

- c) offenders will get around the intent of the policy
- d) the policy/response will be used against victims of battering
- e) different levels of dangerousness and risk require different levels of response
- f) punishment/sanction will have an impact on the offender
- g) rehabilitation/programming could be used against victim
- h) victims use violence against their abusers
- i) slowness will impact victim safety
- j) children are affected by violence
- k) offenders could use children to control victims
- l) institutions send double messages about children's exposure to violence
- Determine who needs information, when, and how they will get it
- Distinguish between differing impacts of intervention depending on the social status of victim/offender
- Put it in on the formCdon't rely on memory
- Develop standardizing procedures that focus on safety (i.e. matrix, police report form, control log, dispatching screen)
- Don't expect practitioners to be robots
- Provide training that focuses on why and how to carry out new practices by using case studies
- Focus the assessment of institutions on what frames a practitioner's response:
 - a) rules and regulations
 - b) administrative forms and procedures
 - c) resources and technology
 - d) linkages to others in the system
 - e) training and ways of thinking
- Make sure the policy covers:
 - a) what to do under specified circumstances
 - b) guidelines to put cases into appropriate levels of response
 - c) methods to ensure practitioner compliance (tracking)

d) guidelines for making exceptions to the policy

e) how to document actions

f) how and with whom to share information on a case

If the policy is for the greater good, then it should be carried out in ways that protect the individual victim as much as possible.

REFERENCES

Pence, E. & Lizdas, K. (1998). The Duluth Safety and Accountability Audit. Duluth, MN: Minnesota Program Development.

Pence, E. (1996). Safety of battered women in a textually mediated legal system. Unpublished doctoral dissertation. University of Toronto, Toronto, Canada.

Smith, D.E. (1990). Texts, facts and femininity: Exploring the relations of rulings. New York: Routledge.

Chart 1

Domestic Violence–Related Misdemeanor Sentencing Recommendation Matrix

Category one	Category two	Category three	Category four
<p>The offender commits an offense against the victim but there is no evidence to suggest the offender is battering the victim. The offender has no history of battering.</p> <p>This category may include offenders who commit an act uncharacteristic of their typical behavior. It may also include victims of battering who use illegal violence or activities to control or stop violence used against them.</p> <p>Considerations: If the offender in this case is experiencing ongoing battering by the person assaulted, the probation officer considers safety measures for both parties. Specialized programming is recommended, and the probation officer does not consider executed</p>	<p>The offender engages in battering behavior against the victim, but there is no indication that the battering is escalating in severity or frequency, or that this offender has battered another person.</p> <p>This category may include batterers whose histories include using low levels of violence and activities that threaten or intimidate the victim.</p> <p>Considerations: Recommendations focus on victim safety and rehabilitation programming rather than sanctions.</p>	<p>The offender has established a clear pattern of battering with this or past victims. The PSI indicates the battering will likely continue and possibly escalate in severity and frequency.</p> <p>This category may include batterers whose histories include multiple domestic violence–related contacts with the police; demonstrated harassing behavior* toward the victim; violation of an OFP; or repeated threats or assaults against this or other victims. The victim may be in fear of serious bodily harm.</p> <p>Considerations: Victim safety recommendations are combined with more sanction-oriented sentencing, such as the maximum probationary period, some executed jail time, and rehabilitation programming.</p>	<p>The offender’s PSI demonstrates that the heightened, obsessive, and/or unrelenting nature of the battering poses a high risk of serious harm to this or other victims.</p> <p>This category includes offenders with histories similar to those of category 3 offenders but may also include stalking behavior,* threats to seriously harm or kill; use of weapons or threats to do so; and injuries that require medical attention.</p> <p>Considerations: Recommendations include the strongest victim safety measures possible, including working with child protection on children’s safety. A substantial jail term and</p>

jail time unless the assault is severe.

long-term probation may be combined with programming if offender is amenable.*

Incarceration or other correctional programming*

30 days stayed jail	60 days stayed jail	60 days stayed jail 10-30 days executed jail	60-90days stayed jail 20-30 executed jail	30 days stayed jail 60 days executed jail or 90 days straight time
Gross misdemeanor incarceration or other correctional programming*				
	91-120 days stayed jail 0-45 days executed jail	91-120 days stayed jail 45-120 days executed jail	120-180 days stayed jail 120-180 days executed jail	180-365 days stayed jail 180-365 executed jail

Probation duration (Gross misdemeanor convictions routinely receive 2 years probation)

1 year	2 years
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