

VICTIMS RESIDING WITH PERPETRATORS OF ABUSE

- AUTHORITY:** Administrative Directive
- RESCINDS:** Procedure Manual Item 2-1-011, **dated 01/06/21**
- FORMS:**
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| Adult Initial Assessment Chrono | (Automated Risks/Needs) |
| Adult Reassessment Chrono | (Automated Risks/Needs) |
| Victim Living Agreement Non-Domestic/
Domestic Violence Cases | (F057-2082.1(A)(AF) (07/2023)) |
| Instructions For Supervision | (F057-1117.2(A)(AF) (10/2011)) |
- PURPOSE:** To enhance the protection of victims who reside with perpetrators of sexual and physical abuse.

I. GENERAL INFORMATION

- A. Cases involving a probationer living in the home with the victim of child abuse, intimate partner abuse, or sexual abuse are highly sensitive, with potential for danger to the victim and the County.
- B. Manage these cases to afford maximum protection to the victim and document all steps taken before granting approval of such living arrangements, including findings as to how such an arrangement will benefit the family unit.

II. PROCEDURE

- A. Investigation leading to decision regarding probationer's living arrangements by the Deputy Probation Officer (DPO):
 1. Obtain comprehensive information from concerned parties to ensure adequate knowledge to make a decision on any request to return a probationer to the home where the victim resides. Ensure all Court Protective Orders (including Criminal and/or Civil) allow for non-violent contact.
 2. Weigh all available information and attempt to meet the needs of the probationer and the family while ensuring the safety and **wellbeing** of the victim.
 3. Remember that the protection of victims is the Probation Department's foremost concern in reaching a decision on the probationer's residence.
 - a. Interview with victims (if victim is an adult and capable of giving consent)

Conduct a private, in-person interview with the victim. Explore the following areas:

- (1) Attitude of the victim toward the probationer, e.g., fear, guilt, etc.
 - (2) Maturity and vulnerability of the victim, i.e., can he/she protect him/herself? Is he/she subject to influence or duress?
 - (3) Available safeguards for future protection, i.e., relationships with school or counseling personnel, door locks on bedrooms, hours of family members in the home, etc.
- b. Interview with responsible party in the home (if victim is a minor or is incapable of giving consent)
- (1) Attitude toward the victim, e.g., is motivation for reunification based solely on financial security?
 - (2) Ability, reliability, and willingness to assume responsibility for protection and **wellbeing** of victim.
 - (3) Willingness to cooperate with plans for probationer's treatment and supervision.
 - (4) Recommendation of this individual's therapist if undergoing treatment.
- c. Interview with probationer
- Interview the probationer and evaluate the following:
- (1) Willingness to fully comply with orders of the Court and terms and conditions of probation.
 - (2) Agreements to participate in counseling as directed by the DPO and cooperate with therapist.
- d. Contact with counselor/therapist
- (1) Verify that ongoing therapy is in progress.
 - (2) Secure a professional recommendation from the therapist on the issue of reunifying the probationer and victim in the home.
- e. Contact with absent parent
- In cases involving child abuse, discuss any plan to return the probationer to the victim's home with the minor's absent parent and

obtain written approval if possible if the absent parent's whereabouts is known.

B. Preparation for Returning Probationer to the Home by the DPO:

1. Discuss case with their Supervising Probation Officer (SPO) and obtain approval to return the probationer to the home where the victim resides.
2. In a private session with the victim:
 - a. Obtain written agreement on Form F057-2082.1(A)(AF)(2011) (Victim Living Agreement Non-Domestic Cases/Domestic Violence Cases) with the signature of the victim ensuring acceptance of responsibilities specified by the DPO.
 - b. Provide victim with a business card and specific information on how to contact the DPO.
 - c. Explain to the victim that contact between the DPO and the victim will be in private and will be held confidential to the extent possible.
 - d. Inform victim of the frequency and type of contacts the DPO expects to make with victim and probationer.
 - e. Advise victim of court orders and terms and conditions of probationer's probation grant.
 - f. Discuss the probationer's probation case plan and treatment plan if ordered to participate in counseling.
 - g. Secure agreement to report unusual behavior or violations of probation to the DPO immediately.
3. In a private session with responsible third party, the DPO will:
 - a. Obtain written agreement on the Victim Living Agreement Non-Domestic Cases/Domestic Violence Cases form with the signature of the third party who is ensuring the victim's safety and accepting specific responsibilities specified by the DPO.
 - b. Provide the third party with a business card and specific information on how to contact the DPO.
 - c. Explain to the responsible third party that contact between the DPO, victim, and responsible third party will be in private and will be held confidential to the extent possible.
 - d. Inform the third party of the frequency and type of contacts the DPO expects to make with the victim, third party, and the probationer.
 - e. Advise third party of:

- (1) Court orders and terms and conditions of the probationer's probation grant.
 - (2) The victim is never to be left alone with the probationer at any time unless approved by the DPO.
 - f. Discuss the probationer's probation case plan and treatment plan if ordered to participate in counseling.
 - g. Secure agreement to report unusual behavior or violations of probation to the DPO immediately.
 4. Indoctrinate the probationer concerning terms and conditions of probation specific to residing in the home with victim:
 - a. Mandatory continued cooperation with therapist if ordered to participate in counseling.
 - b. Not to be alone with victim at any time unless approved by the DPO.
 - c. Regular contact with the DPO, etc.
- C. Supervision Standards when the Victim Lives with the Perpetrator
1. Case Classification
 - a. Classify all cases involving serious physical violence or threats of violence, use of a weapon, or sexual offenses against a minor at HIGH level of supervision at the initial chrono assessment.
 - b. In cases where the perpetrator of such crimes resides in the home with the victim, the case is to remain classified as HIGH unless a lower classification is approved by the SPO, after staffing case with assigned DPO.
 2. Contact Standards
 - a. Contact the probationer in person a minimum of twice per month.
 - b. Contact the victim in person a minimum of once per month.
 - c. Contact the responsible third party in person a minimum of once per month.
- D. Case Documentation
1. At the time approval is given to return the probationer to the home, document the following information in an Electronic Contact Reporting (ECR) entry in the Integrated Case Management System (ICMS) and in the next chrono assessment:

- a. Summary of individual indoctrinations involving probationer, victim, and third party, including advisement of victim and third party of the terms and conditions of probation.
 - b. Summary of evaluation criteria leading to decision to return probationer to the home of the victim.
2. Obtain and place in case file; signed agreement from the victim or responsible third party residing in the home on the Victim Living Agreement Non-Domestic Cases/Domestic Violence Cases form.
 3. Monitor the probationer's attendance and progress in counseling, obtain therapist's recommendation regarding residence, and document with an ECR entry in ICMS.
 4. Document all contacts with probationer and other concerned parties including victim, responsible third party, and therapist with an ECR entry in ICMS.

REFERENCES:

Procedures	2-1-004	Child Abuse Reporting Responsibilities of Deputized Probation Staff
	2-1-005	Elder Abuse and Dependent Adult Abuse Reporting Responsibilities of the Probation Officer
	2-3-002	Probation Violations – Adult
	2-3-011	Adult Indoctrination
	2-3-021	Adult Risk/Needs Assessment and Reassessment Packet
	2-6-002	Juvenile Risk/Needs Assessment and Reassessment Packet
Policies:	A-1	Policy, Procedure and the Law
	A-2	Departmental and Personal Philosophies
	A-21	Liability
	B-1	Case Confidentiality, Client's Right to Privacy
	C-16	Employee Conduct – On Duty
D-1	Threats, Harm, Danger to Employees and Others	

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APPROVED BY: