



DCJS

Office of Funding and Program Development

Effectively Interviewing Domestic Violence and Sexual Assault Offenders

**NYS Probation Officers Association Conference
Albany, NY**

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**Bill Schaefer
Criminal Justice Program Representative
Violence Against Women Act Unit**

Workshop Plan

- Welcome & Introductions
- Review of OPCA Publications and Initiatives
- DIR Repository Primer
- Design & Goals of “Interviewing” Curriculum
- Overview of Key Curriculum Elements
- Questions and Answers

OPCA Domestic Violence Resources

- ***Child Custody Investigations: Guidelines for Practice*** (June 2008) Released as State Director's Memorandum #2008-7
- ***Intake Guidelines – Completing Petitions for Orders of Protection Involving Family Offenses*** (October 2008) Released as State Director's Memorandum #2008-6

OPCA Domestic Violence Resources

- ***Practical Implications of Domestic Violence Research for Probation Officers*** by Andrew R. Klein (October 2008) This document was commissioned by OPCA for the 2008 Statewide Symposium for Directors and Deputy Directors.

OPCA Domestic Violence Resources

- ***Probation Response to Domestic Violence: A Model Investigation and Supervision Procedural Package*** (March 2010) This comprehensive document includes important information regarding the issue of intimate partner stalking. Released as State Director's Memorandum #2010-3

OPCA Domestic Violence Resources

- ***Probation Officer Domestic Violence – New York State Policy Guidance (July 2010)***
Released as State Director’s Memorandum #2010-10
- ***Probation Response to Domestic Violence in Rural and Native American Communities (July 2010 & June 2011)***

OPCA Domestic Violence Resources

- ***Probation Response to Domestic Incident Reports*** LiveMeeting (December 2011)
- ***Probation Interview Techniques and Offender Accountability for Domestic Violence and Sexual Assault Offenders*** (March 2012)

Chapter 476 of the Laws of 2009

Effective December 15, 2009

- CPL§ 140.10(5) - Where the reported incident involved an offense committed by an individual known by the law enforcement officer to be under probation or parole supervision, he or she shall transmit a copy of the report as soon as practicable to the supervising probation department or the Division of Parole.

Directions to Police

- If Suspect is on Probation or Parole Supervision, photocopy the police copy of DIR and send to the County Probation Department or the local Parole Office.
- Addresses for County Probation Departments and Parole Offices can be found in the Criminal Justice Directory at: <http://criminaljustice.ny.gov>

How Probation Can Use the DIR

- Victim contact info
- Description of injuries
- Offender threats and behaviors
- Offender impairment
- Access to guns and other weapons
- Collateral contacts
- Orders of Protection
- Police investigation summary
- Documentation of behavior patterns
- Evidence for VOP

DIR Repository

- Launched December 14, 2011
- All DIRs from All Jurisdictions in NYS
- No “Hit Notice” Feature
- Three Levels of Access
 - Address Summary
 - Name Search
 - Full Image (1st Page Only)
- Directors Register via *eJusticeNY* (thru TACSSs)

DIR Repository

- DCJS Press Release - December 14, 2011
http://www.criminaljustice.ny.gov/pio/press_releases/2011-12-14_pressrelease.html
- OPDV Bulletin – Spring 2011
- NYSACP – APB Podcast [APB054 Domestic Incident Report Repository](#)
- Probation Access via eJusticeNY

Interviewing Curriculum

- Portable (IDC/SDO/PDVL/Supervisor)
- Instructor Manual & Participant Manual
- 4-hour Training Program
- Two Video-Based Exercises
- Piloted in Albany, Dutchess, Nassau, Orange for 106 probation professionals, advocates and sex offender counselors
- Posted to the Probation Services Suite of *eJusticeNY*

Program Overview

- Review of basic terms
- Accountability
 - Officer Manipulation Awareness
 - Guidelines
- Interviewing
 - Essential Listening Skills
 - Asking the Right Questions
- Documentation
 - Recording and Transmitting What Is Learned

Domestic Violence

Domestic violence is a pattern of coercive conduct perpetrated by one adult person against a current or former partner, with the goal of establishing and maintaining power and control over the victim.

Sexual Violence

Sexual violence is any act (verbal and/or physical) which breaks a person's trust and/or safety and is sexual in nature. The term "sexual violence" includes: rape, incest, child sexual assault, ritual abuse, date and acquaintance rape, marital or partner rape, sexual contact, sexual harassment, exposure, and voyeurism. Occurring more than once.

Sexual Assault

Sexual Assault is defined as any kind of sexual activity that is unwanted, imposed by one person (or more) on another without consent.

- It may include the use of physical force (but many sexual assaults do not), and it involves some combination of coercion, threats and intimidation.
- S/A Usually considered a singular incident

Intimate Partner Sexual Assault

- IPSA Exists whenever *sexualized violence* is present within an intimate relationship. May occur in conjunction with other forms of violence and abuse.
- Previously called “marital rape” / “wife rape.” Expanded to include wide range of intimate relationships:
 - unmarried partners, people in dating relationships, people of all genders and sexual orientations, and teens.

Intimate Partner Sexual Violence (IPSV): How does it differ from IPSEA

- *Usually* part of a bigger picture of violence, abuse, and control where SA and abuse get used as an additional form of battering
- Difficult for victims & System to define/identify
 - Not always a “violent rape” or clearly identified “forced” sexual assault.
- Victim reluctance to define partner (whom victim may love) as a “rapist.”

Common Challenges

Domestic Violence and Sexual Assault Offenders

- Highly Manipulative Toward PO
- Exaggerated Sense of Entitlement
- Refusal to Accept Responsibility for Behavior
- Heightened Resistance to Change
- Failure to Perceive Behavior as Harmful
- Failure to Perceive Behavior as a Matter of Personal Choice
- Minimal Empathy Toward Victim(s)

Response to Special Populations

- Specialized Guidelines for Practice
- Enhanced Training Efforts
- Assignment to Experienced Officers
- Specialized Caseloads or Units
- Emphasis on Risk Management, Containment Strategies and Accountability

Accountability

What does it mean to you?

Accountability

Accountability can be any sanction imposed in response to the offender's unacceptable behavior.

Officer Manipulation Awareness

- Victim Focus
- Nice/Nasty – Testing
- Condition Negotiation
- Boundary Violation
- Emotion Card
- Interview Control
- Splitting

Accountability Guidelines

- Remain calm, sincere and respectful
- Control the Conversation
- Keep the focus on
 - Facts of the case
 - offender choices and decisions
 - personal responsibility of the offender
- Disallow all excuses
- Eliminate judgment and blame of the victim
- Remove victim from the conversation

Interviewing Basics

- Know the Goal of the Interview
- Develop a Plan
- Active Listening is Essential
- Silence Works – Let It!
- Give the Facts Texture
 - Ask the Next Question
 - Get ALL the Details
- Clarify and Confirm

Establish the Pattern of Behavior

Ask the Defendant About...

- Last
- Worst
- First

“Assailant Interviews”

(Harry & Phil)

- Two “reformed” batterers
- Listen carefully
- Respond to what they just said

Motivational Interviewing

Motivational interviewing (MI) is an evidenced-based practice that corrections professionals are now using to encourage positive behavior change in offenders.

The Four Principles of Motivational Interviewing

- ☑ *Express Empathy*
- ☑ *Develop Discrepancy*
- ☑ *Roll with Resistance*
- ☑ *Support Self-Efficacy*

Express Empathy

- Acceptance facilitates change
- Skillful, reflective listening, is fundamental
- Seek to understand the probationers perspective without judging criticizing or blaming
- Ambivalence is normal

Rapport, Empathy & Reflection

Potential for Collusion

- Rapport ≠ Friendship or Social Relationship
- Reflect your understanding of what offender is saying, feeling and concerned about.
- Draw out offender's own concerns and reasons for change

Develop Discrepancy

- The probationer rather than the probation officer should present the arguments for change
- Change is motivated by a perceived discrepancy between present behavior and important goals or values

Developing Discrepancy

(Domestic Violence and Sexual Assault Offender)

- Especially difficult to develop discrepancy
- Behaviors based on firmly held belief systems
- Long-term flawed thinking patterns

PO Must:

- Listen carefully for what is important to each individual offender
- Identify and support pro-social values expressed by the offender

Roll with Resistance

- Avoid arguing for change
- Resistance behavior should not be directly opposed
- New perspectives are invited, but not imposed
- The probationer is the primary resource for finding answers and solutions
- Resistance behavior is a signal to respond differently

Resistant Responses

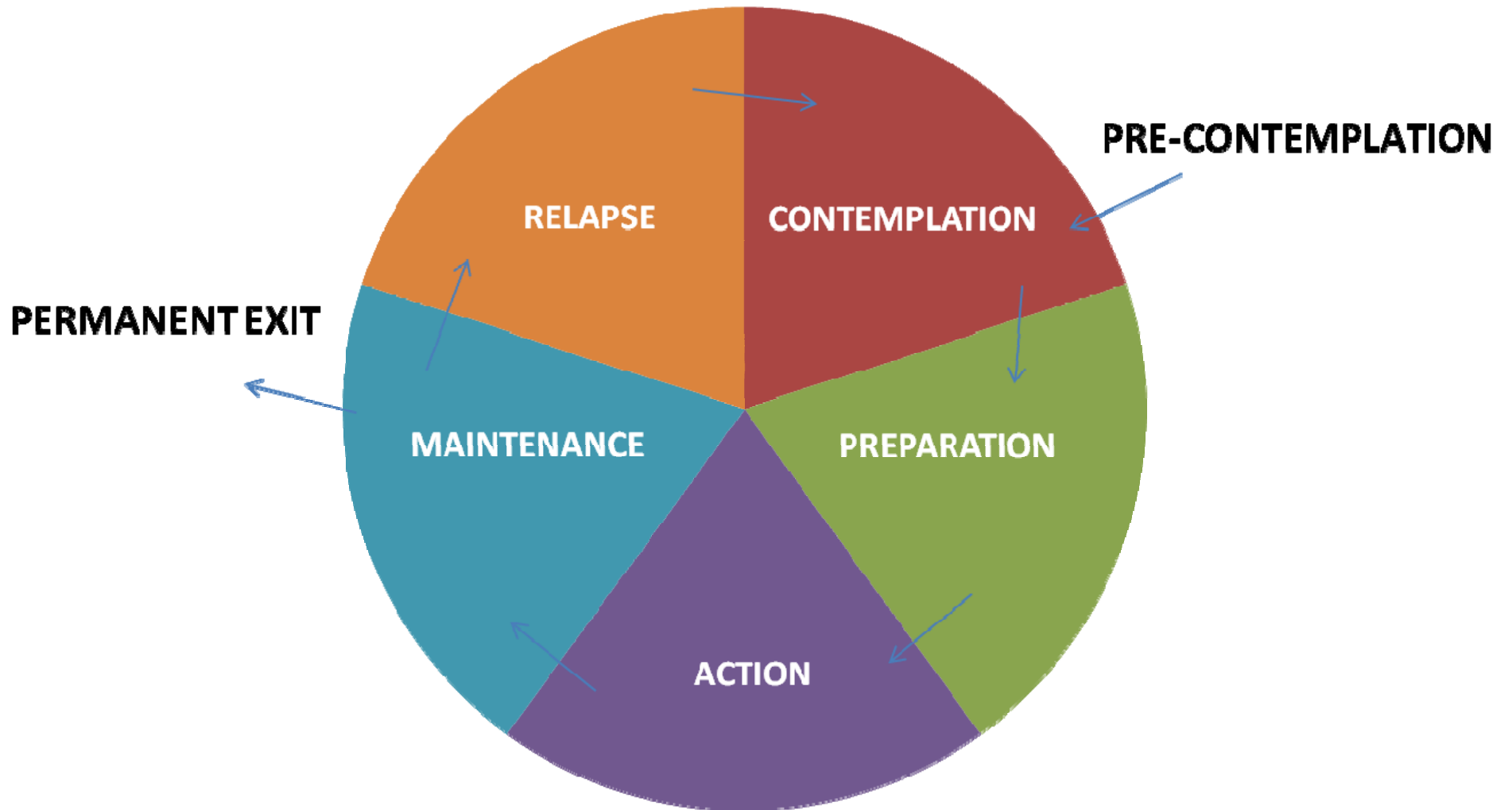
(Especially from Domestic Violence and Sexual Assault Offender)

- **Argument** – Challenging, Discounting, Hostility
- **Interruption** – Talking Over, Cutting Off
- **Ignoring** – Inattention, Non-Answer, Non-Responsive, Side-Tracking, FTRs
- **Denial** – Minimizing, Justifying, Blaming, Disagreeing, Excusing, Unwillingness to Change, Pessimism

Changing Offender Behavior

- MI Can Help Change Pro-Criminal Attitudes
- Evaluating and Improving “Readiness to Change”
- Affirm Positive Talk – Guiding Conversations
- Facilitating Solutions
- Strengthening Commitment to Change

Change Cycle



Motivational Interviewing

The Essential Strategies

1. **O**pen-ended questions
2. **A**ffirmations
3. **R**eflections
4. **S**ummaries

Elicit self-motivational statements.

Strategies to Elicit Self Change Talk

Methods and Techniques to Elicit Self-Motivational Statements

- ➔ **Evocative Questions**
- ➔ **Decisional Balance**
- ➔ **Elaboration**
- ➔ **Scaling Questions**
- ➔ **Using Extremes**
- ➔ **Looking Back**
- ➔ **Looking Forward**
- ➔ **Looking for Exceptions**
- ➔ **Exploring Goals**

“Silent John”

- Example of what can be accomplished using Motivational Interviewing
- Offender coerced into program by court
- Extremely resistant
- Interview is less than 10 minutes long

Victim Contact and Elements of MI

- Express Empathy
- Ask Open-Ended Questions
- Listen Carefully
- Reflect Accurately
- Remain Non-Judgmental
- Validate Concerns
- Support Self-Efficacy

Victim Interview

- Do you think he will injure you or your children? What makes you think so?
- What is the time you were most afraid of him or harmed by him?
- What is the pattern of behavior? Is it getting worse or better? How so?

Documentation

- Pre-Sentence Investigation
- Case Notes
- Field Contact
- Memoranda to Courts and Service Providers
- Violations of Probation
- Case Closing
- What else?

Documentation

- Creating a Permanent Record
- Keep the Offender Completely in Focus
- Quote the Offender
- Include All Details
 - Paint a complete picture for the reader

Any Questions?

Thank You!