs and risk assessment, and aims to offer clients tailored services to balance the need for accountability and supportive measures. Notably, program participants we spoke to reported positive experiences in the program, and benefited from the receipt of supportive services.

Launching the pilot required considerable effort from key program partners. However, now that it is fully operational and has a steady stream of clients, there is room to refine the program model and its implementation. In particular, stakeholders should determine in greater detail what type of clients the program should target. The implementation of key program components could also be strengthened, particularly around AIPs and DV risk assessment tools, both of which require comprehensive staff training and a coordinated approach among key partner agencies. Program leaders should further formalize a coordinated approach among key partners and engage stakeholders more broadly to improve communication and buy-in. Engaging victims associated with program participants should be prioritized.

Working with people who engage in DV is not easy: program partners must integrate efforts to hold them accountable while providing them with support and ensuring victim safety. Program partners have made great strides in establishing the pilot while remaining open to new strategies to improving the program. The lessons learned, challenges, and recommendations detailed in this brief provide a roadmap that New York can use as QPDV partners seek to refine and potentially expand the program.

Notes

- ¹ Although the court sees domestic violence cases, stakeholder interviews indicated that most cases seen in the Queens Criminal Court domestic violence part (AP4) are intimate partner violence (IPV) cases. Domestic violence is defined as the physical, sexual, and/or emotional maltreatment of one family member by another (APA 1996). Although the term DV is often used interchangeably with the term IPV, DV is a broader category: it typically includes all forms of family violence, such as elder abuse, child abuse, and violence between intimate partners (IPV); IPV refers to acts of physical, sexual, and/or emotional aggression between intimate partners in particular (see <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/>). With these distinctions in mind, throughout the brief, we use the term DV when discussing the pilot program, to match terminology used by the court and DOP. In the literature review section, we use the term IPV if that appropriately characterizes the content of a study.
- ² Interim probation is a postconviction, presentencing option, in which the court adjourns sentencing for up to one year.
- ³ Note that “BIP” is used in this literature review section, because this is the term used in most research. However, the term APIP (abusive partner intervention program) is preferred in NYC and by the pilot, and is therefore used throughout the remainder of this brief.
- ⁴ See Aaron and Beaulaurier (2016), Miller, Drake, and Nafziger (2013), Smedslund and coauthors (2007), Stewart, Flight, and Slavin-Stewart (2013), and Visher and coauthors (2008).
- ⁵ The four DV risk assessment instruments with the highest average predictive validity, or the greatest accuracy in predicting reassault, severe reassault, or homicide are the Danger Assessment, the Spousal Assault Risk Assessment, the Ontario Domestic Assault Risk Assessment, and the Domestic Violence Screening Inventory (Messing and Thaller 2014).
- ⁶ Although risk factors might help predict risk of repeated DV, it would be problematic to interpret them as *causes* of DV. It is important to underscore that risk factors like economic disadvantage should be interpreted with caution, and only in combination with other information. It is very difficult, in observational studies common in social science research, to untangle a person’s or household’s economic status from environmental or community-level factors that put people at higher risk of using DV, of being arrested for DV, or of becoming victims.
- ⁷ “Batterer Intervention Programs Have Mixed Results,” National Institute of Justice, October 9, 2019, <https://nij.ojp.gov/topics/articles/batterer-intervention-programs-have-mixed-results>.
- ⁸ See Bennett and coauthors (2007), Gondolf (2000, 2005), Hart and Klein (2013), and Westmarland and Kelly (2013).
- ⁹ ENDGBV was previously called the Mayor’s Office to Combat Domestic Violence. The name was changed in 2018.
- ¹⁰ “Assault” here refers to physical contact with a victim, or credible threat of death with a weapon in hand in the presence of a victim.
- ¹¹ A conditional discharge is a sentence in which the defendant is discharged and must comply with a set of conditions (e.g., restitution, no additional arrests). A split sentence occurs when the defendant is placed on probation for a period of time after serving a portion of the time in jail or prison.
- ¹² When a person violates the terms of their probation, the judge can (depending on the circumstances and severity of the violation) modify the terms of the probation and introduce new requirements.
- ¹³ “Assault” here refers to physical contact with the victim, or credible threat of death with a weapon in hand in the presence of a victim.
- ¹⁴ It is important to acknowledge the limitations inherent to arrest data, particularly when no conviction data are available. Arrest data are an imperfect measure of criminal behavior—arrests could be a reflection of individual behavior, or of circumstances outside a person’s control (including neighborhood and/or racial profiling and police behavior), or some combination of those factors (Kirk 2006; Thornberry and Krohn 2002).

¹⁵ “Recidivism for Individuals Sentenced to Probation,” Division of Criminal Justice Services, accessed June 11, 2020, <https://www.criminaljustice.ny.gov/crimnet/ojsa/recidivism/index.htm>.

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