

## PROBATION SUPERVISION OF DOMESTIC VIOLENCE OFFENDERS

*On June 29, 2001, Dawn Norris was stabbed 40 times with a butcher knife by her ex-husband, Ronnie Martin, as she sat in her car outside her apartment complex. Ronnie claimed that he bought the knife earlier that day to kill himself if Dawn refused to take him back.*

*Ronnie had a history of violence and abuse against Dawn. In 1996, Dawn sought a restraining order against Ronnie. In her application for the order, Dawn alleged that Ronnie became physically abusive and started threatening her life as early as 1995, describing one incident where he put her head through a window. In 1999, Ronnie was charged with misdemeanor domestic violence against Dawn and was ultimately sentenced to 30 days in jail and summary probation for one year. Only months after his probation ended, Ronnie was again charged with domestic violence after he punched Dawn in the face. Ronnie was sentenced to 30 days in jail, placed on three years' probation and ordered to enroll in a batterer's treatment program. A few months later, Dawn was murdered.<sup>1</sup>*

Domestic violence offenders are being arrested, prosecuted and convicted in greater numbers than ever before. A majority of offenders who are convicted of domestic violence receive some form of probation. In fact, California Department of Justice statistics reveal that almost 90 percent of offenders convicted of felony domestic violence in 2000 were placed on probation, whether their sentence was limited to probation only or included probation coupled with some jail time.<sup>2</sup>

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of domestic violence offenders presents unique challenges for probation officers. Unlike crimes such as burglary and stranger assault, an abuser who is "on the streets" presents a constant and serious risk of further violence and criminal acts against his victim. In monitoring domestic violence cases, therefore, probation departments must not only fulfill their traditional duties of promoting general public safety and fostering offender rehabilitation,<sup>4</sup> departments must also place a high priority on the safety of victims of domestic violence.

Indeed, once an abuser is placed on probation, the probation officer becomes a primary guardian and defender of the victim's safety in three significant ways. First, the probation officer is responsible for investigating and evaluating the offender to assess his potential risk of danger to others, including the victim, and to develop a probation plan that best addresses these risks. Second, the probation officer is responsible for continually monitoring the offender to ensure that he is complying with the terms of his probation, including refraining from further acts of violence and abuse against the victim. Third, the probation officer communicates with and makes recommendations to the court regarding the offender's compliance with the terms of his probation and can request that further action be taken against the offender for violations of probation, including incarceration.<sup>5</sup> Thus, the effective supervision of an abuser's probation is often crucial to a victim's safety.

#### HOW FAR HAVE WE COME?

In 1994, the California legislature enacted Penal Code Section 1203.097 which sets forth minimum sentencing requirements for domestic violence offenders who are placed on probation. The legislature's purpose in enacting Section 1203.097 was to address deficiencies in the way that domestic violence offenders were being monitored to "ensure the greatest effort to prevent repeat assaults" while a perpetrator is on probation.<sup>6</sup> Penal Code Section 1203.097

has been amended over the years, and currently sets the minimum terms of probation for domestic violence as follows:

- A minimum probationary period of 3 years;
- The issuance of a criminal court protective order protecting the victim from further acts of violence, threats, stalking, sexual abuse, and harassment by the probationer;
- Notice to the victim of the disposition of the case;
- The probationer must enroll in a 52-week batterer's treatment program with weekly sessions of a minimum of two hours class time duration (probationer shall file proof of enrollment in a batterer's program with the court within 30 days of enrollment);
- The batterer's treatment program is required to make periodic progress reports to the court regarding the probationer every three months or less;
- The probationer must complete the batterer's treatment program within 18 months and must attend consecutive weekly sessions of the program, unless granted an excused absence for good cause (probationer cannot be excused from participation for more than three individual sessions during the entire program);
- The probationer shall be ordered to perform community service;
- The probationer shall pay a minimum fine of \$400 to be disbursed among state and county Domestic Violence Funds (based on ability to pay);
- In addition, the probationer may also be required to (a) make payments to a battered women's shelter, up to a maximum of \$5,000 and/or (b) reimburse the victim for reasonable expenses that the court finds are the direct result of the probationer's offense.

Section 1203.097 also sets forth the duties of probation officers, prosecutors and the courts to ensure compliance by the offender with these conditions of probation. For instance, if the offender is not complying with the terms of probation, is not benefiting from batterer's treatment, or has committed

acts of violence against the victim or another person, the probation officer or prosecutor can request, or the court can itself order, that additional sentencing be imposed on the offender, up to and including incarceration.<sup>7</sup>

The probation standards enumerated in Penal Code Section 1203.097 grew in importance when “diversion” was eliminated as a method for dealing with domestic violence offenders. Under “diversion,” certain offenders charged with misdemeanor domestic violence were allowed to avoid criminal prosecution by agreeing to participate in batterer’s treatment and/or other rehabilitative programs.<sup>8</sup> The offender’s record would be expunged upon completion of the diversion program. Diversion statutes were repealed in 1995 with the intent of taking a tougher stance on domestic violence by treating it as seriously as other violent crimes.<sup>9</sup> As a result, offenders who would have traditionally been placed in a diversion program are now being prosecuted and placed on probation if convicted.

With the influx of more domestic violence offenders into the probation system, it became increasingly apparent that probation officers needed specialized training to effectively supervise these offenders. Since the enactment of Section 1203.097, there have been several legislative attempts to mandate domestic violence training for probation officers, all of which were unsuccessful. In 1997, Assembly Bill 520 was introduced. The bill required that probation officers have 16 hours of training and coursework in domestic violence assessment, intervention, and reporting as part of their minimum standard training requirements. Assembly Bill 520 also required that probation officers receive at least 8 hours of domestic violence training every two years within the six year period following their initial training.

By the time that Assembly Bill 520 was introduced, laws had already been passed requiring domestic violence training for prosecutors, judges and law enforcement officers. Although probation officers also played a significant role in preventing and punishing domestic violence, they were not held to the

same training standards as the police or other members of the criminal justice system. Nevertheless, Governor Pete Wilson vetoed the bill, stating that these requirements were already being met through the mandatory training provided to probation officers by the Board of Corrections and that, since not all probation officers would be responsible for handling domestic violence cases, the decision to select appropriate training according to an officer's work assignment was best left to the discretion of each county probation department.<sup>10</sup>

A second attempt to mandate domestic violence training for probation officers was made in 2000 with the introduction of Senate Bill 2059. Senate Bill 2059 mandated 3 hours of domestic violence training for probation officers as part of their minimum training requirement, as well as ongoing continuing education in domestic violence for 3 hours every two years. The bill was vetoed once again, this time by Governor Gray Davis. Like Governor Wilson, Governor Davis stated that the training requirements were duplicative of the training already received by probation officers through the Board of Corrections.<sup>11</sup> In 2002, Senate Bill 2059 was re-introduced as Assembly Bill 145. This time, the bill was "held under submission" in the Assembly Appropriations Committee and never reached the Governor's desk.

Although mandatory training for probation officers remained elusive, probation officers struggling to effectively manage domestic violence cases were not without guidance or resources. The California Department of Health Services awarded a grant to the California Institute on Human Services of Sonoma State University to establish the Probation Project. The purpose of the Probation Project was to decrease the incidence of domestic violence in California by assisting probation departments in institutionalizing batterer program approval processes, facilitating collaboration between probation departments and the domestic violence community, and increasing funding for domestic violence prevention activities.<sup>12</sup>

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In addition, many county probation departments established specialized units for supervising domestic violence offenders.<sup>13</sup> These units generally consist of officers who have undergone training on domestic violence and whose sole responsibility is to supervise and monitor domestic violence offenders.

Despite these advancements, probation supervision of domestic violence offenders remains problematic. Fifteen (15) percent of the perpetrators in our 100-Case Survey were on probation or parole at the time of the murder. Nearly 70 percent of these perpetrators were on probation for past domestic violence against the woman they killed or another intimate partner.

The failure to effectively monitor these offenders and hold them accountable for probation violations can result in serious and deadly consequences. In a highly publicized San Francisco murder in 2000, Claire Joyce Tempongko was killed by her ex-boyfriend, Tari Ramirez, while he was on probation and attending a batterers treatment program. A few weeks before her murder, Ramirez violated his probation by attacking Tempongko and choking her, but was never arrested. Days later, he threatened Tempongko, violating his probation again, as well as an emergency protective order obtained by Tempongko after the choking incident. Although Ramirez was taken into custody, he was able to give police a false identity and, as a result, was charged with public drunkenness and ordered to perform community service rather than being jailed for a probation violation.

While there were many errors within the criminal justice system that contributed to Tempongko's murder, had the probation department been more effective in monitoring Ramirez's actions and communicating with Tempongko about her interactions with him, Ramirez should have been in jail at the time of the murder.

## WHERE ARE WE NOW?

Twenty (20) county probation departments were surveyed in order to assess current practices within California's probation departments in monitoring domestic violence offenders and gain departmental feedback on how to improve these practices to successfully protect victims and hold offenders accountable. Questions posed to departments covered all aspects of probation including intensity of supervision, frequency of contact with offenders and victims, and leniency of officers and courts with violations of probation. Each probation officer interviewed was also asked what the strongest and weakest aspects of the department's general protocols were with regard to combating domestic violence and what areas warranted improvement or change. The results of this survey are described below.

### **County probation departments implemented a variety of different methods of monitoring domestic violence offenders, depending on their size and resources.**

#### Specialized Domestic Violence Units:

Most of the probation departments surveyed (12 out of 20) have specialized domestic violence units. These units consist of probation officers, most of whom have undergone some type of specialized training in domestic violence, whose sole responsibility is to monitor domestic violence offenders. Even departments without a formalized unit typically assign all domestic violence cases to the same officer or officers. Only one department randomly assigned domestic violence cases to its officers.

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Most probation departments surveyed have specialized domestic violence units.

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Only 15% of probation departments surveyed had reduced caseloads for officers responsible for monitoring domestic violence offenders.

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#### Officer Caseloads:

Only 3 of the departments surveyed had significantly reduced caseloads for officers monitoring domestic violence offenders, particularly those monitoring “high-risk”<sup>14</sup> offenders. For example, in one county, domestic violence probation officers supervise just 50 offenders versus the usual 150 offenders for probation officers in other units. Generally though, the caseloads remain large. Moderate caseloads consist of 150 offenders per officer. Larger caseloads varied from 200 to 450 offenders per officer, with one department reporting that one officer supervises approximately 1,500 domestic violence offenders who have been determined to require only “minimal” supervision.

#### Offender Monitoring and Check-ins:

Most probation officers supervise offenders by setting up regular check-ins (either by phone or in person) or conducting field visits (at the offender’s home or work). The frequency with which probation officers are able to see offenders is closely related to the size of the officer’s caseload and the risk of danger posed by the offender. In counties with intense supervision of high-risk domestic violence offenders, weekly or bi-weekly check-ins are typically required, whether by phone or a face-to-face meeting. However, low-risk offenders may meet with their probation officer only once every two to four months. One department uses a graduated system whereby the probation officer has contact with the offender on a weekly basis when probation starts and then, depending on the offender’s behavior and compliance, the meetings become less frequent. On average, however, most county probation officers see their domestic violence probationers once a month, with occasional field visits. Only two departments reported conducting surprise visits with offenders on a regular basis. The remaining counties

cited lack of adequate manpower as the primary reason why they were unable to conduct such visits.

#### Minor Probation Violations:

The severity of consequences imposed by probation officers for violations of probation varies according to the nature of the violation. For “technical” violations, such as missing a batterer’s treatment class or a check-in with the parole officer, most departments (14 out of 20) will give the offender another chance or an opportunity to correct the violation. If the offender persists in committing the same or other technical violations, the officer will send him to court to explain the reasons for the technical violations and, in some cases, will recommend incarceration. Probation officers may be more lenient with offenders who have exhibited good behavior. However, the probation officers interviewed generally only allowed for 2-3 technical violations before sending the offender to court. Some officers allowed for more violations, stating that judges did not want to see offenders before them merely for one or two technical violations.

#### Serious Probation Violations:

All departments reported taking a tough stance on serious violations of probation or new criminal conduct by the offender. Serious violations can include threats or violence against the victim, being terminated from a batterer’s treatment program, testing positive on a drug test while enrolled in a court-ordered substance abuse program, or lesser conduct if dealing with a “high-risk” offender. In such cases, officers will send the offender back to court for the violation. In some cases, the probation officer will recommend to the judge that probation be revoked and jail or prison time imposed.

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All departments reported taking a tough stance on serious probation violations and new criminal conduct by the domestic violence offenders they supervise.

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The majority of probation departments surveyed do not conduct regular check-ins with the victims of the domestic violence perpetrators they supervise.

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Only 5 departments reported having a “zero tolerance” policy for any violation of probation. In one county, missing even one class will result in requiring the offender to return to court and explain to the judge about the absence.

#### Victim Contact and Check-ins:

A majority of the departments surveyed do not conduct regular check-ins with domestic violence victims. Rather, most departments (14 out of 20) only contact victims at the start of probation in order to evaluate the offender, notify victims of the status and terms of probation, and/or provide victims with a list of local resources. Five (5) departments reported sending victims their notification and list of resources by mail, thus, having no personal contact with victims. One department reported never having any contact with victims throughout the entire probation period. Of the departments that did regularly communicate with victims, 3 departments only engage in such communication if the victim is still in a relationship with the offender. In such cases, one department requires victims to attend regular check-ins with offenders. The probation officer then meets separately with the victim and the offender.

#### Data Collection and Analysis:

None of the departments surveyed tracked statistics or information regarding their domestic violence caseload in order to assess their programs and areas for improvement.

**Many of the surveyed probation officers experienced similar successes and setbacks in their efforts to monitor domestic violence offenders.**

#### Need for Officer Training:

A majority of probation departments repeatedly emphasized that it is critical for officers, attorneys and judges, to receive domestic violence training in order to understand the context of the situations and better handle the unique aspects of domestic violence cases and offenders.

#### Need for Specialized Domestic Violence Courts:

There was a consensus among departments that specialized domestic violence courts are critical to ensuring that domestic violence cases and offenders are properly handled, particularly where probation is concerned.

#### Unmanageable Caseloads:

Many departments highlighted unmanageably large caseloads as a glaring weakness in their domestic violence probation programs. Most often, departments blamed budget cuts and lack of funding for the understaffed, over-burdened state of domestic violence caseloads. Departments expressed concern that large caseloads do not afford probation officers the adequate resources or time to implement the intense supervision that domestic violence cases require. Indeed, many interviewees felt that, due to lack of adequate resources, they were only able to put out fires as emergencies arose, rather than have long term positive effects in combating domestic violence and keeping victims safe.

#### Victim Non-cooperation and Recanting:

Many departments expressed frustration with victims' reluctance to cooperate with the penal system and to permanently separate themselves from their abuser. Some departments noted that victims

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Many departments cited budget cuts and unmanageable caseloads as the primary reasons why they are not able to take a more active and comprehensive approach to monitoring domestic violence offenders.

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A significant number of probation departments complained that judges are being too lenient with domestic violence offenders and are failing to hold repeat offenders accountable for probation violations.

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would often call the probation officer with complaints about the offender, but would not want the offender arrested or brought in for his behavior. One department complained about victims filing false police reports when they were upset with the offender. This department suggested that victims be prosecuted for this type of behavior. Many departments suggested mandatory counseling for both the offender and the victim in such cases.

#### Need for More Judicial Training:

Departments were largely in agreement that judges trained in the area of domestic violence better understand the special circumstances involved in domestic violence cases and recognize the importance of imposing significant consequences and restrictions on domestic violence offenders who violate probation. Moreover, a trained judge is more likely to understand the cycle of the violence and the psychological stronghold the offender often has over the victim, as well as recognize that batterers come in all forms and sizes and, therefore, will be equally punitive with all offenders regardless of their demeanor or lack of prior criminal record.

#### Judicial Leniency:

A significant number of departments complained that judges were too lenient with domestic violence offenders and, in particular, failed to hold repeat offenders accountable for probation violations. According to these departments, judges often ignored their recommendations for imprisonment or serious punishment of the offender and, instead, let the offender off with a slap on the wrist even for serious violations of probation. Departments complained that the failure of judges to enforce their recommendations made their jobs more difficult because such leniency gives offenders

the impression that their behavior is acceptable. This complaint surfaced less frequently in counties that had specialized domestic violence courts.

#### Need for More Effective Batterer's Treatment Programs:<sup>15</sup>

Many departments expressed dissatisfaction with current batterer's treatment programs and their failure to hold offenders accountable for their abusive behavior. In addition, a few departments complained that the current 52-week batterer's treatment programs are not long enough to effect lasting change or improvement for an abuser. One department complained that, despite the fact that California law requires enrollment in a 52-week program, judges are allowing defense attorneys to plea bargain down the length of enrollment to as low as 22 weeks.

A few departments complained that offenders' inability to pay fees for attending court-ordered batterer's treatment programs makes it extremely difficult for them to force compliance with this condition of probation. Some departments attributed this problem to the failure of the courts to reduce or waive such fees based on the offender's ability to pay. One department attributed this problem to the way offenders prioritize spending their money, rather than unjust court orders.

#### Officer Turnover:

One department cited the constant turnover and movement of officers within the department as being problematic. This department complained that removing an officer who has established a routine, knowledge base, and rapport with a domestic violence offender can be very detrimental to the overall supervision of that offender.

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Many probation departments expressed dissatisfaction with current batterer's treatment programs.

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Effective Collaborations:

As an area of success, a few departments highlighted the fact that they are able to work very collaboratively with other agencies, including the district attorney's office, local law enforcement, and domestic violence service organizations, to identify the best way to address the various problems and issues faced by a particular offender and his victim.

## WHERE DO WE GO FROM HERE?

Departments were asked to voice suggestions for improving their counties' domestic violence probation programs and supervision efforts. Not surprisingly, suggestions for improving probation supervision of domestic violence offenders mirrored department complaints about the current challenges that they face in their work. After reviewing the suggestions offered by the surveyed departments, as well as current research and model programs concerning the effective probation supervision of domestic violence offenders, we offer the following recommendations for improvement:<sup>16, 17</sup>

- **Counties should establish specialized units within their probation departments dedicated to monitoring domestic violence offenders.** Given the significant fiscal constraints faced by many departments, this recommendation includes providing county probation departments with the financial and technical support they need to establish these specialized units. At a minimum, probation departments should routinely assign all domestic violence offenders to the same officer(s).

- **Probation officers responsible for supervising domestic violence offenders should be required to complete substantial training and continuing education on domestic violence.** Officer training should be developed and conducted by legal, medical and/or community professionals who specialize in assisting domestic violence victims or offenders. Training should include instruction on cycles and patterns of abuse, the tactics and psychology of batterers, and the reasons why victims often recant or refuse to cooperate with authorities. It should also include practical instruction for officers on conducting comprehensive lethality and risk assessments for offenders with regard to victims and other family members.

- **Probation officers should conduct pre and post-trial lethality /risk assessments for offenders, with regular follow-up assessments of offenders' potential risk of danger to victims and other family members during the probationary period.** Lethality/risk assessments should be comprehensive and include confidential interviews with the victim and other family members who have knowledge about the offender's past history of violence and abuse. Numerous tools and models have been developed to assist probation officers in conducting lethality/risk assessments, including guides for effectively interviewing domestic violence victims.<sup>18</sup> Departments should review available models and adopt lethality/risk assessment protocols and forms for probation officers. In addition, departments should provide trainings for officers in how to conduct lethality/risk assessments.

- **All domestic violence probationers should be subject to intensive monitoring and supervision.** All domestic violence offenders must be treated as potentially dangerous to their victims and subject to intense probation supervision. The level of intensity of supervision may vary, or be modified over the probationary period, according to the results of lethality/risk assessments performed by the probation officer. However, even “low risk” offenders should be subject to frequent, regular check-ins and visits. Intense supervision is crucial given the constant risk of harm to the victim while her abuser is “on the streets” and the ability of many “high risk” batterers to present themselves to courts and officers as amiable, mild-mannered and respectful.

- **Probation departments should reduce caseloads to the extent practicable to ensure that officers are able to effectively supervise domestic violence offenders.** Probation departments must be provided with the financial and technical support they need to reduce officer caseloads.

- **Probation departments should conduct regular check-ins with victims of domestic violence offenders.** The victim is the best source of information about the offender’s conduct while on probation. Moreover, it is important that officers remain accessible to victims throughout the probationary period in the event the offender harasses, threatens or commits further acts of violence against the victim. Probation officers should conduct regular check-ins with victims regardless of whether the victim and the offender are still in a relationship. Meetings with a victim should be confidential and conducted at a separate time than the officer’s meetings with the offender. The officer should keep that victim apprised of any developments in the offender’s case or probationary status.

- **Probation departments should establish and implement protocols for monitoring domestic violence offenders.** Protocols should institutionalize probation officer duties and responsibilities pursuant to Penal Code §1203.097, emphasize victim safety and offender accountability, and incorporate our recommendations listed above for supervising domestic violence offenders and maintaining contact with victims. Protocols should be developed with input and assistance from judges, prosecutors, probation officers who supervise domestic violence offenders, victim advocates and other relevant professionals.

- **Probation officers and judges should enforce a “zero tolerance” policy for probation violations committed by domestic violence offenders.** Domestic violence offenders must be held strictly accountable for complying with all conditions and terms of their probation. To this end, probation officers should recommend, and judges should impose, meaningful consequences for all probation violations. For minor or technical

violations, offenders should, at a minimum, be sent to court to address the reasons for the violation with the judge. For serious violations, jail time should be imposed on the offender. For violations involving further violence or threats against the victim, probation should be immediately revoked and the offender incarcerated. An offender should be held accountable for probation violations even if the victim does not want the offender to be arrested or suffer consequences for his behavior.

- **Judges who regularly oversee criminal domestic violence cases and offenders should be required to complete substantial training and continuing education on domestic violence.** Judicial training should be developed and conducted by legal, medical and/or community professionals who specialize in assisting domestic violence victims or offenders. Training should emphasize the critical role that courts play in holding batterers accountable and keeping victims safe, including examples of how effective court orders and sentencing contribute to the prevention of domestic violence and domestic violence homicides.

- **Judges should not allow domestic violence offenders to reduce the term of a 52-week batterer’s treatment program as part of a plea bargain. California mandates enrollment in a 52-week batterer’s treatment program for all domestic violence probationers.** By authorizing plea bargains that enable batterers to avoid complying with this mandate, judges send a dangerous message to the perpetrator and the community that domestic violence offenders will not be held fully accountable for their criminal conduct.

- **Probation departments should take steps to reduce high officer turnover.** Actions to reduce officer turnover may include strengthening hiring and recruiting practices and providing officers with the support and resources they need to deal with work-related “burn out” and stress.

- **Probation departments should foster interagency partnerships and collaborations aimed at preventing domestic violence and domestic violence homicide.** Officers who monitor domestic violence offenders should be strongly encouraged to participate in coalitions and working groups focused on domestic violence and domestic violence homicide prevention. In addition, departments should take the lead in developing networks with other county probation departments, as well as with local government agencies and community-based organizations that play a role in responding to domestic violence. Such collaborations will

assist departments in continuing to evaluate how they can improve oversight and monitoring of domestic violence offenders.

- **Probation departments should collect and analyze data on domestic violence probationers.** Collecting and analyzing data on domestic violence probationers can help departments assess their effectiveness in supervising these offenders and provide advocates with vital information on trends and potential risk factors concerning batterers on probation. In addition to general demographic data (e.g. age, race, relationship to victim, etc.), information collected should include the number, type and seriousness of probation violations among offenders, including tracking the extent to which offenders complete court-ordered treatment programs and the prevalence of recidivism among offenders.

## (Footnotes)

1. Jose Arballo, *Violence Visited Her One Last Fatal Time; Crime: Authorities Allege That a Perris Abuse Victim's Former Husband Took Away Her Future*, THE PRESS-ENTERPRISE (July 12, 2001); Mike Kataoka, *Man Recalls Panic at Wife's Death*, THE PRESS-ENTERPRISE (July 23, 2002); Mike Kataoka, *Man Found Guilty of Killing Ex-Wife*, THE PRESS-ENTERPRISE (July 26, 2002).
2. This statistic is based on California Department of Justice statistics regarding the disposition of adult arrests for felony spousal abuse in 2000. According to these statistics, there were a total of 12,132 felony domestic violence convictions in 2000. As a result of these convictions, 10,846 offenders received a sentence of probation or probation with jail.
3. Unlike many other states, there is no statewide agency that governs probation for adults and juveniles in California. Rather, probation is entrusted to county governments and each of California's 58 counties has a probation department. San Francisco County has separate juvenile and adult county probation departments, resulting in a total of 59 county probation departments in the state. See Christopher D. Condon, *Falling Crime Rates, Rising Caseload Numbers: Using Police Probation Partnerships*, CORRECTIONS TODAY (February 2003).
4. U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, *Probation Officers and Correctional Treatment Specialists*, OCCUPATIONAL OUTLOOK HANDBOOK (2002-03 ed.), available at <http://www.bls.gov/oco/ocos265.htm> (accessed August 8, 2005).
5. County probation departments are responsible for certifying and monitoring batterer's treatment programs. Batterer's treatment programs will be discussed in further detail in future volumes of this report.
6. CALIFORNIA STATE ASSEMBLY, *Assembly Committee Analysis of Assembly Bill 93X* (July 18, 1994).
7. CAL. PENAL CODE § 1203.097(a)(12) (2005).
8. Eligibility for "diversion" was based on the following factors: (1) charge was a misdemeanor; (2) assault did not involve a deadly weapon; (3) defendant had not been convicted of any violent offenses or been diverted within the past 10 years; (4) defendant's record did not indicate that probation or parole had ever been revoked without having been completed.
9. CALIFORNIA STATE SENATE, *Senate Committee Analysis of Senate Bill 169* (July 15, 1995).
10. Veto letter addressed to the Members of the California Assembly and signed by Governor Pete Wilson on September 29, 1997, available at [http://www.leginfo.ca.gov/pub/97-98/bill/asm/ab\\_0501-0550/ab\\_520\\_vt\\_19970929.html](http://www.leginfo.ca.gov/pub/97-98/bill/asm/ab_0501-0550/ab_520_vt_19970929.html) (accessed August 8, 2005).
11. Veto letter addressed to the Members of the California Senate and signed by Governor Gray Davis on September 10, 2000, available at <http://www.leginfo.ca.gov/pub/99-00/bill/>

sen/sb\_2051-2100/sb\_2059\_vt\_20000910.html (accessed August 8, 2005).

12. Promising Practices Guide, THE PROBATION PROJECT, p. 1, available at <http://www.sonoma.edu/cihs/html/Probation/probationpromisingpractices.htm> (accessed August 8, 2005).

13. See *County Probation Department*, CONTRA COSTA COUNTY PROBATION DEPARTMENT, available at <http://www.co.contra-costa.ca.us/depart/probation/index.html> (accessed August 8, 2005); *Who We Are – Department Overview*, RIVERSIDE COUNTY PROBATION DEPARTMENT, available at <http://www.probation.co.riverside.ca.us/deptoverview.htm> (accessed August 8, 2005); *Adult Division-Domestic Violence*, SAN MATEO COUNTY PROBATION DEPARTMENT, available at [http://www.co.sanmateo.ca.us/smc/departement/home/0,,1999\\_18885651\\_18885644,00.html](http://www.co.sanmateo.ca.us/smc/departement/home/0,,1999_18885651_18885644,00.html) (accessed August 8, 2005).

14. Most county probation departments conduct a risk/needs assessment to determine the appropriate level of probation supervision for an offender. NATIONAL CENTER FOR JUVENILE JUSTICE, *State Profiles: California, Probation Supervision*, available at <http://www.ncjj.org/stateprofiles/profiles/CA04.asp?state=CA04.asp&topic=Profile> (accessed August 30, 2005). Generally, “high-risk” offenders are those who have been determined to pose a serious risk to the community that warrants heightened supervision and monitoring by probation officers. See LOS ANGELES COUNTY PROBATION DEPARTMENT, *Adult Special Services Bureau, Adult Supervision, High Risk Offenders (HFO)*, available at <http://probation.co.la.ca.us/adult/aspecial.html#ADULT%20SUPERVISION> (accessed August 30, 2005) and SANTA BARBARA COUNTY PROBATION DEPARTMENT, *The Santa Barbara County Probation Department (2004)*, p. 17, available at [http://www.countyofsb.org/probation/generalinfo/departement\\_ow.pdf](http://www.countyofsb.org/probation/generalinfo/departement_ow.pdf) (accessed August 30, 2005).

15. An in-depth examination of batterer’s treatment programs will be included in future volumes of this report.

16. Policy recommendations regarding batterer’s treatment programs will be included in future volumes of this report.

17. It should be noted that the American Probation and Parole Association (“APPA”) and Council of State Governments (“CSG”) have been awarded a federal grant to evaluate the effectiveness of the Rhode Island Department of Corrections’ Domestic Violence Unit, which administers a specialized probation program for domestic violence offenders similar to that utilized by some California county probation departments. While the results of this study are still pending, they will be critical to evaluating what further actions can be taken to improve domestic violence probation supervision in our state.

18. See THE PROBATION PROJECT, *supra* note 12; F. Mederos et al., *Domestic Violence and Probation*, VIOLENCE AGAINST WOMEN ONLINE RESOURCES, available at <http://www.vaw.umn.edu/documents/bwjp/probationv/probationv.html>.