

Tri-County Batterer Intervention Provider Network minutes: December 12, 2000

Present: Paula Manley (Private practice), Margaret Langslet (PSU), Chris Huffine (Men's Resource Center), Michael Davis (Changepoint), Guruseva Mason (Transition Projects-BIP), and Songcha Bowman

Minutes by Margaret Langslet, edited by Chris Huffine.

Topic- Deferred Sentencing

Discussion

-Deferred Sentencing programs vary greatly from county to county. Some are more effectively run than others.

-There is presently state legislation being developed to standardized DS programs around the state to help create an acceptable common standard for DS practices. This legislation will be introduced in the next legislative session (2001). It is unclear whether it will be passed. One concern is where the money to fund DS programs will come from.

(Multnomah County's deferred sentencing is a nine-month commitment that happens very quickly after arraignment. They see a probation officer regularly and they are usually treated like a probation client. If they reoffend they are usually sent to the same probation department.

(A couple concerns of deferred sentencing are that in some counties there is not much supervision and limited sanctions for breaking deferred sentencing.

(Deferred sentencing allows the men to avoid dealing with their crimes and it doesn't force the police to gather evidence. While this allows police to put more time and energy into other cases and can cost less, it may also reduce the level of accountability by sparing men the full trial process. The victim doesn't have "their day in court" as they would with traditional adjudication.

(An advantage to DS is because there is no formal trial, it allows cases that wouldn't normally be adjudicated (e.g., those with limited evidence or victim cooperation) to lead to a guilty plea and involvement in the system.

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-A related disadvantage is that it has also increased the number of women who are being adjudicated. They often are secondary aggressors who feel intimidated by the system and opt to plead guilty. Because DS is generally offered at the time of arraignment, the DA, who typically was one of the points where secondary aggressors were not prosecuted, is not involved and therefore those individuals are not “weeded out”.

(A good thing about deferred sentencing is that it allows

for more timely intervention since there is not the typical delay between arraignment and trial/post-conviction supervision. This helps victim safety.

(How do victim advocates and victims feel about deferred sentencing? Victim advocates appear to typically have mixed and cautious concerns. They might feel that there is no adequate accountability and that the men are being let off easy. On the other hand, they are typically in support of any interventions that increase the number of abusive men who are being prosecuted for their crimes.

(Another advantage is that it uses fewer system resources.

(Another concern is that immigrants have chosen deferred sentencing because a conviction would change their citizenship.

(Is there a time limit? It varies from county to county typically between 6-12 months. An extension can be asked for in some counties. It is felt by some that having people mandated for less than a year reduces the likelihood of significant change being sustained. For example, expecting significant, sustained change from enrollment of less than 9 months may be unrealistic. There is conflicting research on the connection between program length and effectiveness. While some research has found no connection (i.e., longer isn't necessarily more effective), other research has indicated that longer interventions may be somewhat more effective.

(The conceptualization was that some men who are first time offenders are more responsive to and more likely to take advantage of interventions rather than typical criminal consequences. It is thought that with appropriate intervention they are less likely to reoffend. It was seen as a privilege for people who are less likely to reoffend. It was not for hardened criminals or reoffenders. In truth, as providers know, most “first time offenders” have a significant prior history of domestic violence, they simply have not previously been charged with a crime. The reality is that many of the men have long histories of violence before they are arrested. Some providers see very little difference in the histories/qualities of men who are on deferred sentencing and those on formal probation.

(Another concern with deferred sentencing is the pressure it may put on providers to prematurely release someone from treatment to meet the court imposed deadline. In some cases men have been working hard and appear to be making some changes, but are not yet ready to be released by the DS deadline—what should a provider do then? When there is formal probation there are generally more options available, including being able to continue the man longer in the program. Deferred sentencing can lead to premature

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release. The system pressures people to get out while they may need more time.

(Court's either want successful completion or not, no middle ground.

(On DS the level of supervision is typically less from the system and community. This creates victim safety concerns.

(Deferred sentencing carries the idea that the man can be changed and it is seen as a rehabilitation opportunity. However, some question to what extent abusive men can change, at least by going through batterer intervention programs. While there is debate on the effectiveness of such programs, there is consensus that at least some men who enroll will not modify their behavior while in the program.