IPV REUNIFICATION PRINCIPLES

guidance when contact is requested in intimate partner violence cases

Updated May 2024

This document was approved for use in Minnesota by Minnesota's Domestic Violence Steering Committee (DVSC) on May 7th, 2024. This is a living document and will be reviewed annually by the DVSC and updated to reflect new research and best practices as needed.

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Purpose Statement:

The Department of Corrections, County Probation Offices, and Community Corrections Act Counties have identified the need for corrections professionals to collaborate with criminal justice professionals, victim advocates, and client treatment providers to develop a set of guiding principles specific to the issue of reunification between victims, at risk persons, and clients where there is a history of domestic violence and the client is being released from a Minnesota Correctional Facility, requesting an Intrastate transfer, or is on probation. Each corrections and probation agency has the autonomy to set their own parameters for reunification for clients residing in their supervision area but can use these principles as guidance.

Values:

- Victim driven for consideration of contact
- Case Managers and Supervising Agents actively initiate and develop ongoing, collaborative working relationships with community-based domestic violence advocates in their area
- Flexibility based on victim needs
- Flexibility depending on level of risk and threat of re-offending on behalf of the client

Guiding Principles for Reunification:

Three definite guiding principles for consideration of reunification include:

1. Provide victim(s) with local advocacy agency information and encourage them to consult and/or meet with a victim advocacy agency.
2. Require client to participate in relevant programming based on their risk, needs, and responsivity.
3. The agent has discussed with the victim a safe plan for communication between agent and victim going forward.

Eligibility/Criteria for Consideration of Reunification:

Eligibility for reunification is the same for probationary cases and supervised release cases.

Prior to consideration for reunification, agents and case managers should ensure there are no active criminal or civil court-ordered protective orders where the client is listed as the Respondent/Defendant and the victim is listed as the Petitioner/Victim.

Court-ordered protective orders may include:

- Domestic Abuse No Contact Order (DANCO)
- No Contact Order (NCO)
- Order for Protection (OFP)
    - OFPs may be granted as "protection only/contact allowed". This does not disqualify an individual from reunification. If there is an Order for Protection in place, make sure to read through the conditions thoroughly to know what no-contact conditions are in place. If you need assistance, you may contact the DOC victim assistance unit at 651-361-7250 or your local community-based advocacy agency.
- Harassment/Restraining Order (HRO)
- Open CHIPS cases or a social services agency has prevented the person from having contact with children and/or residing in the proposed residence.

If there is an active protective order in place that stipulates no contact when the client is placed on probation or supervised release, they are **not** eligible for reunification.

DETERMINING CONFIRMED QUALIFIED DOMESTIC RELATED OFFENSE (QDVRO)

QDVRO meaning is given in Minn. Stat. 609.02, subd. 16 and includes:

- **518B.01** - Violation of domestic abuse order for protection
- **609.185** - First degree murder
- **609.19** - Second degree murder
- **609.221** - First degree assault
- **609.222** - Second degree assault
- **609.223** - Third degree assault
- **609.2231** - Fourth degree assault
- **609.224** - Fifth degree assault
- **609.2242** - Domestic assault
- **609.2245** - Female genital mutilation
- **609.2247** - Domestic assault by strangulation
- **609.342** - First degree criminal sexual conduct
- **609.343** - Second degree criminal sexual conduct
- **609.344** - Third degree criminal sexual conduct
- **609.345** - Fourth degree criminal sexual conduct
- **609.377** - Malicious punishment of a child
- **609.713** - Terroristic threats
- **609.748** subd 6 - Violation of harassment restraining order
- **609.749** - Stalking
- **609.78** subd 2 - Interference with an emergency call
- **629.75** - Violation of domestic abuse no contact order
- **617.261** – Nonconsensual dissemination of private sexual images (revenge porn)

Victim and client relationship meets the definition of a family or household member as defined in Minn. Stat. 518B.01, subd. 2 and includes:

- spouses and former spouses;
- parents and children;
- persons related by blood;
- persons who are presently residing together or who have resided together in the past;
- persons who have a child in common regardless of whether they have been married or have lived together at any time;
- a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
- persons involved in a significant romantic or sexual relationship.

Considerations Prior to Reunification:

Recommendations for working with victim:

Reunification process must be victim driven and victim-centered. By victim driven, we mean that the victim has communicated with the MN DOC Victim Services and Restorative Justice Unit and/or the agent about their desire to reunify. In a victim-centered approach, we listen to the goals of the survivor, attempt to meet them when and how we can, and connect them with resources in the community. In practice, this looks like the following:

- If victim does not want reunification, the process ends there. For the safety of the victim, the client must never be informed that the victim prevented reunification from taking place, unless the victim expresses a desire for the client to know that information.
- If the victim changes his/her mind about reunification at any point in the process, the process also ends there. Again, for the safety of the victim, the client must never be informed that the victim put an end to reunification.
- Plan to introduce victim to a community-based advocacy program for additional support and resources if they are not already working with an advocate.
- If the victim does not want to work with a community-based advocacy program, the victim may include alternative support they've previously worked with (i.e., treatment provider, therapist, etc.).
- Engage in collaborative or joint decision-making process with the victim and their supports to assess for coercion and plan for safety.

- Solicit and consider victim's input when setting conditions for the client (i.e., ask what the victim would like to see happen regarding the client's requirements for treatment, therapy, etc.). Discuss with client that reunification is partially dependent on signing a release of information to allow the agent to share information with the victim that is related to the victim safety concerns.
- Plan for ongoing, continued communication with victim. This is crucial. Agent will create a check-in process with the victim during reunification planning. If victim continues to work with community advocacy, agents should know that community advocates have statutorily protected confidentiality privileges. The law protects both communications between the advocate and the victim, as well as victim records. The advocate cannot share victim information with agents without a written release between the victim and the community advocate. MINN. STAT. 595.02
- If there is a child in the home, agents should remember that the leading protective factor for children who live in homes with domestic violence is the relationship between the child and the non-abusive parent. To increase the safety and resiliency of the child, it is critical to support and provide for the safety and autonomy of the non-offending parent. In cases moving forward with reunification, agents should ensure that the victim-parent is provided with contacts for system and community-based resources that can best support the physical and mental wellbeing of the victim and children. To determine suitability as defined in DOC policy 203.018, factors for consideration can include: past or current CHIPS petitions, history of assaultive behavior towards children, age of the children residing in the residence, the safety plan the caregiver is willing to put in place and provide supportive services to mitigate harm, and the current relationship between the children and the client.

Whether or not the victim initiates the reunification or is amenable to reunification that a client proposes, agents should:

- Encourage victim to include victim advocacy or an alternative support in the reunification decision-making process, while recognizing that system/agents do not have "any authority over those not under supervision."
- If there is an active protective order in place that stipulates no contact and victim expresses desire to have it lifted in order to proceed with reunification, supervising agent should encourage the victim to connect with a community advocate prior to requesting a dismissal of the order, as there may be, a) modifications that can be initiated, instead of a total dismissal, and b) unintended consequences to dismissal on future protective order requests.
- Consider organizing a safety planning meeting for higher risk and/or higher threat clients. The safety planning process will mirror the DOC Victim Wrap-Around planning and include, but is not limited to, the victim, supervising agent, MN DOC Victim Services and Restorative Justice Unit staff, case manager, victim's employer, administrator, victim advocate, victim support person, law enforcement, victim witness, children's school, etc.

Recommendations for working with client:

- Consider current vs. historical behaviors of clients throughout the process.
- If available, clients with a qualified domestic violence related offense or have a history of committing qualified domestic violence related offenses must complete or be participating in intimate partner or domestic violence programming per MN State Statute 518 (b).02 or participating in relevant programming/treatment specific to the client's needs in coordination with victim input and client assessments. This may include: chemical dependency, mental health etc. If reunification is allowed, clients must still complete domestic violence programming if ordered.
    - If mental illness or chemical dependency was a factor in the offense, an assessment of the client must be done to determine appropriate treatment.
- Clients who are participating in or have completed recommended programming may be considered for reunification in conjunction with approval from treatment agent, supervising agent, and victim.
- The development and use of a reunification case plan for probation, advocacy, parole, etc. (Used to hold the process accountable to follow-up with victim and create trust.)
- Creation of a client safety plan that includes support and provides accountability to the client when there is a potential for at-risk behaviors.
    - This should include a list of individuals in the client's life that will hold them accountable for their actions upon release from custody.

DOMESTIC VIOLENCE REUNIFICATION GUIDING PRINCIPLES GLOSSARY

Intimate Partner Violence (IPV)

Intimate partner violence (IPV) is violence or aggression that occurs in a close relationship. The term "intimate partner" includes current and former spouses and dating partners. IPV can vary in frequency and severity and occurs on a continuum, ranging from one episode that might or might not have a lasting impact, to chronic severe episodes over a period of years. Behaviors includes physical violence, sexual violence, stalking, psychological aggression, and coercive control. (Center for Disease Control and Prevention)

Next-of-kin

In cases where the victim is deceased as a result of the crime, the deceased victim is identified as well as their next-of-kin. Next-of-kin is defined by statute and includes victims' parents, siblings, spouse and kids.

Qualified Domestic Violence-Related Offense (QDVRO)

Identifying domestic violence offenses in Minnesota involves a two-step verification process. This two-step process includes identifying if the statute is a potential QDVRO statute and if so, does the victim and client relationship meet the definition of a family or household member as defined in Minn. Stat. 518B.01, subd.2.

Potential QDVRO

A potential QDVRO means that the statute is identified in statute as a potential QDVRO therefore, the relationship between the client and victim must be determined.

Confirmed QDVRO

A confirmed means that the statute is identified in statute as a potential QDVRO and the relationship between the client and victim was determined to meet the statute definition of a household or family member.

Active QDVRO client

Client has an active sentence that is a confirmed QDVRO offense.

Inactive QDVRO Client

Client is not actively serving a sentence that is a confirmed QDVRO offense, but client has had a previous active sentence that is a confirmed QDVRO offense.

- Cases where a client's original charges include a qualifying act of domestic violence, but the charges were ultimately dismissed, must follow the guiding set of principles set forth in this document. The client's acts must have been committed from the same incident or set of circumstances.

Victim Safety Planning and Wrap-Around

A wrap-around safety meeting is part of a victim centered process offered by the MN DOC Victim Assistance and Restorative Justice Program. The wrap-around and safety planning meeting is designed to bring all stakeholders together at once to discuss victim's safety upon client's release from custody. This is an opportunity for the victim(s) to voice safety concerns regarding client's release from prison, provides a picture of community supervision, ensures that all stakeholders are on the same page, and creates a contingency plan for worst case scenarios.

Trauma-Informed

Trauma informed care is an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma. Trauma informed care also emphasizes physical, psychological, and emotional safety for both consumers and providers, and helps survivors rebuild a sense of control and empowerment (The Trauma Informed Care Project).

Victim

Minnesota State Statute 518B.01, the Domestic Abuse Act defines “domestic abuse” as committing one of the following offenses against a family or household member by a family or household member: (1) physical harm, bodily injury, or assault, (2) the infliction of fear of imminent physical harm, bodily injury, or assault, or (3) terroristic threats, within the meaning of section 609.713 sub.1., or interference with an emergency call within the meaning of section 609.78.sub.2.

* For the purpose of this document criminal sexual conduct is not included.

Family or household members means: (1) spouses and former spouses, (2) parents and children, (3) persons related by blood, (4) persons who are presently residing together or who have resided together in the past, (5) persons who have a child in common together regardless of whether they have been married or have lived together at any time, (6) a man and woman if the women is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time, and (7) persons involved in a significant romantic or sexual relationship.

For the purpose of this document victims also include individuals who have been the subject of a protective order in the past. This includes a Domestic Abuse No Contact Order, No Contact Order, Harassment Restraining Order or Order for Protection. Cases where an active protective order is in place will not be considered for reunification unless the protective order is a "protection only” order and allows for contact in the conditions.

Victim-Centered Approach

In a victim-centered approach, the victim’s wishes, safety, and well-being take priority in all matters and procedures. This approach is defined as the systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner. A victim-centered approach seeks to minimize re-traumatization associated with the criminal justice process by providing the support of victim advocates and service providers, empowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their perpetrators brought to justice (Office for Victims of Crime via Office of Justice Programs).

APPENDIX A – Frequently Asked Questions About Protective Orders

Type of Order	Order for Protection (OFP)	Harassment Restraining Order (HRO)	No Contact Order	Domestic Abuse No Contact Order (DANCO)	DOC No Contact Directive
IDENTIFYING TYPE OF ORDER & ISSUING COURT	Will include FA because it is issued by Family Court, for example 27-FA-13-123	Will included CV because it is issued by Civil Court, for example 27-CV-13-123	Will include CR because it is issued by Criminal Court, for example 27-CR-13-123	Will include CR because it is issued by Criminal Court, for example 27-CR-13-123	There is no associated case number. No Contact Directives are issued by Department of Corrections (DOC).
EFFECT OF VIOLATION	Criminal Offense	Criminal Offense	Criminal Contempt of Court	Criminal Offense	Subject to disciplinary action with the Minnesota Correctional Facility in which they are incarcerated.
WHO MAY REQUEST ORDER?	Requested by or on behalf of the victim of domestic abuse. Requestor must have significant relationship with client.	A victim of harassment or, if the victim is a minor, parent, step-parent or guardian	Prosecutor	Prosecutor	Requested by the protected person or on the behalf of the protected party by OSI, HRU or Victim Assistance Program.
HOW ONE IS ISSUED	Victim must file a Petition. Ex-parte order may be signed by Judge & will immediately go into effect without a hearing. Final orders may require a hearing if requested.	Victim must file a Petition. Ex-parte order may be signed by Judge & will immediately go into effect without a hearing. Final orders may require a hearing.	Issued in a criminal case by a Judge at the request of the Prosecutor with or without the knowledge or consent of the victim.	Issued in domestic violence related criminal court proceeding by a Judge with or without the knowledge or consent of the victim.	Any person can request to have facility or Victim Assistance Program staff issue a No Contact Directive per their written request to an incarcerated client.
CONFIDENTIAL	Yes, until the respondent is served and/or the court has designated the case to be.	Yes, until the respondent is served and/or the court has designated the case to be.	No	No	No
WHO CAN ISSUE, MODIFY, OR CANCEL	District Court at the request of the protected person	District Court at the request of the protected person	District Court	District Court	DOC at the written request of the protected person. On protected party's behalf by OSI, HRU, or VARJ if reason to believe significant safety concern.
EFFECTIVE PERIOD OF ORDER	Up to 2 years (please see 518B.01, subd. 6, for circumstances justifying extensions and extended periods of protection, up to 50 years)	Up to 2 years (please see 609.748, subd. 5, for circumstances justifying extensions and extended periods of protection, up to 50 years)	During the pendency of the case and during probation, if ordered by the sentencing court	Pretrial DANCO: During pendency of criminal case Probationary DANCO: until probation expires	Minimum of 6 months. Written request to remove No Contact Directive must be received by protected party.

APPENDIX B – Victim Safety Planning and Wrap-Around Information

What is a Safety Planning and Wrap-Around meeting?

A wrap-around safety meeting is part of a victim centered process offered by the Minnesota Department of Corrections Victim Assistance and Restorative Justice Program. The wrap-around and safety planning meeting is designed to bring all stakeholders together at once to discuss victim's safety upon client's release from custody. This is an opportunity for the victim(s) a change to voice safety concerns regarding client's release from prison, provides a picture of community supervision, ensures that all stakeholders are on the same page, and creates a contingency plan for worst case scenarios.

Stakeholders may include but are not limited to client case manager, community and/or county advocate, MN DOC Victim Assistance and Restorative Justice Representative, Law Enforcement, Victim, Victim Support Person, behavioral health, OSI, Victim's Employer, Children's School Administrator, or other.

Safety planning may include filling for an order for protection, placing the client on electric home monitoring, extra law enforcement patrol, MN DOC Victim zip code notification, keeping a stalking log.

A guiding principle includes a check-in process between the victim and supervising agent, victim advocate or alternative support.

- The check-in process will be discussed at the safety planning meeting in order to determine how often, methods of contact and who is involved in the check-in process.
  - O The check-in process will be flexible and determined on a case-by-case basis.
  - O To determine the best fit and/or options for the check-in process:
    - The client's level or risk or threat of re-offending will be considered.
    - The client's historical and current behavior will be considered.
    - Creation of "exit strategies" safety planning for victims if contact/reunification is approved and the victim is concerned for safety. (ie. what safeguards/information/strategies are in place to support reporting abusive behaviors/what is the support process if the behaviors should rise to probation/supervised release violations/how is victim advocacy incorporated?)

To identify a community-based advocate in your area: the Office of Justice Programs, a division of the Minnesota Department of Public Safety, provides a complete list of victim service organizations throughout the state of Minnesota. Visit their website at www.dps.mn.gov/ojp

For any questions regarding a safety planning or wrap-around meeting contact the DOC Victim Assistance and Restorative Justice Program at 651-361-7250 or victimassistance.doc@state.mn.us

APPENDIX C – Domestic Violence Victim Safety Planning Checklist

There are many reasons a domestic violence victim may opt to not go through with a comprehensive wrap- around safety planning meeting. A victim may still want and benefit from a conversation to help guide them in creating a safety plan. Please use following questions to aid in victim safety planning.

- ☐ Are you working with a community-based advocate? If not, would you like assistance in connecting with an advocate?
- ☐ Do you have a no-contact order (e.g. OFP, HRO, DANCO) and if you do, who has copies of it?
- ☐ Where can you keep important phone numbers (police, crisis line, shelter, friend) for yourself and your children, that will be difficult for the client to find?
- ☐ Is there anyone you can ask to call the police if they hear suspicious noises coming from your house or apartment?
- ☐ If you need to get out of your house or apartment in a hurry, what door, window, elevator or stairwell will you be able to use to get out safely?
- ☐ If you need a safe place to stay for a while, where can you go? Can you arrange to stay with family or friends in a crisis? Do you know how to contact Day One Services, to be connected with a shelter? (Day One 1-866-223-1111)
- ☐ Where can you keep your purse, an extra set of car keys or money for public transportation, so that you can grab them quickly?
- ☐ Do your children know how to use the telephone to contact the police?
- ☐ Is there a code word or signal you can use with friends, family, co-workers, or your children to alert them to call for help?
- ☐ Can you keep some money, some changes of clothes and important papers (e.g. birth records, social security cards for yourself and your children) hidden somewhere your partner doesn't know about, but you can get to quickly? Can you keep an "escape bag" with a neighbor or in the trunk of your car?
- ☐ If you think your partner is about to become physically abusive, how can you get to a room where there are fewer things that can be used as weapons? How can you avoid getting trapped in the kitchen, bathroom, basement, or garage?

APPENDIX D – Guiding Principles for Victim Driven Contact (Not Reunification)

Agents may receive a case where the victim does not initiate reunification, but instead requests contact with the client. The purpose of this one-page document is to offer guidelines or things to consider before allowing victim contact.

Considerations prior to approval of victim contact:

- Contact must be victim driven.
- It is recommended for the agent to investigate whether there has ever been a protective order in place (OFP, HRO, DANCO, and NCO) in the past or if there is a current protective order in place. This also includes: (1) an attempt to seek a protective order but was not granted by a judge and/or (2) a no-contact directive in place by DOC at the request of the victim.
    - If there has been a protective order in the past, then:

      1. A safety wrap-around meeting shall be conducted with the victim and their support network.

      2. If an order is currently in place agents must adhere to the protective order but may inform the victim how to file for a dismissal of the protective order before discussion of victim-initiated contact.

- If there has never been a protective order in the past, it is recommended for the agent to connect victim with MN DOC Victim Assistance and Restorative Justice Program, community advocacy agency or alternative support in order to determine a safety plan and/or schedule a safety-wrap around meeting.
    - If the victim does not want to meet with DOC, advocacy agency or alternate support, it is recommended the agent ensures the victim has a plan or contact person in place in case the client becomes violent.

APPENDIX E – Guiding Principles for Children in Common

Below are factors to consider when deciding on victim and client reunification when the parties share a child in common.

- If there is an active criminal case pending involving the child of either party agents should consider any criminal protective orders that may be in place prohibiting contact with child i.e. domestic abuse no contact order or no contact order.
- If there is an active civil/ family/juvenile court case pending involving the child of either party agents should consider any civil protective orders that may be in place prohibiting contact with child i.e. order for protection or harassment order.
- If there is an open court file where the child is described in a criminal complaint or protective order, agents must adhere to the courts imposed no contact orders.
- It is recommended for the agent to investigate past criminal or civil protective orders issued by a judge against the client where the child was a protected party.
- It is recommended for the agent to investigate past criminal history to learn if the child was a subject of past violence or was present during an offense committed by the client, even if the client was not charged or convicted of the offense.
- History of assaultive behavior towards children.
- Age of the children residing in the residence.
- The safety plan the caregiver is willing to put in place and provide supportive services to mitigate harm, and the current relationship between the children and the client.
- It is recommended for the agent to consult with relevant advocacy agency and/or other parent/guardian of the child to determine the safety of the child.
- It is recommended for the agent to consider a safety planning meeting for higher risk and/or higher threat clients. The safety planning process will mirror the DOC Victim Wrap-Around planning and include, but is not limited to: victim, supervising agent, MN DOC Victim Assistance and Restorative Justice Program staff, case manager, victim's employer, administrator, victim advocate, victim support person, law enforcement, victim witness, children's school.
- Require that victim advocacy or alternative support must be part of decision-making process while recognizing the system/agents not having "any authority over those not under supervision."

APPENDIX F – Guiding Principles for High Threat Clients in New Relationships

The following guiding principles are meant to provide a framework on how to work with clients who request to reside with a new partner upon release from custody or prison, or who are already on supervision, and meet at least one of the following characteristics:

- has significant history of domestic violence related offenses (convicted or not).
- has a documented pattern of committing new domestic violence related offenses upon release from custody or prison.
- has a documented pattern of committing new domestic violence related offense against a new partner upon release from custody or prison.
- has not completed any type of relevant programming or treatment to address drivers of behavior while in custody or prison.

Recommendations for working with client's new partner:

- Case Managers and Supervising Agents should reach out to the individual with a signed release of information to address any concerns regarding their client's previous behavior, as noted in the above characteristics.
- Case Managers and Supervising Agents should be prepared to provide the individual with contact information for the local community-based advocate and/or contact information for DOC Victim Assistance and Restorative Justice Program.
- Put in language for post-reunification contact (check in).

Recommendations for working with client:

- If available, clients with a qualified domestic violence related offense or have a history of committing qualified domestic violence related offenses if available must complete or be participating in intimate partner or domestic violence programming or participating in relevant programming/treatment specific to the client's needs based on agent's assessment or evaluation prior to release. This may include chemical dependency, mental health etc. Client must still complete domestic violence programming if ordered.
    - If mental illness or chemical dependency was a factor in the offense, an assessment of the client must be done to determine appropriate treatment.
- Clients who are participating in or have completed recommended programming may be approved to reside with new partner in conjunction with approval from treatment agent, supervising agent, and new partner.
- Clients who have had a qualified domestic violence related offense in their history and there is a significant length of time since date of offense and there is no evidence of current domestic violence related behavior the agent in consultation with new partner, or other relevant party is able to make the determination to approve clients request to reside with

new partner.

- The development and use of a safety plan for probation, advocacy, parole, etc. (Used to hold the process accountable to follow-up with new partner and create trust.)
- Creation of a client safety plan that includes support and provides accountability to the client when there is a potential for at-risk behaviors.
    - This should include a list of individuals in the client's life that will hold them accountable for their actions upon release from custody.

APPENDIX G – Best practices for Agents and Case Managers when communicating with victims

A. Check List (corrections staff should go over the following items, in order):

- Identify yourself, but do not immediately start in with conditions of release
    - Name, job, agency/facility

- Develop relationship/build trust by explaining your goals for the call
    - Tell them **why** you are calling (the client provided their name as a release placement)
    - You are calling to understand **their** desires and needs moving forward
    - You are there to answer **their** questions

- Offer information before asking for information
    - Tell them how the information they share with you will be used - *what will be shared with the client?*

- Go over conditions of release and rules of supervision
    - Explain what supervision will look like and answer any questions they have about the supervision period

- Elicit any concerns the victim may have around their safety
    - Is there a history of domestic abuse?
    - Have law enforcement ever been called?
    - Has there ever been an OFP or HRO?
    - Has he or she ever threatened you?
    - Past conduct while on supervision?
    - Drug/alcohol history?
    - Weapons use/possession history?

- **Ask if they are aware that the client is using them as a placement option**

- **Ask if they want the client to live with them**

- **No fault denial**
    - Ensure that the victim understands that they can refuse the placement and that the client will not be made aware of that refusal. The agent or case manager must deny the plan in a manner that won't implicate the victim; it may not have been the victim's choice to be listed as a possible release placement or there may have been coercion involved. It is the agent or case manager's job to ensure that the blame for denial is not placed on the victim; we don't want give an client cause to seek retribution.
    - *Sample language to use in a denial: Standard DOC conditions of release do not permit you to have contact with the victim/victims. Any deviation from that condition is at my discretion and I am not allowing it at this time.*

- Establish a plan for future contact
    - What is the safest way for you to communicate with them in the future? Might the victim want to put your contact information in their phone under a different name?

- Provide info on local victim advocacy program; if victim would prefer a warm hand-off, connect them with a contact at the agency directly

- **Remember, regardless of what a victim says to you, leave them better than you found them.**
    - How you treat them will reflect on the entirety of the criminal justice system – not just on corrections or your agency. Don't turn them off from future criminal justice interventions - their safety may depend on it.

Scripted Questions and Responses

Probation Interviews with Victims of Battering: Building a Foundation for Current and Future Safety

James E. Henderson, Jr. with Jane Sadusky, 2014

B. What To Say

- Begin with less intrusive questions an normalize their experiences
- Provide information bout the criminal justice system
- Discuss confidentiality
- Be clear and transparent about what the system can or cannot do
- Help individuals to understand procedures and rationale behind procedures
- Help individuals access the system and community resources
- Listen for lethality risks
    - If you are unfamiliar with lethality assessments, you can find information about the most widely used assessments here: https://vawnet.org/sc/tools-strategies-assessing-danger-or-risk-lethality
- Convey that there is no justification or escuse for choosing to abuse
- Acknowledge power and control tactics as abusive
- Identify criminal behaviors of offender
- Validate, respect, listen, and acknowledge strength
- "How can I be helpful to you?"
- "I appreciate you taking the time to talk to me today."
- "Please take your time."
- "Is there anything else that you wre hoping we would discuss that we haven't?"
- "I can see that you really care about… are concerned about…"
- Utilize openers and qulifiers
    - "Many of the men…"
    - " A lot of women have told me…"
    - "Often when this happens…"
    - "Often we see…"
    - "It has been my experience…"
    - "Research indicates…"
    - "Sometimes we see…"

AVOID

- Telling the victim what to do
- Joining the victim's justification of abuser's behavior
- Criticizing the victim's behavior or victim-blaming
- Assuming that the person you are speaking with sees him/herself as a victim or survivor ofdomestic violence.
    - Listen for how the person describes themself and follow their lead. If they say outright, "domestic violence doesn't apply to me, I'm not a victim," pay attention.
    - Acknowledge that "victim" is the language used by the criminal justice system for the type of crime and perhaps it does not apply in his/her situation.

AVOID SAYING

- "You need to..."
- "You should..."
- "You must..."
- "If I were you, I would..."

ALWAYS

- Acknowledge the expertise of victim advocates.
- Offer to find out the answer for them or connect them to the right person to answer their question if you yourself don't know the answer to their question.
- Ask, "What can we do to help make you safer?"

A further note about language:

Victims who identify as victims or survivors may have strong feelings about which word is used to describe them or their experience. It is common to use the word "victim" when referring to someone who has recently been impacted by domestic or sexual violence; when discussing a particular crime; or when referring to aspects of the criminal justice system. We often use "survivor" to refer to someone who is going/has gone through a healing/recovery process, or when discussing the short-or long-term effects of interpersonal violence. The reality is that no one word can capture the experiences of every person who has experienced domestic or sexual violence. Some people identify as a victim, while others prefer the term survivor. The best way to be respectful is to ask what they prefer.
Sources: RAINN; force; upsetting rape culture

Probation Interviews with Victims of Battering: Building a Foundation for Current and Future Safety, James E. Henderson, Jr. with Jane Sadusky can be found in its entirety at: https://www.bwjp.org/resource-center/resource-results/probation-interviews-with-victims-of-battering-building-a-foundation-for-current-and-