Safe Return: Working Toward Preventing Domestic Violence When Men Return from Prison

Editor’s Note: Much of reentry research focuses on ways to improve prisoners’ chances of success upon their return to the community. To that end, some criminal justice administrators have started to recognize that families can play an important role in the reentry process, by providing resources and support to the former inmate that are not otherwise available in the community. However, less attention is paid to the impact an individual’s release may have on that person’s family and loved ones. The separation caused by imprisonment can heighten the stress that often contributes to family and intimate partner violence. Failure to address domestic violence during prisoner reentry can place victims of domestic violence in continued danger and can also increase the reentering individual’s risk of returning to prison.

Only a very few state and federal institutions offer services that address domestic violence among inmates during incarceration, and a smaller number provide prevention services to those reentering or their families that could reduce the risk of intimate partner violence upon release. Furthermore, only a small portion of domestic violence perpetrators may be identified as needing related in-prison programming, because either the offense for which they are convicted is not categorized specifically as a domestic violence offense or their domestic violence histories are not uncovered by the intake assessment. Finally, determinate sentencing has left many states with little to no options to incentivize inmates to participate in domestic violence—or any—programming.

In 2002, to address the lack of research and practice in this area, the U.S. Department of Justice’s Office on Violence Against Women funded the Safe Return Initiative, which was managed jointly by the Vera Institute of Justice and the Institute on Domestic Violence in the African American community. In the four years of its existence, the Safe Return Initiative helped build culturally specific technical capacity within and cooperation among justice institutions and community-based and faith-based organizations. As part of the project, in 2005, the Safe Return Initiative designed a series of roundtable discussions to highlight these important issues and develop appropriate responses when prisoners return to their intimate partners and family members. The following is an excerpt from the published report on those discussions.

I. DOMESTIC VIOLENCE AND PRISONER REENTRY: WHAT DO WE KNOW?

Domestic violence is a pattern of coercive behavior—often including physical violence; economic, emotional, sexual, and psychological abuse; as well as isolation, threats, and intimidation—that adults and adolescents perpetrate against their intimate partners and loved ones. While there currently is no data confirming the full extent of domestic violence among those returning from prison, what is known is sufficient cause for concern. A woman’s first incident of intimate partner violence is more likely to be severe or life threatening if her partner is violent outside the home, uses drugs, and is unemployed and not looking for work—all characteristics also common among post-incarcerated males. As one research finding shows, “[Domestic violence] offenders tend to have robust criminal histories including a wide range of both domestic violence and non-domestic violence offenses.”

A segment of the incarcerated population has been convicted of offenses explicitly identified as domestic violence, but a range of offenses where intimate partners may be the victims—such as sexual assault, menacing, or stalking—suggests that the prevalence of domestic violence may be greater. Nearly 1 in 15 convicted violent felons incarcerated in state and federal prisons and about 1 in 4 of those in jails committed their crimes against an intimate partner. A broad array of programs and strategies has been developed for those accused and found guilty of domestic violence offenses—most of which are misdemeanors that result in probation or little jail time—and for their victims. However, comparatively little has been done to address the issue among those emerging from prisons. At the time of the roundtables, Safe Return found that only a handful of state departments of correction had begun to engage men in domestic violence intervention programming prior to their release and still fewer directed any services specifically to intimate partners of those being released or victims of domestic violence.

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II. INSTITUTIONAL RESISTANCE TO ADDRESSING DOMESTIC VIOLENCE AND REENTRY

The participating corrections, parole, and domestic violence victim advocacy professionals recognized that they can all play a role in addressing domestic violence during reentry. However, doing so was rarely a priority for their respective agencies. For example, citing limited resources and scarce research demonstrating the effectiveness of existing interventions, participants from the criminal justice sector said they focused most of their reentry work on traditional predictors of recidivism, such as unemployment, substance abuse, and inability to find housing.

A. CORRECTIONS: PRESERVING SECURITY

Participants working in corrections pointed to their primary objective—maintaining security within facilities—as the main barrier to undertaking a greater commitment to addressing domestic violence in prison. An Ohio official illustrated these concerns by describing how a prisoner’s killing of a female guest inside a visiting room prompted a substantial drop in institutional support for family visits. The official allowed, however, that the facility continued to allow visitation, taking steps to ensure the safety of all visitors.

Several participants also described resistance to making prisons more accessible to the wider community. Specifically, they said, fears that non-family visitors might be manipulated into acting as proxies in criminal enterprises prompt many security personnel to scrutinize volunteer-run programs almost to the point of inhibiting them. Some prisons allow volunteers access to a prison only on the condition that they have no contact with incarcerated people after their release. “We’re shooting [volunteers] in the foot for actually being involved,” an Ohio official noted.

These restrictive policies are being reconsidered, however. This is largely due to a growing interest in helping people leave prison with positive community-based networks and recognition that volunteer mentors, faith-based providers who hope to bring people into their ministries, and others from the community can model appropriate behavior and help address abusive behaviors and relationships prior to release. According to a Pennsylvania official, a program in that state is seeking to facilitate such contact by training volunteer mentors to “understand what criminal thinking is [so] there isn’t [inappropriate influence] enabling the mentee [sic] to re-offend and to involve the mentor.”

Finally, it was noted that most work within prisons focuses exclusively on prisoners themselves; many participants viewed the prospect of also working with these men’s intimate partners in the community as a stretch that was beyond their practical institutional capacities.

B. PAROLE: BALANCING SUPERVISION AND REHABILITATION

Representatives of post-release supervision agencies—who are charged with balancing community safety and efforts to rehabilitate clients—pointed to heavy caseloads and inadequate training about intimate partner violence as their primary obstacles to having a greater focus on domestic violence. It was noted, for example, that while many families resent decisions to return men to prison for technical violations of parole, others—particularly those in danger—would welcome more intervention from officials sensitive to issues of domestic violence.

Several participants also cited uncertainty about public expectations regarding their overall role. In recent decades political pressure to be “tough on crime” steered the profession away from time-consuming rehabilitative work and toward strict monitoring and a return to prison for even modest technical offenses. More recently, however, the costs associated with this strategy have begun shifting the pendulum back toward helping released individuals succeed in the community. “I think we suffer from schizophrenia,” complained a Wisconsin parole official responding to the mixed messages. “I’m not sure we know what the public expects us to do.” The comment prompted a parole official from Oregon to respond that rehabilitative support of paroled individuals is not only compatible with protecting public and family safety, but it may even help advance them. “What is so beautiful and unique about parole and probation,” she said, “is that we truly are both [supervisors and change agents].”

C. DOMESTIC VIOLENCE VICTIM ADVOCATES: MAINTAINING FOCUS ON VICTIMS

Domestic violence victim advocates at both roundtables were understandably wary about the risk of contact between families and potentially abusive persons. They acknowledged that there was a need for rehabilitative work with men coming out of prison but expressed concern that such work could jeopardize the safety of others. They also rejected the notion that reunification represents an ideal. As a victim safety advocate from Oregon put it, “It seems to me that there’s a conflict between what’s good for the person coming out of prison—in terms of having a family unit, getting support, etc.—and what might be good for the members of that family unit.”

While many of the advocates also recognized that race, class, and poverty impact victims as well as perpetrators, they said that limited resources and the need to secure basic survival requirements for victims and their children can place working with returning offenders beyond the practical scope of their capabilities.

III. WHEN AND HOW TO ADD DOMESTIC VIOLENCE WORK TO CURRENT REENTRY EFFORTS

Several participants voiced concerns about conducting batterer’s intervention programming with men while they are incarcerated. When a Pennsylvania prison official read from a federal report indicating that the batterer intervention program (BIP) model used in her jurisdiction did “not lead to lasting changes in behavior,” she triggered an outburst of similar concerns from several others in the room.
“We teach them really well about identifying problematic behaviors,” complained another participant, “but we fall short on teaching them how to correct [those behaviors], and I think that’s the direction we really need to focus on.” There is still debate over whether or not and to what extent community-based BIPs positively impact men’s behavior and attitudes, and evaluations of such programming within a correctional setting have yet to be conducted.9 Despite such apprehensions about “unproven” interventions, there remained a persistent belief that strategies to improve community and family safety could include preventative work with batters in prison.

A. RECOGNIZING WHO NEEDS DOMESTIC VIOLENCE PROGRAMMING

While there was agreement that targeted domestic violence intervention should take place during reentry, many participants indicated that it is hard to determine precisely who should participate in this programming. “It’s very easy for us to identify inmates who are in on domestic violence charges,” observed a victim services representative from Ohio, “but how are we going to identify those inmates who are in on related charges . . . but who weren’t necessarily going to get flagged for domestic violence?” A corrections official from Pennsylvania noted, moreover, that poor intake decisions could yield worse outcomes than doing nothing at all. “Low-risk inmates who are involved in programming with high-risk inmates can become higher-risk inmates as a result of participating in the program,” the official said. “And low-risk inmates may not necessarily need the [same] degree of programming or even need the programming as much as high-risk inmates.”10

Determining an appropriate level of programming for prisoners who are not serving time for an explicit domestic violence offense does present special challenges. Some corrections participants suggested beginning this process by consulting criminal and court records. In doing so, they noted the already overburdened capacity of their administrative offices. However, even once such documents are obtained they may prove insufficient. Besides being slow to reach correctional institutions—sometimes appearing after intake assessments have been completed—they can lack important information. “Some people are charged with felonious assault or child endangerment, and you can see that original crime,” explained one participant. “But if you don’t have the details of that offense, you may not know it was a domestic violence situation.”

Several people also noted that assessment tools that identify predictive behaviors and attitudes would be of great help. While several such tools exist, determining the most effective one in a particular circumstance can be difficult.11 Moreover, some tools require special training or high levels of prior education to administer properly.

It was also noted that victims, families, and incarcerated people themselves can also be a resource for intake decisions. Talking with family members prior to release can uncover a desire for protection, signaling that the incarcerated person may require domestic violence-related intervention. In rare cases, an incarcerated individual may request help. More often, however, such self-assessments tend to underestimate risks.

B. CHALLENGES IN WORKING WITH PERPETRATORS OF DOMESTIC VIOLENCE

Roundtable participants acknowledged that programming elicits different levels of commitment from different people. Some may freely elect to participate, for example, while most need to be obligated to attend. “Most of the time, motivating an individual to come into a program is the first problem,” said Paul Mulloy, director of SAVE. “Keeping them motivated while they’re there is the second.” It was also noted that poorly motivated participants may not only leave an intervention unchanged, but they can also sabotage the progress of others.

Several participants spoke about the incentives they generally use to keep program participants involved. These include the promise of lower levels of security conditions, better housing or work assignments, and earlier release through “good time” or positive reviews that influence parole decisions. These options are not universally available, however, and in some cases officials may feel as if they have no leverage at all. The elimination of indeterminate sentencing in many states left an Ohio corrections administrator wondering, “What do you do with a guy that’s doing four years flat . . . and he doesn’t care if he ever makes minimum security?”

When all else fails, one participant said, “We put [the decision] on them and say, ‘Okay, do you want to have a healthy relationship ever? Do you want your children to grow up and be like you? If someone were doing what you did to your daughter, your mother, or your sister, what would you say about that guy? What would you think he needs?’ . . . Some of our guys [at first] come in and say, ‘I’m maxing out, I don’t care.’ [But] if we take that approach, then they turn around and come into group.”

IV. SUPPORTING WOMEN AND THEIR CHILDREN IN THE REENTRY PROCESS

The roundtable participants agreed that successful reentry planning must include the families of those returning from prison—particularly when there is a risk of domestic violence. Their consensus invited questions about how criminal justice agencies could become actively engaged with families. One idea was to improve contact between incarcerated people and their families prior to release. Representatives from Pennsylvania, for example, described a video conferencing pilot program that allows families in Philadelphia to communicate with loved ones incarcerated far from home.12 Participants also considered how criminal justice practitioners could better educate prisoners’ families about incarceration and reentry. In Ohio, families of incarcerated persons are encouraged to
visit prisons in order to learn about the criminal justice system and how they can prepare for their loved one’s release. Participants from Kansas and Oregon said their jurisdictions periodically conduct similar meetings within the community. Officials in Ohio were also considering creating a nonprofit agency that would bring family perspectives into planning reentry policy.

Participants recognized, however, that trying to increase contact between incarcerated people and their families is not always appropriate, especially in domestic violence cases. While protocols that enhance communication (such as those that encourage phone calls or visits) can smooth reentry for some (by helping to maintain ties, etc.), for others they may also allow for coercive and dangerous interactions, as acts of domestic violence may be perpetrated even when an abuser is incarcerated. This threat was illustrated at one of the roundtable discussions by a television news report screened for participants that showed how some prosecutors use recordings of jailhouse phone calls to bring charges of witness tampering against prisoners who make threatening calls to their alleged domestic violence victims.1

Since families have a wide range of strengths and challenges and face a variety of circumstances, any protocols for increasing their contact with prisoners have to be flexible enough to make case-by-case determinations and not expose victims to additional harm. Efforts to engage women and their children to verify that they desire contact from prisoners were presented as one way to promote public safety. For example, to protect those who don’t want contact, Massachusetts’s victim services unit keeps an automated record of restraining orders to help notify victims of offenders’ release and whereabouts. While such notions can seem straightforward, under certain circumstances they can be complicated. For example, women may want to visit an incarcerated person even when a standing no-contact order or order of protection forbids it. An Ohio official shared this experience: “One of the biggest issues I deal with is when I have a mother of three kids under the age of 12 and the husband—legally married—is serving time for a domestic violence offense. The women keep knocking on my door saying, ‘You don’t understand. I’m married, he’s coming home, I’ve got three kids, let me visit.’” Roundtable participants agreed that even fairly flexible protocols at correctional facilities would not enable them to satisfy a request such as this.

Participants wondered what options could be made available when a family’s wishes seem unsafe and their requests for contact cannot be reasonably fulfilled. Some, asserting that correctional systems cannot hope to meet every family’s service and information demands, said it was essential to have a deft system of referrals, including to victim advocacy agencies. When exceptional situations arise in Ohio, for example, the Department of Rehabilitation and Correction channels the family’s concerns to its Office of Victim Services.

V. BUILDING ON CURRENT WORK
Since the roundtable discussions, there have been noteworthy developments within participating states that discussed ways to improve their responses to domestic violence among returning prisoners. In Kansas, for example, the Victim Services Division (VSD) of the Kansas Department of Corrections and the Kansas Coalition Against Sexual and Domestic Violence jointly provided domestic violence training for all parole staff. VSD also identified the state’s batterer intervention programs and connected parole staff to these programs; the parole staff now regularly makes referrals to these programs. The Ohio Department of Rehabilitation and Correction’s Office of Victim Services (OVS) is piloting batterer intervention programs in its correctional institutions, with individuals beginning participating in the program before release, and continuing while under parole supervision. In Massachusetts, the Family Violence Reduction Program has been expanded. Massachusetts’ treatment provider, Spectrum Health Systems, Inc., has created tools designed to help staff connect and build trust with diverse, at-risk populations.

Such new partnerships between criminal justice practitioners and domestic violence advocates need support and cultivation. Attention must be paid to conducting interventions in a culturally competent manner both before and after release and building on existing family strengths while also offering support to protect families from safety risks. The roundtables demonstrated that training and ongoing dialogue about problems, challenges, and promising approaches are essential for these fields to continue growing, learning and advancing.

Notes
1  Excerpted from Mike Bobbitt, Robin Campbell, & Gloria L. Tate, Safe Return: Working Toward Preventing Domestic Violence When Men Return from Prison (Vera Institute of Justice, 2006).
2  There are numerous sources for information about domestic violence, including the National Coalition Against Domestic Violence (www.ncadv.org) and the National Network to End Domestic Violence (www.nnedv.org). It is noteworthy that in contrast to social service definitions of domestic violence (such as the one given above), jurisdictions differ in their legal definitions of domestic violence crimes. See the Women’s Law Initiative web site (www.womenslaw.org) (last visited March 27, 2006) for links to state definitions and statutes.
5  Greenfeld, et al. Studies find that when poverty is considered, rates of domestic violence are similar, although not exactly alike, among African Americans and whites. See also Michael L. Benson and Greer Litton Fox, When Violence Hits Home: How Economics and Neighborhood Play a Role, Research in Brief (Washington, DC: U.S. Department of Justice, National Institute of Justice, September 2004, NCJ 205004): 23.

See Langan, et al.


For more information, see *Countering Confusion about the Duluth Model* at <www.duluth-model.org/>.


For more on virtual visitation, see <http://www.cor.state.pa.us/greene/cwp/view.asp?a=428&q=130266&greeneNav=%7C> (visited March 27, 2006).

For more information, see *Vera Institute of Justice, Prosecuting Witness Tampering, Bail Jumping, and Battering From Behind Bars* (New York: Vera Institute of Justice, 2006).