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An Investigation into Probation Officers' Breach of
Probation Practices for Wife Assault Offenders

by

Neil Slattery, B.A.

A thesis submitted to
The Faculty of Graduate Studies and Research
in partial fulfillment of
the requirements for the degree of
Master of Arts

Department of Sociology and Anthropology

Carleton University

Ottawa, Ontario

December, 1993

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An Investigation into Probation Officers' Breach of
Probation Practices for Wife Assault Offenders

submitted by Neil Slattery, B.A.

in partial fulfilment of the requirements for
the degree of Master of Arts

Thesis Supervisor

Chair, Department of Sociology
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Carleton University

Date: January 3, 1994

ABSTRACT

Evidence from a local treatment program for abusive men indicates that less than five of the more than forty wife assault probationers they have expelled over the past five years were ever prosecuted for breach of probation. The aim of this exploratory study is to account for this low rate of breaching. The data comes from semi-structured interviews with 15 self-selected local probation officers. The respondents, 9 females and 6 males, all had significant work experience in the criminal justice system and were all university educated. The results suggest that occupational norms and ideologies regarding breach of probation are primarily responsible for the low numbers of breaches. At the present time most, but not all, of the officers felt that expulsion from a treatment facility is insufficient to lead to breach of probation charges. This study is one of the first to explore probation departments role in the criminal justice system's response to wife assault.

ACKNOWLEDGEMENTS

First and foremost I would like to thank Dr. Stan Halliwell of the Ministry of Correctional Services' Advisory Council on Research and Evaluation (ACRE) in North Bay, Ontario. The process of gaining access to the respondents for this study involved frequent contact with him. His assistance was invaluable to the project. I would also like to express gratitude to the area managers of the local probation departments. They provided a great deal of assistance in selecting the individual probation officers in the sample.

I would also like to thank Dr. Walter DeKeseredy and Dr. Florence Andrews for their supervision of this thesis. They provided continual aid and assisted in the completion of this paper. Thanks also go out to Lynda Davies and Mark Holmes. My discussions with them provided the impetus for this research. I would also like to thank John Leone for his continual input and support throughout the entire research process. I am also grateful to Nazira Conroy helping me to comply with many of the practical aspects of this thesis.

Finally, I would like to thank all of the probation officers who took part in the research. Their enthusiastic interest in the project made the interview process much easier. Thank you for sharing your knowledge with me.

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CHAPTER 1
INTRODUCTION

INTRODUCTION

The issue of wife assault is one that has gained considerable attention in social scientific research (cf Dobash and Dobash, 1979; Straus and Gelles, 1990; DeKeseredy and Hinch, 1991). Since Erin Pizzey's "Scream Quietly or the Neighbors Will Hear" (1974) and Del Martin's "Battered Wives" (1976) sociologists have focused intently on the problem of male violence against women. Today there is a growing theoretical and empirical literature regarding theories of wife assault (cf Straus, Gelles, and Steinmetz, 1980; Wardell, Gillespie and Leffler, 1983; Bograd, 1988), the treatment of offenders (cf Sonkin, Martin and Walker, 1985; Adams, 1988; Adams, 1989), and victim services (cf Bowker, 1983; Gamache, Edleson, and Schock, 1988). Social scientists have also done extensive research on the incidence and prevalence of wife assault (for a review of the incidence and prevalence research, see DeKeseredy and Hinch, 1991).

Several researchers have also done work on the criminal justice system's response to wife assault. A significant amount of research has been done in the area of the police response to wife assault (Walter, 1981; Bowker, 1984; Bell, 1985; Buzawa, 1992), but academics have not kept pace with the changing way other parts of the criminal justice system is responding to wife assault. Since the implementation of mandatory arrest policies in many areas across North America, the judicial system is dealing with wife assault much

differently than in the past (Ferraro, 1989). In many cases, the onus is now on probation officers to monitor the progress of convicted abusers. This shift in correctional methods has yet to be explored in sociological research.

This project will examine one of the problem areas that has developed since probation officers have worked more intensely with wife assault probationers. Evidence from a rehabilitation program in one Ontario city has shown that it is rare for wife assault probationers who do not comply with treatment to be prosecuted for a breach of probation. The aim of this thesis is to account for this phenomenon.

RESEARCH PROBLEM

This research project took place under the auspices of Ontario's Ministry of Correctional Services. A detailed account of their involvement will follow in Chapter 4. One consideration that is pertinent here, however, is that the name of the city and other local community organizations that would identify the city cannot be used in the report. Therefore the name 'Springfield' will be used to denote the setting of this research. Also, at several points in the paper it will be necessary to speak of two local programs for abusive men. For ease of exposition, fictional names were also created for these programs. 'Fresh Start' will be used to denote the pro-feminist re-education center, which will be discussed shortly, and 'General Hospital' will represent an

anger management program that is offered at a local hospital. Using these fictional names will facilitate the presentation of this report. Although this may be somewhat inconvenient, it does serve to increase anonymity and complies with the recommendations of the Ministry of Correctional Services.

Fresh Start is a pro-feminist re-education center for abusive men that was established in the mid-1980s in Springfield. Since that time they have worked with over a thousand clients. Roughly half of their client base comes from the general public on a voluntary basis. The other half of their clients come from the Ministry of Correctional Services. The Ministry has a contract with Fresh Start for \$50,000 per year. Accordingly, individual probation officers regularly send their clients to Fresh Start to fulfil their client's treatment condition on their probation order.

Occasionally it becomes necessary, however, for Fresh Start to expel a client if they are resisting treatment. This could take the form of lack of attendance, continual strident or misogynist comments during the sessions, or in one dramatic case, assaulting a staff member. When this happens, a letter is sent to the client's probation officer informing them of the expulsion. These letters also include a recommendation that the client be prosecuted for breach of probation.

Over the last five years over forty of Fresh Start's probation clientele have been expelled. Of those forty, under five have been prosecuted for breach of probation.

The result is that the program is attempting to deal with the abusers without any guarantees of outside support. For example, when a batterer on probation does not comply with treatment, either by not attending or worse, the staff are unable to effectively use any controls. If they threaten expulsion from the program, there is no guarantee that his probation officer will treat the expulsion seriously. Clearly this is problematic. If the facility is unable to ensure any consequences for non-participation, its ability to intervene effectively is undermined.

There could be a variety of explanations for the actions of the individual officers. Perhaps they too, like the program, are operating with external constraints. Or, perhaps they hold perceptions of wife assault that lead to passivity. There are several possible explanations. The goal of this research is to explore, through qualitative interviews with probation officers, the reasons why their expelled clients have not been prosecuted for breach of probation.

In many ways this study breaks new ground. Probation departments have not yet been explored in sociological research as a site of importance in the criminal justice system's response to wife assault. This study's contribution to sociological literature is that it attempts to keep pace with the evolving criminal justice response to wife assault.

TERMINOLOGY

Activating a research project in the area of male violence against women poses an immediate practical problem: what terminology is most appropriate to describe this social phenomenon. Many mainstream texts use the terms 'domestic violence', 'family violence', or 'spouse abuse' (Carrier, 1985). These terms have been criticized as being vague and not specifying who primarily initiates physical abuse and who is the victim (Dobash and Dobash, 1979; Bograd, 1988a).

By collapsing all forms of inter-couple abuse into one category we obscure the dimensions of gender and power that characterize most abusive actions in intimate relationships (Schechter, 1982). Research has clearly shown that men are most often responsible for initiating physical violence with women (Okrun, 1986; Steinman, 1991). Although some women are violent, especially when factoring in physical violence done in self-defence, men are primarily responsible for instigating acts of physical violence (Saunders, 1988).

At present, there are a variety of terms in use that indicate that gender neutral terminology is not acceptable. Terms such as 'wife abuse' (cf Yllo et al, 1988) and 'woman abuse' (cf Dekeseredy and Hinch, 1991) are commonly used because they are not gender neutral terms. One of the advantages of these terms is that they expand the focus beyond acts of physical assault to include emotional, sexual, and psychological abuse (Adams, 1988; Ptacek, 1988).

Within the Ministry of Correctional Services in Ontario, when a man is convicted of assaulting his wife he is placed on probation for 'domestic assault'. Clearly this is a gender neutral term. For the above reasons, this study wishes to employ a gender-specific term. However, 'woman abuse' and 'wife abuse' will not be used. Although in terms of conceptual and theoretical frameworks these terms are the most encompassing, they are not conducive to research that deals with abusive men's criminal status. For example, in Ontario, there are no men on probation for 'woman abuse'. They are on probation for assault. Emotional and psychological abuse are not illegal.

Since much of the discussion involves probation clients and probation officers it is important to utilize terms that are appropriate for that site. Accordingly the term 'wife assault' will be used throughout this text. This term is not only gender specific but best describes the nature of this topic. It is necessary to use a term that emphasizes assault because it is an assault that has been criminalized. Furthermore, the term used by the Ministry, 'domestic assault' also emphasizes the physical violence which is a criminal act. Our only alteration, replacing the word 'domestic' with 'wife' ensures that the term is gender specific.

At one point, the term 'domestic assault' will be used in the text. Since the probation officers in the sample use the term 'domestic assault' in their daily work, that term

was used throughout the interviews. Accordingly, this term appears in the interview guide (see Appendix 1) and during selected quotes in Chapter 5. At all other times the term wife assault will be used.

ORGANIZATION OF PAPER

This paper has been divided into six chapters. This introductory chapter has attempted to make explicit the research problem that is being addressed in this study. The goal of this chapter was to familiarize the reader with the subject matter at hand.

Chapter 2 will contain a review of relevant literature in this area. Empirical research on the criminal justice system's response to wife assault has focused almost exclusively on police departments. This chapter will include an overview of the police response to wife assault. Probation departments have not yet been explored as a research site for this issue. This study represents one of the first attempts to investigate criminal justice methods used with abusive men after arrest. Reviewing the existing literature on policing may provide a frame of reference with which this study can be approached.

Chapter 3 will discuss the theoretical model that has informed this research. At the present time, radical feminism is the main perspective that has addressed the behavior of criminal justice workers with abusive men. This

chapter will outline their claims regarding the nature of criminal justice intervention in wife assault. This chapter will also state the four research questions that have guided this exploratory study. The links between these questions and the radical feminist theoretical framework will also be made explicit.

Chapter 4 will outline the research methods used in this project. Semi-structured interviews were used with fifteen of Springfield's approximately thirty probation officers. The nature of qualitative research and a description of the respondents will be offered.

Chapter 5 will present the findings of this research. Overviews of the data will be used to provide answers for the four research questions presented in Chapter 3. Each of the four research questions will be addressed individually and there will be a simultaneous analysis of the implications this data has for the theoretical framework.

Finally, Chapter 6 will discuss the implications that this study has for policy-making within the Ministry of Correctional Services. Furthermore, suggestions for alternate forms of criminal justice intervention against wife assault will be offered.

CHAPTER 2
REVIEW OF RELEVANT LITERATURE

INTRODUCTION

One of the unique characteristics of this study is that the subject matter involves examining the relationship between two distinct organizations- probation departments and treatment facilities. Assembling a literature review for this project involved an examination of a number of different disciplines within sociological theory and research. Although we are most specifically interested in understanding the determinants of probation officers' responses to wife assault client violations, a clear understanding of this literature requires background knowledge in a number of related fields.

In this chapter, a broad base of literature will be discussed. Central to the discussion is an understanding of probation officers' interaction with their clients. The first part of this chapter deals with the occupational roles and social relations involved in the daily work of probation officers. Their decisions about their clients are made within an organizational context that needs to be made explicit (Whitehead, 1992).

Next is a discussion of the philosophy and methods of Springfield's pro-feminist program for abusive men. The probation officers' perceptions of Fresh Start were elicited during the interview process. Understanding the key concepts of this program will prove useful in the dissemination of the findings. Both the first and second sections of the

literature review serve to de-mystify the subject matter. Although some people have a general knowledge of probation departments and re-education for abusive men, it is important to bring underlying assumptions and information to the forefront.

Finally, there will be a discussion of the police response to wife assault. Although this study deals specifically with probation departments, the vast majority of the literature on the criminal justice system's response to wife assault deals with police departments. At present probation departments are a relatively unexplored research site in the area of male violence against women. The findings of research done in police departments may prove to be quite useful in providing background information and setting the stage for this study.

THE PROBATION OFFICER: OCCUPATIONAL ROLES

Although the terms probation and parole are often used synonymously, probation refers specifically to those convicted of a crime who serve their sentence outside of a prison (Ohlin et al, 1956). Conversely parole is given to convicted felons who, after a period of imprisonment, are deemed suitable for release into the general population provided they maintain regular contact with a parole officer. Both probation and parole permit a convicted person to live in a community under supervision. (Reid, 1981)

In Springfield most wife assault probationers are typically placed on probation providing they fulfill the conditions imposed by the court. Theoretically, this philosophy of probation is based on the belief that rehabilitation is a more desirable method of intervention with some individuals (Glaser, 1969). Not only does it greatly reduce costs for the correctional system but it offers a greater opportunity for reform on the part of the offender. Being permitted to remain in the community while attending rehabilitation avoids the stultifying effects of imprisonment and minimizes the economic effects on the offender's dependents (Cullen et al, 1982).

Probation officers are most directly responsible for the supervision and assessment of individual probationers. In many respects the main function of a probation officer is the supervision of individual clients throughout the many phases of their probation (Waller, 1974). Generally speaking though, probation officers are expected to go beyond mere supervisory work. In many cases they also work as a treatment agent for their client (McCleary, 1978). They often assume an advocacy role to help ensure that their rehabilitation and reintegration into society will be accelerated (Reid, 1981).

Although it is necessary for the probation officers to assist their clients, they are also accountable to the courts and the community. Their aid to their client must not contradict their obligation to follow the regulations of the

court or their responsibility to protect the community (Clear et al, 1992). For this reason, a probation officer must occasionally decide to recommend laying a breach of probation charge if s/he violates the conditions of probation that are specified in a court order (Harris et al, 1989). In such cases the safety of the community and the regulations of the court supercede the interests of the probationer.

However, since breaching probation is generally considered to be a drastic measure, probation is generally not breached for minor infractions (Spencer, 1988). For example, if a probationer fails to notify the courts of any change of address, it is quite possible that even though this may have been a condition of probation, it would not lead to a breach of probation (Lawson, 1982). Deciding to breach probation is a complicated matter that involves a calculated assessment of each client's individual circumstances.

Probation officer's work inherently involves complex decision making processes and a substantial amount of discretion (Wooten, 1985). The responsibilities of representing a client, the courts, and the community may pose a challenge for probation officers (Gray, 1985). This decision-making process becomes more complicated when the work involves wife assault cases where protecting the community, in real terms, translates into protecting one woman. Assigning and monitoring rehabilitation involves an urgent need to consider her safety (Adams, 1988).

Yet as current research indicates, most institutions have historically had great difficulty in responding to wife assault cases (Martin, 1976:Shepard et al, 1988:Ferraro, 1989a). Accordingly, it is difficult to assume that all institutions that deal with wife assault cases take seriously the notion of ending male violence against women. The decision making processes used by probation officers must be fully understood (Whitehead et al, 1992). They will provide information not only on their occupational roles and professional ideologies but on their perceptions of wife assault that may make them unwilling to actively intervene in these cases.

Since this study deals specifically with the interaction between probation officers and a pro-feminist treatment facility, it is necessary to make explicit the assumptions and philosophy of the program. Part of the interview was dedicated to eliciting officers' perceptions of Fresh Start's philosophy and methods. Since the facility is a pivotal social structure in this research, it is important to clearly understand the goals and practices of the program. This information will undoubtedly prove itself to be useful when disseminating the findings.

PRO-FEMINIST RE-EDUCATION FOR ABUSIVE MEN

Several clinical approaches for abusive men are currently in use across Canada. The efficacy of such

programs to a large extent depends upon the conceptual model in practice. The claims such models make regarding issues of culpability and responsibility for the abuse frames the discourse of the program and the ensuing treatment process. A study conducted in the mid-1980's found that the highly structured cognitive-behavioral approach was preferred by Canadian rehabilitation programs (Browning, 1984).

Criticisms of this and other similar methodologies have been voiced with regard to how these programs package the issue of responsibility for the abuse. Pro-feminist programs in particular have stressed that unless the male is cited as solely responsible for his choice to become violent, then the rehabilitation program colludes with the abuser, legitimizes his excuses, and places his partner in a position of possible danger (Dankwort, 1988:Adams et al., 1988).

The messages that are sent to the abuser regarding responsibility for the violence will frame his cognition of culpability for the abuse, and establishes the manner in which he will re-structure the way he relates to women and to himself. Pro-feminists emphasize that as social scientists, it is an imperative that we critically examine the set of social relations that we engage in with abusers to ensure that in the process of constructing rehabilitative therapy we are not actively colluding against abused women (Walker, 1990). If during the re-education process, the abuser is allowed to project responsibility for his violence onto his wife's behavior, it is unlikely that he will learn the skills

necessary to stop his abusive behavior.

Pro-feminist re-education emphasizes the importance of conceptualizing the abusive man as solely responsible for his abuse. Accountability for women's safety is a primary goal. Pro-feminist intervention attempts to posit a challenge to existing power relations between women and men in the home. (Holmes et al, 1990) Rehabilitation aims to foster an awareness in the abuser of the impact of his behavior and instill in him a sense of personal responsibility to restructure his relationships with women.

These are, in fact, the most distinguishing characteristics of the pro-feminist method. Identifying the abusive man as solely responsible for his choice to become violent, and a commitment to end male violence against women are central tenets of the pro-feminist method. They also recognize, however, that it would be naive to assume that counseling alone will be enough:

"Legal sanctions against battering are essential ... By placing convicted batterers on probation and staying their sentences until successful completion of group counseling, abusive men are required to be socially accountable."

(Adams, 1988: 196)

Any treatment program which works with abusive men will encounter, on a regular basis, men who are not willing to make any attempt to change. When this happens, his female partner is still at risk of suffering continued abuse if further intervention is not attempted.

For this reason the lack of prosecution against probationers who become expelled from treatment appears

suspect. The goal of this project is to understand why wife assault clients are rarely prosecuted for failing to comply with the treatment condition of their probation order. This is a gap in current sociological research. Hopefully, this research will advance our understanding of the increasingly complex criminal justice response to wife assault.

Despite the fact that this study deals specifically with probation departments, many insights were derived from reviewing the literature on the police response to wife assault. At present, most of the literature on the criminal justice system's response to wife assault deals almost exclusively with police departments. Furthermore, they provide convincing, and often dramatic, evidence for the need to critically examine the methods that criminal justice agents use with wife assault cases.

THE POLICE RESPONSE TO WIFE ASSAULT

In the mid-1980's literature on the police response to wife assault began to rapidly surface. Researchers outlined the police response (Oppenlander, 1982), interviewed abused women about their experiences with police officers (Brown, 1984; Dolon et al., 1986), developed predictors of arrest and non-arrest (Loving, 1980; Ferraro, 1989; Buzawa, 1992), and interviewed police officers for their perceptions of wife assault and their role in intervention (Walter, 1981; Bell, 1985).

In the following paragraphs, I will review the empirical findings of researchers who interviewed both police officers and abused wives. I will outline predictors of both arrest and non-arrest. Also, researchers found that police officers hold questionable perceptions of wife assault. I will survey examples of these attitudes. Furthermore, I will look at the results of interviews with abused wives and discuss the implications of what they reported on the reliability of police statements in empirical research.

Correlates and Predictors of an Arrest Being Made

While advances have been made in the attempt to maximize the police response to wife assault, it is still the case that only certain types of assailants tend to be arrested. Furthermore, particular types of circumstances tend to result in arrest more frequently than others. In reviewing the survey research done in the area, I've compiled sets of predictors that tend to increase the likelihood of an arrest being made.

Traits of the Police Officer

There are certain types of police officers who are more likely to intervene effectively than others. Research has demonstrated that female police officers have a higher rate of involvement than male officers (Homant, 1985). Female

officers were more likely than male officers to refer battered wives to shelters, demonstrated more sympathy and understanding, and disagreed with the statement "a little physical fighting in a relationship is to be expected" (Homant and Kennedy, 1985).

We can also predict a higher level of involvement for police officers who adhere to feminist beliefs. These officers believed that the women's rights movement was good for society, and that in family fights it is nearly always the woman that will be injured. (Homant and Kennedy, 1985).

Another correlate of high involvement was level of experience. In general terms, research demonstrated that experienced officers tend to arrest more frequently than younger, inexperienced officers (Bowker, 1984). This conclusion needs to be slightly qualified though. Buzawa (1985) found that differences existed in the behavior of police in rural and urban districts. In rural areas, neither experienced nor inexperienced officers were likely to arrest (Buzawa, 1985).

Differences between urban and rural police departments also held true in another area. Bowker (1984) predicted that high levels of training for intervention in wife assault would result in higher involvement. Buzawa (1985), however, found that training programs in rural areas tended to be orchestrated by senior officials who were incapable of teaching the kind of skills needed for direct intervention. Furthermore, rural areas in general were unable to find funds

for family crisis units or other such initiatives.

While both level of experience and level of training for wife assault were both seen as correlates of high involvement in wife assault cases, it is important to note that these findings only hold true in urban areas. Neither level of experience or level of training were predictors of high involvement in rural settings. Thus, these findings can only be generalized to metropolitan areas.

Traits of Individual Cases

There were particular traits found in individual cases that tended to result in a higher level of involvement or arrest. Bowker (1984) found, for example, that male assailants were more likely to be arrested if they were intoxicated or employed in a lower class occupation. It also seems important that the victim be of a certain frame of mind. Women who were deferential to the police officer's authority and who remained rational and calm were more likely to see an arrest made than women who were upset, angry, and impolite to the police officer (Ferraro, 1989).

Level of violence was also a significant predictor. In cases of serious violence, police officers were likely to arrest. For example, Bowker (1984) found that when a miscarriage was caused by violence, marital rape was committed, or violence was committed in front of the officer, the officer was more likely to arrest. Buzawa (1992)

confirmed these findings adding that when a weapon was present this also increased the likelihood of arrest.

The fact that sustained violence in front of the officer often leads to arrest could be explained by the fact that the officer perceives a challenge to his authority (Bowker, 1984: Buzawa, 1992). In fact, Dolon et al. (1986) asked officers to rank order considerations that would lead them to arrest a abusive man. The top consideration was use of violence against a cop. The eighth consideration was no respect for a cop. Injury to victim ranked fourth while victim insisting on arrest ranked dead last (Dolon et al., 1986)

It seems then that there are a number of considerations that come into play when deciding to make an arrest. The status of the assailant, state of mind of victim, and level of violence all seem to play a role. All officers do not respond equally though. Arrest is also significantly predicted by an array of officer traits. Level of experience and training in wife assault intervention were positively correlated with level of involvement.

Predictors of Non-Arrest

In surveying the predictors of arrest, it quickly becomes obvious which kinds of situations do not typically result in arrest. Beyond stating that the opposite of the above predictors lead to arrest, there were also some other findings that correlated with non-arrest.

Loving (1980), found that a number of circumstances tend to result in non-arrest. Not surprisingly, the victims unwillingness to press charges was the most significant predictor of non-arrest. Other factors became evident though as well. When police gave referrals to social service agencies, they tended to not arrest (Loving, 1980). Perhaps they perceived that they had sufficiently intervened.

If it was the first encounter with the police, they also tended to not arrest the assailant. Conversely, if the woman had called multiple times to the police, they also did not tend to arrest the offender (Loving, 1980). Marital status was also a significant predictor of non-arrest. Men who were married to the women they abused were arrested less frequently than men who were only co-habiting with their victim (Berk et al., 1988).

When officers were near the end of their shifts, they tended to arrest less frequently (Ferraro, 1989). This can be explained by the fact that completing the administrative tasks necessary to process an arrest can take up to an hour.

Also, race also was a significant predictor of arrest. Buzawa (1992) found that non-white women's complaints were treated less seriously than white women's complaints. This was tied in with the tendency of police officers to arrest the abusers of victims who they deem worthy of police intervention (1992).

To sum up, although every wife assault case should result in police intervention, particular characteristics were more

heavily associated with high involvement. It is important to keep in mind though that even though there were significant predictors of arrest, arrest rates themselves tended to be low. Two major American studies found that only 14% of cases resulted in arrest (Bowker, 1984; Bell, 1985). In the next section, I will provide an overview of police perceptions of wife assault. These perceptions indicate that the majority of police officers do not define wife assault as a serious crime worthy of police intervention. Furthermore, many police officers said that wives cause the violence themselves.

Police Officers' Perceptions of Wife Assault

Researchers have had little difficulty in obtaining telling, if not dramatic, comments from police officers regarding wife assault. The most extensive study of police officer's attitudes was done by James Walter (1981). He employed ethnomethodological theories to orient his research. He contended that individuals do not simply respond to external stimuli. Rather they construct a definition of the situation that organizes their perception of an incident. His goal in this research project was to uncover the way police officers define and perceive wife assault. Despite the fact that this is an old study and the sample is not representative of a large group of officers, Walter was able to generate data that suggests that police officers perceive wife assault as not deserving police attention.

From the outset, Walter notes that over 25% of police officers surveyed believed that they had no legitimate role in wife assault cases (Walter, 1981). One officer was quoted as saying:

"In the first place, it's really none of my business. If they want to fight, that's their problem. I just wish they wouldn't call me into the thing."

(Walter, 1981: 246)

The judgment of police officers is further thrown into doubt by the following admission:

"Even if I threaten my wife - which I don't usually do - I would not consider that sufficient reason for somebody to butt in: because I wouldn't really do my wife any harm, and I think that's true of nearly all of these husbands. They're really no different from me or anybody else."

(Walter, 1981: 247)

There seems to be an assumption that abusive men are not really all that dangerous. Another officer said:

"The wife called because he threatened to kill her...I don't think he would have really harmed her. He just didn't seem the type."

(Walter, 1981: 247)

Beyond the belief that abusive men are not especially dangerous to women, there is also evidence that suggests that police officers believe that women cause abuse:

"I'll tell you what the problem is, they (the wives) want to blame anyone but themselves. Very frequently it's the wives fault...when a man is drunk, it's a bad time to pounce on him... the first thing you know he backhands her."

(Walter, 1981: 246)

The New Brunswick Advisory Council on the Status of Women interviewed police officers about their perceptions of wife

assault. One officer said:

"Assaulted women like being beaten. Often, they deserve it. I tell them, 'you like it since you stay with him'. And I tell the guy to hit harder. If they go to court, these men have no chance. There is no justice. Feminists and Stalinists have influence on the judges."
(NBACSW, 1989: 14)

Beyond victim-blaming beliefs that justify a lack of intervention, police officers are not convinced that wife assault is a 'crime' that deserves their attention. Wife assault is conventionally seen as a problem that is best handled by social workers in social service agencies (Homant, 1985).

In fact, Oppenlander (1982) found that police training manuals asserted that in cases of assault, cops should serve a control function rather than a counseling function. Cops clearly prefer to perceive themselves as crime-fighters and like cases where the prospects for action and arrests are higher. Many wife assault cases do not end in arrest and involve an additional social worker role that police detest (Buzawa, 1990).

To sum up then, for a variety of reasons police officers tend to hold negative perceptions of wife assault. Not only do they dislike the crisis intervention skills that are required in these cases, they often blame the victims and contend that the wives are the causes of the abuse. Clearly they see their proper role as one where they refer victims to social service agencies. Nevertheless, Brown (1984) discovered a discrepancy between what police officers say and what they do. Although 88% of police officers agreed that

they should make women aware of shelters and should see that she is able to get there, only 6% of battered women in the area reported receiving such a referral (Brown, 1984). The final segment of this literature review will examine the findings of interviews with abused women about the services they received from police officers.

Abused Women's Accounts of Police Action

It was noted earlier that one study found that 6% of abused women actually received referrals from police officers even though this was their preferred role. Interviewing abused women illuminated that not only did police officers do little to help, they even compounded the problem in certain cases.

Bowker (1982) asked abused women to rank order the most useful and helpful agents within the criminal justice system to their plight. Police officers ranked last behind lawyers, district attorneys, social service agencies, and even the clergy.

One common statement that many abused women made was that they were told by police officers to work out their problems on their own. Two-thirds of injured women were told to work out their problems on their own (Bowker, 1982). In a separate study, Bowker (1984) found that over 40% of all abused women were told to work out their differences with their husbands on their own. In the same

study he found that 45% of all women said that the police were no help at all. One woman even describes the police standing by while she was beaten:

"The police stood out on my front lawn and allowed us to be beaten... with a lead pipe knowing that we were all in here helpless, including my son who was 6 at the time."

(Bowker, 1984)

In fact, Oppenlander (1982) found that victim stress was actually higher after the police left than before they arrived. He cites collusion with the abuser, ignoring the victim, and lack of support as causes of this stress (Oppenlander, 1982). Dolon et al. (1986) confirms all of these findings adding that one out of six abused wives said that they received no help whatsoever from the police. Visibly injured women were told by police officers that they had no case (Bowker, 1982).

Overall, whether the evidence comes from interviewing police officers or abused women, it is apparent that the police response to wife assault is very low. Bowker (1982) found that even though 82% of abused women asked for arrest, only 14% of the men were arrested. Police say that they perceive a more useful role in referring abused women to social service agencies. Yet, although 88% of police advocate this, only 6% of abused wives received referrals (Brown, 1984).

Canadian Data on the Police and Wife Assault

The above discussion illustrates the problems associated with the police response to wife assault. Nearly all of the data cited, however, came from the United States because American sociologists have done more research in this area. Nevertheless, some Canadian sociologists have done research on the police and wife assault. This brief section will summarize some of their findings.

The Canadian data seems to support a similar conclusion to those found in American research: there is a tremendous dissatisfaction with the current police response to wife assault. In Ontario, Canada's most heavily populated province, there is a provincial directive that requires police officers to arrest men in all cases of wife assault where probable grounds exist that an assault took place.

Yet, one study, done by Farge and Rahder (1991), found that assaulted women are not receiving the level of intervention that would be expected. They found that only 40% of assaulted women reporting that their assailant had been arrested (Farge and Rahder, 1991). Consequently, 20% of those women who called the police reported that they were re-assaulted after the police had left (Farge and Rahder, 1991).

This finding is consistent with American studies. An American, Daniel Bell (1985) found that police officers within districts that have mandatory arrest policies perceived the policy as a tactic by administration to appease

feminist groups that was all for show. Furthermore, even when there is departmental policy to arrest, individual officers still rely on offender and victim characteristics to make their decision (Ferraro, 1989).

Yet, one Canadian study in London, Ontario found that mandatory arrest policies were somewhat successful. Jaffe et al, (1986) found that after the implementation of a mandatory arrest policy the police response to wife assault improved dramatically. First, police-laid charges increased 2500%. Second, there was a decrease in post-arrest violence and increase in victim satisfaction with the police departments (Jaffe et al, 1986). Thus, it may be premature to discount the positive role that mandatory arrest policies can make in the police response to wife assault. At the present time there is no conclusive evidence on their practical utility.

The Canadian data on the police response to wife assault is much more sparse than their American counterparts. Yet, there is no real evidence to suggest that Canadian police departments are significantly different from American police departments in their treatment of abusive men. Both American and Canadian research seems to indicate that there is room for police departments to improve the methods that they use with abusive men.

CONCLUSION

This is one of the first projects that identifies

probation officers as playing a significant role in wife assault cases. Developing an understanding of the determining factors that shape up their interaction with their wife assault clients explains a significant part of probation's role within the system.

This chapter has attempted to comprehensively discuss the major pertinent factors of how the criminal justice system responds to wife assault. Although this study deals specifically with the relationship between probation departments and treatment facilities for abusive men, many insights from research on the police response to wife assault were found to be quite useful. I have also tried to demystify many of the occupational roles, philosophies, and methods that are central to my analysis.

The goal of this literature review was to bring key background information to the forefront. First, the occupational roles of the probation officer's work were discussed. This included an examination of the nature of their work and their typical work relationships. Since their work relationships often included dealing with treatment facilities I highlighted the philosophy and conceptual framework of pro-feminist rehabilitation programs where probation officers send their clients. Negative perceptions of the program's feminist orientation may partially account for their lack of prosecution against their clients who are expelled from the program.

Finally there was a review of the police response to

wife assault. Although this study deals with probation officers, surveying the research on police departments opened up many areas that were later used in the interview guide. Furthermore it provided compelling evidence for a healthy suspicion of the criminal justice system's response to wife assault.

In conclusion, the aim of this chapter was to provide an overview of the state of knowledge about probation officer's work with wife assault clients. There is a considerable amount of background information involved in this subject matter which bear on the particular relationships that I am examining. Hopefully, this chapter has brought to the forefront relevant information that will assist in the dissemination of the findings.

CHAPTER 3
THEORETICAL FRAMEWORK

INTRODUCTION

Sociological theory and research into the criminal justice system's response to wife assault has in many ways remained an underdeveloped field. Separately both the correctional system and wife assault have received a significant amount of attention. However, theories regarding the criminal justice system's response to wife assault are somewhat sparse.

The one group that has given attention to this area are radical feminists. In the texts, "Women, Violence and Social Control" (1987) and "Women, Policing, and Male Violence" (1989), radical feminists Lorraine Radford, Elizabeth Stanko, and Jalna Hanmer developed an analytical framework within which the criminal justice system's response to male violence against women can be discussed. This chapter will make explicit the assumptions and claims of this radical feminist perspective.

This chapter will also set forth the general research questions that this project hopes to answer. The radical feminist perspective played an integral role in the process of designing these research questions. Answering these questions may provide some insight into the reasons for the low number of breach of probation charges directed against wife assault probationers who are expelled from treatment.

THE RADICAL FEMINIST PERSPECTIVE

Contemporary feminist scholars have produced a highly diverse collection of writings. Within feminist thought there are several distinct perspectives. Liberal feminism, radical feminism, socialist feminism and Marxist feminism are all well developed strains of feminist thought. In fact, the map of feminism is quite expansive and still in development. This chapter will not attempt to provide a classificatory schemata of feminist thought (see the second edition of George Ritzer's "Sociological Theory" (1988) for a fairly comprehensive review of the varieties of feminist writings), however, it is important to recognize that radical feminism is but one perspective within feminism. Furthermore, this project limits its analysis to selected writings that have applied radical feminism to a single substantive topic - the criminal justice system's response to wife assault. This section will elaborate upon the conceptual underpinnings of radical feminism in general and will then set forth the specific perspective that has guided this research.

Radical Feminist Thought

Central to radical feminism is the assertion that patriarchy is the least noticed and yet the most significant structure of social inequality (Dworkin, 1976). Their analysis of patriarchy contains images of violence practiced

by men and by male-dominated organizations against women (Barry, 1979). They forth that once patriarchy is in place, other power resources such as the economy, ideology, and the state must be operationalized to sustain it (Griffin, 1981).

Male violence against women is a common theme in radical feminist theory and research because it is viewed as the last line of defence used by men to protect patriarchy from women's individual and collective resistance (Millet, 1970). Not only do men create and maintain patriarchy because they have the resources to do so, but according to radical feminists, because there are real social and material benefits to living in a world where women are in subordinate positions (Rich, 1976). Wife assault, rape, and other abusive behaviors would be discussed using an analysis of inequality in gender relations and cited as a method of perpetuating power differences between the sexes.

The perspective used in this study elaborates upon these assumptions and applies them to the study of the criminal justice system's response to wife assault. The next section will outline the radical feminist perspective that has informed this research.

Radical Feminist Theory - Wife Assault and the Justice System

The radical feminist analysis of the treatment of wife assault in the criminal justice system focuses on the decisions made by individual agents working in the area of

male violence against women (Hanmer et al, 1987). They are critical of the assumptions and interpretations of wife assault that are conventionally used in daily criminal justice activity. They put forth that it is primarily these perceptions that lead to the lack of intervention into wife assault (Stanko, 1989). Furthermore, this results in perpetuating a social order wherein men are able to physically, sexually, and emotionally abuse women. The criminal justice system, they contend is an institution that is permeated with ideologies that support superordinate positions and people (Hanmer et al, 1987).

Radical feminists emphasize the importance of social definitions of situations, particularly relating to wife assault. Research into the perceptions held by criminal justice professionals, according to radical feminists, is likely to uncover that they are actively defending existing relations between women and men (Hanmer et al, 1989). A willingness to intervene into wife assault cases would demonstrate an inclination to undermine the patriarchal social order. According to radical feminists such an inclination would be a contradiction in terms and is highly unlikely.

Instead, they suggest that what we are likely to find is a strong adherence to beliefs that do not challenge male power or patriarchy. Furthermore it is a challenge in itself to have wife assault perceived as a legitimate problem worthy of criminal justice intervention (Hanmer et al, 1989).

According to radical feminists, this crisis in legitimation has, to a large extent, been at the root of the lack of strict prosecution of wife assault (Radford, 1987). Criminal justice professionals may fail to view the problem as worthy of state intervention. One of the main goals of this project is to evaluate the degree to which probation officers adhere to these beliefs. Perhaps the low number of breach of probation charges directed at wife assault probationers who become expelled from Fresh Start can be attributed to such beliefs.

A NOTE ON THEORY AND METHODS

This study is unique for a couple of reasons. First, as was already mentioned, this study is one of the first to explore the role of probation departments in the criminal justice system's response to wife assault. Second, the data comes from interviews with actual criminal justice agents themselves. In this respect, the research deviates slightly from conventional feminist research in that it is typical for feminists to emphasize the importance of interviewing the victims of male violence (Bograd, 1988). There is relatively little research that is based on interviews with abusers, police officers, or other criminal justice workers.

Thus, the methods and analysis used in this research could be considered to be more mainstream than pure feminist research. This is not to imply that feminist research is

either more or less valid. Rather, the point simply needs to be made that this research used a radical feminist perspective but the methods and analysis were more mainstream in nature. At no point were victims interviewed to discuss their experiences with their abusive partner's probation officer.

It should also be noted that, in the strict sense, the radical feminist writings cited above are not theoretical. Winston Jackson (1988), puts forth the criteria that determine whether or not a collection of statements can be considered a theory. He writes that a theory does not exist:

"until one has properties, and propositions stating the relations between them, and the propositions form a deductive system - not until one has all three does one have a theory."

It may be more useful to conceive of these writings as a scholarly perspective and not formal theory. The writings set forth specific claims and assumptions yet they are not formal theory in the strictest sense. This is not to diminish the importance of the radical feminist perspective, but it is important that this aspect of the writings be acknowledged.

RESEARCH QUESTIONS

The radical feminist theoretical framework has laid the groundwork for much of the analysis found in this study. However, since this research is exploratory in nature, the aim was to ask questions that elaborate on the groundwork

that has been laid by radical feminism. There are four general research questions that are being raised in this study. The answers to these four questions will provide insight into the primary factors that account for the low number of breach of probation charges directed against wife assault probationers who become expelled from the Fresh Start treatment facility.

This section will state the four research questions and will outline the links between the radical feminist perspective and the general research questions. Each research question will be looked at sequentially so that the purpose of each research question will be known. It will also demonstrate how this information contributes to solving the overall research problem of this study.

Question 1: Can the low number of breach of probation charges against wife assault probationers (who were expelled from the Fresh Start program) be accounted for by organizational constraints beyond the control of probation officers?

The goal of this question is to determine whether or not there are features in this, or related organizations, that can explain the low rates of breaching. The radical feminist perspective clearly places its emphasis on attitudinal factors as the root of negligence in the criminal justice system's response to wife assault. The attitudes of the individual officers towards wife assault are cited as the determinant of their behavior.

This may not be the case. It could be erroneous to

assume that probation officers are sexist people who are colluding with abusive men by not enforcing the treatment condition of their probation order. It is quite possible that other factors (beyond the control of any individual officer) could account for the lack of breaching. For example, court caseloads, poor co-ordination between the courts and probation departments, and other factors could be responsible for the low number of breach of probation charges. Thus, the attitudes of individual officers could be secondary to structural constraints.

Question 2: Can the low number of breach of probation charges against wife assault probationers (who were expelled from the Fresh Start program) be accounted for by stigmas or negative perceptions that probation officers hold against the Fresh Start program?

Radical feminism claims that sexist attitudes are at the root of the justice system's negligence in wife assault cases. It is possible, however, that the officers' perception of the Fresh Start program is more responsible for the low number of breaches than the officers' beliefs about wife assault. This question aims to discover if the probation officers view Fresh Start as a credible and reliable program.

If they do not, this alone could account for the officers' behavior. It is quite likely that a probation officer would penalize a client for being expelled from a program that is stigmatized. In other words, the officers

may interpret being expelled from Fresh Start as indicative of the program's deficiencies (and not as symptomatic of the client's rebellion against his probation order). Thus, the status of the program may be so low in the eyes of the officer that an expulsion will not prompt the officer to pursue a breach.

It should be stated that it is not an assumption of this study that pro-feminist treatment programs are the best (or worst) mode of treatment for abusive men. Rather, it is being pointed out that such a stigma, and not attitudes towards wife assault, may account for the low number of breaches for men who have been expelled from the program.

Question 3: Can the low number of breach of probation charges against wife assault probationers (who were expelled from the Fresh Start program) be accounted for by probation officers attitudes and beliefs about wife assault?

The radical feminist perspective would predict that probation officers would adhere to values and beliefs that would not challenge male power. For example, the abuse may be minimized or described as an isolated incident. They may blame the victim or cite external factors as responsible for the abuse. It would be seen as unlikely for the respondents to be critical of abusive men or advocate a confrontational method of intervention. It is more likely for them to be forgiving of the man's behavior and formulate their analysis in non-threatening terms.

The low number of breaches could be accounted for by the

respondents' formulation of wife assault. This research question is the most clearly derived from the radical feminist theoretical model. They suggest that a lack of enforcement or prosecution in wife assault cases should be looked at as stemming from sexist attitudes that aim to perpetuate patriarchy. Thus, the respondents were asked a variety of questions that measure their willingness to challenge male power and intervene in these cases.

Question 4: Can the low number of breach of probation charges against wife assault probationers (who were expelled from the Fresh Start program) be accounted for by occupational norms or ideologies regarding breach of probation practices?

It is possible that there could be ideologies, unrelated to sexism, that could account for the low number of breaches. As a social group, probation officers may have developed shared norms and ideologies related to breaching that could be relevant to this topic. Such norms could apply to all of their clients and not exclusively to wife assault cases. Examples of this could include ethical concerns regarding forced treatment, viewing breach of probation as a last resort, or a norm of referring clients to other facilities following an expulsion. Any of these factors could explain the low number of breaches.

This question poses a challenge to the radical feminist perspective because such ideologies would apply to all clients equally. People on probation for psychiatric reasons

or drunk driving would also benefit from these norms. Thus, occupational norms or ideologies, and not sexism, could account for this tendency not to breach. Therefore, the existence of occupational ideologies among probation officers could explain the low number of charges against wife assault clients and must be seen as a competing explanation for this phenomenon.

This section has attempted to outline the links between these four research questions and the radical feminist perspective. These questions will explore the usefulness of this perspective. Beyond this, the data will help to produce an answer to the overall research problem.

CONCLUSION

At the present time, sociological theory and research into the criminal justice system's response to wife assault is in its infancy. Radical feminists are the sole group of theorists who have attempted to develop an analytical framework in this area. Their thesis is simple. The lack of prosecution against men who assault women stems from the patriarchal beliefs of the criminal justice workers.

Radical feminist thought could be characterized, however, as a 'single-factor theory'. The perpetuation of patriarchy is singled out as the primary determinant of criminal justice workers' response to wife assault. The data from this exploratory research may contribute to their

analysis by suggesting additional factors that may be salient. Hopefully a clear understanding can be reached of why there have been so few breach of probation charges directed against wife assault probationers who become expelled from the Fresh Start program.

CHAPTER 4
RESEARCH METHODS

INTRODUCTION

Selecting a research methodology for a sociological study needs to be done with careful attention to the subject matter at hand (Berg, 1989). For this project a qualitative research method (semi-structured personal interviews) was chosen because it best suited the type of data collection needed in this area. Fixed-format survey research or other methodologies would not generate the kind of depth that can be obtained through semi-structured interviews (Bailey, 1978). Since these research formats generally require the respondent to select a response from a pre-determined set of responses, there is not a great deal of opportunity for probing. Qualitative research allows the interviewer to pursue information with greater depth.

This should not be interpreted, however, as an indictment of quantitative research methodologies. Although many feminist theorists, particularly those working in the area of male violence against women, advocate the rejection of 'masculinist' quantitative methods (cf. Keller, 1973: Rich, 1979: Fee, 1981: Harding, 1986), the selection of a research methodology needs to be based solely on the traits of the site and the nature of the research problem.

Furthermore, the contemporary feminist arguments for the singular rejection of quantitative research techniques fail to recognize the contributions that such methods have made to feminist research (Yllo, 1988). Diana Russell (1982, 1984), for example, launched two major research projects that

clearly refuted the myth that rape, both marital and stranger, is a rare occurrence. These projects employed both quantitative and qualitative research methods. She also demonstrated, through the use of statistical evidence, that marital rape is as traumatic as other forms of rape (Russell, 1982). Such data could not have been generated from qualitative methodologies alone.

Nevertheless, the point is well taken that it is simplistic to hide one's values and assume that one is being objective (Hoff, 1988). Throughout a research project there are decision-making processes that need to be scrutinized:

"The operationalization of concepts and their measurement are not neutral processes...Statistical analyses, too, are infused with researcher's values. The question of which variables to consider and how many controls to introduce are not apolitical decisions."

(Yllo, 1988)

Likewise, a dogmatic adherence to quantitative techniques, for their own sake, has produced slums of sterile studies that obscure knowledge about the social world (Dobash and Dobash, 1983). Nevertheless, the operationalization of concepts is not a neutral process in qualitative research or quantitative research. Neither can claim absolute objectivity (Yllo, 1988).

This chapter will expand upon the methods of research that were used throughout the project. First, there will be a brief discussion of the specific methodology of the study. Second, as employees of the Ministry of Correctional Services, interviews with probation officers need to be

undertaken under the auspices of the Ministry's Research and Evaluation Board. A significant amount of time was devoted to gaining access to the respondents. This chapter will outline the process involved in obtaining permission from this institution. Third, the methods used in developing the interview guide will be outlined. The process of discerning pertinent research questions involved contact with both probation officers and area managers for the Ministry of Correctional Services. Their input greatly defined the substance of the interview guide. Finally, the methods used in sample selection, securing appointments, the interview process, and a description of the respondents will be given.

THE METHOD: SEMI-STRUCTURED PERSONAL INTERVIEWS

Although personal interviews have many disadvantages, such as time constraints, difficulty obtaining access, and cost, there are several advantages to using personal interviews as a method of data collection (Jackson, 1988). They enable researchers to probe into difficult issues with depth that is not possible in survey research (Binder et al, 1983). Personal interviews allow the interviewer to establish trust with the respondent so that complex and possibly controversial issues may be broached (Scully, 1990). Since much of the data that was gathered involved personal beliefs and accounts of complicated social relations, it was important that the respondents trusted the interviewer and

were able to express their thoughts in their own words.

All questions were delivered in an open-ended format. Unlike fixed-format questions, where the respondent must select a response that is pre-determined by the researcher, open-ended questions require the respondent create their own answer (Berg, 1989). Open-ended questions were necessary for this project for two reasons. First, the research was exploratory. The respondents were experts in the field. The interview was designed to glean some information from the respondents that was unknown prior to the interviews. After data collection was complete it was then coded and categorized. Imposing pre-determined response categories on the respondents would have limited their reactions and valuable information could have been lost.

Similarly, the second reason why open-ended questions were chosen is that it was necessary to do a significant amount of probing during the interviews. The depth of information needed from the respondents could not have been attained by closed ended questions. The subject matter was, at times, fairly dense. Using fixed-format methods would have blocked avenues for inquiry. For these reasons semi-structured interviews were considered to be the most appropriate method of data collection.

All of the respondents were guaranteed anonymity prior to the interview and were assured that the study was being done for solely academic purposes (for a copy of the consent form look to Appendix 2). They were told that the data was

to be used in a Master's thesis and would not be used in any form of popular media. Since the interview was completely voluntary they were also told that they could end the interview at any time.

After initial introductions they were read the questionnaire and were told that they could answer the questions in any manner they wished. Furthermore, they were encouraged to add any insights that were not being directly elicited by the phrasing of the questions. Every attempt was made to explore and probe all avenues of inquiry so that no pertinent information was being omitted from the analysis.

Finally, they were told how to contact me in the future if they had any questions or concerns about the study. They were also told that a copy of the final report would be made available to them if they wished to see the results of the project. Since these interviews represented an intrusion in their daily work schedule it was important to take measures to demystify the process as much as possible. Every attempt was made to be respectful to their concerns and worries about participation in the study.

GAINING ACCESS TO THE RESPONDENTS

I opened my research project by contacting two local probation officers who deal regularly with wife assault probationers. At this point I was only interested in orienting myself within the Ministry.

Although I have had experience with the Fresh Start program I knew little at that point about the nature of probation officers' work with wife assault clients. I first became aware of this research problem through conversations with many of the staff at the Fresh Start program. I currently work there on a part-time basis on a research project that they are undertaking. I have also been trained to work as a counselor there. Although I have done some limited direct intervention work at the program, I have not done counselling work there since the summer of 1992 when I began my research position. Thus, although I developed an awareness of the issues from Fresh Start's perspective I needed to begin to orient myself within the Ministry of Correctional Services so that their perspective could be appreciated.

I presented myself as a graduate student who was interested in discussing the nature of probation officer's work with wife assault probationers. The information that I received from these officers was invaluable to the construction of my questionnaire and to my early understanding of their work. Most of the key components of the interview guide stemmed from these initial conversations.

Soon after these meetings I contacted an area manager for the Ministry of Correctional Services to enquire about setting up interviews with a sample of the local probation officers. I was told to send a proposal to all of the area managers so that it could be discussed at their next meeting.

After this meeting I was told that, although they supported the project, they realized that I first needed to obtain permission from ACRE (Minister's Advisory Council on Research and Evaluation) in North Bay, Ontario. All interviews with staff or inmates in the correctional system need to first be assessed by this external board.

The application procedure with ACRE is relatively straightforward. They require a written proposal, similar to that written for my supervisory committee, that outlines the nature of the research project to be undertaken. They also sent me their research policy manual that clearly specifies the general requirements for gaining approval from the Ministry.

After receiving my proposal it is then sent to three committees within ACRE. All three of these bodies assess the proposal and offer criticisms or suggestions for its implementation. Finally, after they (the ethics committee, operations, and the information privacy board) are finished with their assessment it is forwarded to the chair who decides to approve or veto the application. In total this process took 14 weeks. Upon receiving ACRE's approval, individual officers can be contacted and appointments can be made for personal interviews.

DEVELOPING THE INTERVIEW GUIDE

As with any type of research, it is important that the

points raised during the interview are pertinent and lead to appropriate areas of exploration. When it came to understanding why probation officers were rarely breaching wife assault probationers (who were expelled from the Fresh Start program, there were several sources that informed the decision making process.

First, my initial conversations with two local probation officers raised a number of issues that were eventually included in the interview guide (the interview guide can be found in Appendix 1). Most significantly, their mentioning external factors (such as policies and court caseloads) which constrain their ability to build cases for prosecution lead to an investigation of this during the interview.

Second, they mentioned that during their first meeting with their clients they are required to assess the risk and supervision level of the client. This suggested to me that perhaps the way they assess wife assault clients, in general, might be indicative of the way they perceive wife assault as a social problem. If they minimize the dangerousness of abusive men then perhaps they perceive them as low risk clients who do not require strict controls. This initial assessment may have implications regarding the viability of the case in court. That is, it may be difficult to convince a crown attorney to prosecute a wife assault probationer if they were expelled from treatment yet were only labelled low risk.

Third, probation officers are obligated to serve the

courts, the community, and their client. This could lead to identity confusion in ambiguous cases. Do probation officers perceive 'the community' in broad terms or do they recognize that it is quite likely that a sole woman is at risk? Does their allegiance to their client supercede their attempts to protect the female partner? It seemed that this area was worth exploring because it would demonstrate who the probation officer perceives as needing an advocate.

Finally, one of the officers remarked on how many of the probationers were critical of the Fresh Start because it is strict. Although the officer stated that he really did not know much about the program he agreed with his clients on this matter. This lead to including questions on the officer's perception of the treatment facility. If they perceive the program as unfair, it is unlikely that they will treat the expulsion as significant.

Speaking with the area managers also provided some insight into why they do not choose prosecution with their clients. Probation officers pride themselves in acting as professionals whose discretion in decision making processes is sacred. One area manager quite explicitly stated that establishing a protocol with clients robs probation officers of their professional discretion. Their adherence to this ideology of professional discretion may lead them to perceive themselves as agents of referral instead of agents of social control. For example, after a client is expelled from a treatment facility, the probation officer may then decide

to search for other sources of clinical support instead of thinking of imposing legal penalties. Exploring these self-perceptions of their role within the criminal justice system may reveal a reason for the lack of prosecution.

Another source of questions for the questionnaire came from the literature review of the police response to wife assault. Many of the findings seemed relevant to this topic. Particularly, it was commonly found that police officers treated wife assault as a non-issue because they adhered to what could be considered patriarchal values. (cf Walter, 1981) It is possible that probation officers behave similarly for the same reasons. At several points in the interview, the respondents are asked to give their personal opinions regarding the causes, nature, and ideal criminal justice response to wife assault. It is certainly possible that such attitudes would lead to an unwillingness to intervene in these cases.

Finally, reviewing the literature on occupational roles in probation departments revealed some interesting trends. One study found that probation officers tend to prefer descriptions of themselves that emphasize their role as advocates for their clients. They disliked characterizations of their careers that focused on their ability to impose controls on clients. Perhaps a similar ideology is adhered to by local probation officers. They may choose to aid their clients instead of placing penalties on those who do not comply with their conditions of probation.

ARRANGING AND COMPLETING THE INTERVIEWS

Approximately 14 weeks after a proposal was forwarded to the Ministry of Correctional Services' Research and Evaluation Board, approval was granted to begin the interviews. It was suggested that the local area managers be involved in selecting the officers that would be suitable for the research.

After receiving approval from the Ministry, the three area managers were telephoned and informed that the project had received approval from the Research and Evaluation Board. They were then asked if they would like to participate in the selection of the respondents. All of the area managers felt that it would be appropriate if they broach the topic with the workers. They felt that they would be more successful in convincing individual officers to partake in the research.

Copies of the consent form (see Appendix 2) were then forwarded to each of the managers to be distributed among the staff in their office. The consent form clearly spells out the intent of the research project and informs the officers of their rights as respondents.

Shortly thereafter the three managers forwarded a list of officers who were interested in taking part in the research. Permission had been given to interview a total of 15 officers. Exactly 15 officers had volunteered to participate. Thus, the sample selection process was simple

and straightforward. All of the respondents in the sample were self-selected after reading the consent form and discussing the matter with their area manager.

. Each of the officers were then immediately contacted and appointments were arranged. Luckily the total amount of time for the interview process was brief. All of the interviews were completed within a three-week period. The officers were extremely helpful and co-operative. There were no delays or cancellations for any of the appointments.

At the beginning of the interview, the officers were given two copies of the consent form to sign. The first copy was for them to keep for their files. The second copy was kept by the researcher. No officers registered any complaints about the conditions of the consent form and they all indicated a wish to read the final report.

The interviews typically lasted for an hour. Although none were less than an hour, a few lasted for approximately an hour and a half. Luckily these longer interviews appeared not to represent a significant intrusion in the officers' work. All 32 items on the interview guide were read to the respondents by the interviewer. They were not given a copy of the interview guide during the interview. Their responses were then recorded by hand on the interview guide. Although audio tape records may be more accurate, they have disadvantages. For example, the initial two pilot interviews that took place prior to the actual research were tape recorded. The interviewees appeared nervous and asked

why there was need for a tape recorder. Although recording the data by hand can take longer, no officers registered any complaint about this process. Overall, the interviews were pleasant and all of the respondents were enthusiastic.

CHARACTERISTICS OF THE RESPONDENTS

Prior to the main interview, the respondents were each asked five questions about themselves so that they could be described and compared. Gender, number of years as a probation officer, educational background, number of wife assault clients, and nature of training for work with abusive men were recorded. In this section, the respondents' characteristics will be described so that more is known about their individual traits.

The respondents (nine females and six males) had all achieved a fairly high level of education. They all had at least one university degree and eight of the fifteen respondents had more than one university degree. Every respondent studied in the social sciences (either sociology, law, criminology, psychology, or social work).

All of the respondents also reported having had significant work experience within the correctional system. Even the least experienced probation officer (a female who has worked as a probation officer for less than a year), worked previously in prisons for several years. Thirteen of the fifteen respondents worked for more than five years as

probation officers. The most experienced officer was a male who had worked as a probation officer for 25 years in Springfield.

Most of the officers in the sample also reported having fairly heavy caseloads. Several officers stated that they currently work with over 100 clients. One officer who works on a part-time basis reported having over 60 clients. Clearly these workers deal with a great number of people. Only one respondent reported working with fewer than fifty clients.

Recently attempts have been made within the Ministry of Correctional Services to more equitably distribute different types of offenders. One of the respondents in the sample reported that until recently 70% of his caseload was made up of wife assault clients. Now approximately 25% of his caseload are abusive men. Most frequently, probation officers reported that abusive men constitute between 10% and 20% of their caseloads.

Overall, few of the respondents reported having had much training to work with abusive men or victims of wife assault. Only three of the officers mentioned that they had read theory or research during their university training about wife assault. Seven of the respondents stated that they had attended an in-house workshop on wife assault. Six of the officers reported that they had neither university training or occupational training in the area of wife assault.

CONCLUSION

This chapter has provided an overview of the pertinent factors involved in the research process. Due to the fact that this research involved interviewing employees of the Ministry of Correctional Services, the study needed to gain approval from the Ministry's Advisory Council on Research and Evaluation (ACRE). A significant amount of time and work was devoted to obtaining their permission. Overall the research process was fairly structured. Since the project involved contact with a government agency, there was an obligation to ensure that proper procedures and protocol were followed.

The actual interviews themselves were completely unproblematic. There were no complications or obstacles worth noting and the respondents appeared to enjoy the process.

Semi-structured interviews were also found to be an appropriate research methodology. These interviews generated substantial, rich data which addressess the research problem. The next chapter will provide responses to the research questions that have oriented this study. The interviews generated data that were able to shed light on the factors that have influenced the decision-making processes of probation officers work with wife assault clients. Reviewing the data will illuminate the forces that account for the low number of breach of probation charges directed against wife assault clients who become expelled from Fresh Start.

CHAPTER 5
FINDINGS

INTRODUCTION

This chapter will provide an analytical discussion of the results of the interviews, and will suggest responses to the study's four research questions. Each of the four research questions represents a set of items from the interview guide (see Appendix 1). The discussion in this chapter will be divided into four sections (one for each research question). Each section will draw upon relevant data to illustrate the general findings for each question.

The discussion will also be linked to the radical feminist perspective. The findings for each question are related to the viability of the perspective. Clearly it is not the goal of this project to test a theoretical model. Since these writings are more of a scholarly perspective, and this research is exploratory in nature, the goal is more to suggest responses to research questions than to test a theoretical model.

ORGANIZATIONAL CONSTRAINTS

The issue of organizational constraints proved itself to be more complex than it may appear at a first glance. Re-stating the research problem may help to clarify the matter. The goal of this study is to understand why it is rare for breach of probation charges to be laid against men who become expelled from Fresh Start. Data from the Fresh Start

program indicates that less than 10% of these men were breached as a result of their behavior. The staff at Fresh Start knows this information because when one of their ex-clients is breached they are subpoenaed to appear in court. Their records indicate that in the last five years only three or four of the more than forty probationers who were expelled from Fresh Start were ever prosecuted for breach of probation.

Throughout the interviews, probation officers described several organizational conditions that could prevent them from winning a breach in court (these constraints will be discussed below). At no point, however, did any officer mention any structural restraints that would prevent them from laying a breach of probation charge. This distinction between restrictions that prevent an officer from winning a breach versus laying a breach is an important one.

Item 27 on the interview guide deals with this issue:

"Is it possible that you would not be able to lay a breach of probation charge against a domestic assault probationer because of external constraints that are beyond your control?"

Of the fifteen respondents, six said that there are no external constraints that could prevent them from laying a breach of probation charge. In fact, they were quite adamant that 'it is their breach'. The remaining nine officers also did not name external factors that would restrain their ability to lay a breach. They did however list organizational restrictions that might prevent them from being able to win the case in court. Such considerations as

the wording of the probation order, the practices of judges, the dominance of defence lawyers in Springfield, the ineffectiveness of crown attorneys, and court caseloads could all prevent the successful execution of the breach in court.

It seems important to emphasize that none of these considerations prevent a probation officer from laying a breach of probation charge. In fact, when asked to describe behaviors that would result in a breach of probation one officer said:

"We need clear-cut evidence - like being kicked out of [Fresh Start]. When this happens I talk with the program and really build a case."

For this officer being expelled from Fresh Start was perceived as significant enough to warrant a breach. She mentioned no organizational constraints that would prevent her from doing so. Hypothetically speaking, if all of the probation officers in Springfield held the same subjective orientation as this officer, the number of breaches laid would rise dramatically.

Despite this fact though, there are problems within the organization as a whole that complicate, confound, and undermine the process of breach of probation. One officer said:

"If I don't have enough evidence it's hard. Being expelled from [Fresh Start] is a hard breach to get. A breach of probation for domestics is a delicate issue. We need a lot of evidence."

Although these constraints may not prevent the officer from laying a charge they could ensure that the case is thrown out of court:

"I lost a breach like this. The judge gave me a hard time. I had to fight for it and in the end it was thrown out."

Several probation officers mentioned unique systemic factors that relate to the viability of a breach once it arrives in court. One officer had this to say about the courts:

"I'm fed up with the courts. They're run by defence lawyers. They run the courts...[Springfield] is unique. The defence lawyers run everything."

It is not known for sure whether or not Springfield is unique in this aspect but it is important to note that this is a dominant perception among Springfield's probation officers. Based on this perception, it appears that after a probation officer decides to lay a breach of probation charge they may face barriers that would undermine their ability to successfully execute that breach.

To restate, there appear to be no organizational constraints that prevent probation officers from laying breaches. Nevertheless, the system has its flaws. In fact, the court process and the wordings of the probation orders seem to weaken the probation officers ability to breach their clients.

Once a probation officer decides to breach an offender they face two types of structural barriers. The first relates to their ability to build a case that would stand up in court. The second involves the practices of other criminal justice workers within the courts that hinder successful breach of probation charges. Both of these

factors are obstacles to successful breach of probation and each will be discussed below.

Knowing Versus Proving

A breach of probation is a sanction or penalty that is directed at a client who has violated the conditions of his probation order. Every client has a set of conditions that he must comply with throughout the duration of his probation sentence. In order for an infraction to be considered significant enough to lead to a breach, however, it needs to be evident that the client willfully failed to comply with a principal element of his probation order.

This presents a challenge for probation officers who have clients expelled from the Fresh Start program. After deciding to lay a breach, the officer begins to build a case for court. The onus is on the officer to prove to the court that their client willfully violated his conditions of probation. The officer would then refer to the probation order to verify that this has happened. At present there is evidence to suggest that the wordings of treatment conditions for wife assault clients may confound this process.

The probation order is of central importance in much of the interaction between probation officers and their clients. One of the main roles that probation officers take is that of enforcing their clients' conditions of probation. In many respects the probation order organizes their entire

relationship with their client:

"We're always checking the probation order to see if he's complying... The probation order keeps things neutral. I shouldn't be getting into areas that aren't on the probation order."

Any decision regarding a breach of probation involves close scrutiny of the probation order. Although most probation orders for wife assault clients have a general treatment condition it is rare for it to specify the locale of the program or that the program should be completed:

"Most probation orders [for wife assault clients] have a treatment condition. I've never seen one that didn't. Some specify [Fresh Start] but most say 'as required by the p.o.'."

While general treatment clauses allow the probation officer greater flexibility when assigning treatment, they also have limitations. When the wording of a probation order is vague it becomes difficult to lay a breach if he does not comply with treatment. When asked about external constraints that would prevent her from effectively breaching a wife assault client one officer said:

"The wording of the probation order. It leaves things wide open to interpretation with regards to whether or not we can enforce treatment."

Unless the order specifies that the client complete a treatment program the probation officer may have a difficult time convincing the court that any violation took place.

In fact, when discussing alternative strategies to this issue, several officers mentioned that the wordings of probation orders should be more specific. One officer said:

"We need a protocol when it comes to domestic assault cases. We need consistent sentencing patterns and specific conditions of probation."

Thus, the wording of probation orders are unnecessarily resulting in a decrease of the enforcement powers of probation officers. After deciding to lay a breach of probation charge, one of a probation officers main roles is the collection of evidence that demonstrates a willful non-compliance with the probation order. If the conditions of probation are entirely left open to interpretation, however, it becomes difficult for the officer to convince the court that any penalties should be imposed on the client.

Probation officers mentioned other factors that would limit their ability to build a credible court case. Such examples would be collecting sufficient evidence and securing witnesses for the trial. In the case of a breach where the client was expelled from Fresh Start, these considerations would probably not be relevant. Several officers reported that the staff at Fresh Start will testify at a breach of probation hearing and are helpful in providing evidence regarding the offender's behavior while in the program.

There are other organizational constraints, beyond roadblocks to effective case-building, that limit the successful execution of breach of probation charges. Once in court, the probation officer may encounter a system that confounds their attempts at implementing sanctions on an offender. The next section will examine these problems.

The Court System

After a probation officer lays a breach of probation charge they prepare a body of evidence that is then sent off into the criminal justice system. At that point, the crown attorney has ultimate authority over the case. Although the probation officer will be present at the hearing and will have some influence, the crown attorney, the defence lawyer, and the judge will all factor in prominently in the dissemination of the facts of the case. According to the respondents there were several aspects of this process that could result in a breach of probation charge being thrown out of court: I) the practices of the judges II) the dominance of defence lawyers/the ineffectiveness of crown attorneys in Springfield and III) court caseloads. All of these factors were cited as conditions that could result in an aborted breach and each will be discussed in turn.

The Practices of Judges

First, several respondents felt that one predictor of the result of a breach hearing is the judge. They reported a considerable variation among judges in these cases. Although some judges treat these cases seriously others do not. Several officers used the term 'dinosaurs' to describe Springfield's judges. One respondent said:

"Judges have a long way to go...chauvinistic judges are a problem. They don't want to take these cases. It's improving, but there are some judges that you know will throw out the case."

Thus, the likelihood of a breach being successfully executed was reported as being related to the attitudes of the judge. Another officer said:

"I guess it depends on the judge. Some treat it seriously and some don't. But, since I don't know who the judge will be it doesn't affect if I prosecute or not."

Beyond chauvinism, however, there were other attributes of the judges that were cited as being related to the potential success of a breach of probation charge. According to one officer:

"One judge said that breaches are chickenshit charges. Within the courts all breaches are a low priority. Even if he's found guilty the penalty is a joke."

Thus, the practices of judges have played a role in the dismissal of many of these cases. After a probation officer decides to lay a breach they may face resistance from the judge who is presiding over the case.

Dominance of Defence Lawyers

The second aspect of the court system worth noting is the dominance of defence lawyers and the ineffectiveness of crown attorneys in Springfield. One of the most interesting findings of this study is that Springfield appears to have a distinct tradition within the courts. Several officers reported that, for undetermined reasons, defence lawyers have

a dominant position within the courts. One officer said that defence lawyers make 'mincemeat' out of probation officers.

A few officers who have worked in other cities have found this to be unique to Springfield:

"The court is run and operated solely by defence lawyers. They literally run the court...[Springfield] is unique in this respect."

One officer felt that the defence lawyers have achieved this level of dominance because of the crown attorneys and judges:

"Either by ignorance or stupidity both crowns and judges have let these guys get away with too much. Defence lawyers get away with murder. They exploit the naivete of the crowns. This is peculiar to [Springfield]. Some of the things they get away with in [Springfield] would never happen in Toronto."

Therefore, it seems that the dominance of defence lawyers in Springfield appears to have an impact on the outcome of the breach. After a probation officer decides to pursue a breach, s/he may face a court system where their client's lawyer has an advantage over them.

Court Caseloads

Third, a few officers mentioned that the court caseload is related to the success of a breach charge. Today's courts are experiencing an overload of cases. Cases tend to be prioritized so that only the most important cases are actually brought to trial in the limited time available. One officer stated:

"In many ways it depends on the court caseload for the day. They often get dropped because of caseloads."

The result is that the defence lawyer and the crown attorney might plea bargain to have the breach reduced. One officer has begun putting several counts on a single breach so that at least one count will remain after the plea bargaining is finished:

"The way the courts are today, plea bargaining always seems to happen. I lay more than one count on a breach so that if a couple are dropped there's still something left over."

The court caseloads appear to be having an impact on the outcome of breach of probation charges. After an officer decides to breach a wife assault client, the heavy caseloads could affect the result of the charges.

Deciding to Lay a Breach

It should be reiterated that none of these factors prevent probation officers from laying a breach of probation charge. These are organizational barriers that come into play after the probation officer has decided to charge an offender. When asked, the majority of officers stated that such problems would not deter them from laying a breach charge. Most officers were quite adamant that 'it is their breach'. Nevertheless, the current structure of the criminal justice system seems antithetical to the needs of probation officers who wish to lay a breach of probation charge. When probation officers decide to breach a wife assault client

it appears that they face an uphill battle.

This, raises the issue that it is possible that a sense of futility among probation officers could explain the low numbers of breaches. That is, although probation officers are not formally prevented from laying breaches, their knowledge and experience with the organization may make them unwilling to enter into that process.

During the interviews, the respondents were asked if all of the problems surrounding breach of probation dissuaded them from pursuing breaches. Nine of the fifteen officers said that it did not. One respondent said:

"I tend to pursue cases. I don't let them go without a fight. Technically it's my breach."

There was a significant portion of the respondents, however, who did say that they will not lay a breach if they feel that it is doomed. One of the six officers who felt this way officer stated:

"Knowing that does affect whether or not I breach. Unfortunately it reflects badly on the criminal justice community."

Thus, it appears that every individual officer varies in the degree to which they will be dissuaded by the structural problems.

There can be no doubt about the fact that after they decide to lay a breach, probation officers will face organizational barriers. Nevertheless, it is not organizational constraints that account for the low number of breaches against men expelled from Fresh Start. Rather, the individual officer's subjective orientation will determine

whether or not a breach will be laid. The majority, nine out of fifteen, say that when they decide to breach they would not let the bureaucracy deter them from following through on the breach. There was a fairly significant group, six out of fifteen, however, who did feel that this would deter them from laying the breach.

What is the Role of Organizational Constraints?

How important a consideration are organizational constraints in accounting for the low number of breach of probation charges against wife assault clients who become expelled from Fresh Start? It cannot be denied that the current organizational context is antithetical to efficient prosecution of wife assault clients who become expelled from treatment. This, however, cannot be used in isolation to account for our research problem.

The majority of officers reported that despite organizational constraints they will pursue a breach if they feel that it is appropriate. The organizational constraints mentioned above would not prevent a probation officer from laying a breach of probation charge. They would only figure in after a probation officer initiates the breach. It seems more relevant to inquire into how probation officers decide to lay a breach of probation charge. Clearly the structural constraints mentioned above must be seen a legitimate problem. Yet, can they be used to explain why probation

officers tend not to breach clients who become expelled from Fresh Start?

Fourteen of the fifteen officers in the sample said that they would not perceive an expulsion from a treatment program to be significant enough to lay a breach of probation charge. They reported that they perceive making a referral to another agency to be the most appropriate response at that juncture.

There appears to be a norm where most probation officers do not breach clients for problems involving treatment programs. Those who do breach may encounter structural constraints. However, these constraints cannot be cited as the reason for the low breaching rates. Simply put, it is relatively unusual for probation officers to lay a breach charge because they believe that they should not lay a breach for issues involving treatment. For them, problems regarding the administering of treatment are not sufficient to lay a breach.

This is not to deny the existence of organizational constraints. There appear to be a number of constraints at work in Springfield's correctional system. Yet, they cannot be used to account for this research problem. Probation officers appear not to be laying breaches for the simple reason that they adhere to an occupational ideology regarding the appropriateness of breaching. The dominant perception among probation officers was that an expulsion from a treatment program should not lead to breach of probation. This issue will be explored at great length throughout the

remainder of the chapter.

Furthermore, it is not the intention of this paper to single out one variable as the root cause of the low rate of breaching. Integrating several factors, including the organizational context, would be the most comprehensive analysis. More specifically, it is quite possible that the ideology of only breaching clients in 'extreme' circumstances could be rooted in organizational considerations. Thus, a careful examination of the organizational context and might illuminate its influences in shaping ideologies held by individual workers.

PERCEPTIONS OF FRESH START

The respondents were asked a variety of questions to see if the credibility of Fresh Start is related to a probation officer's response to having a client expelled from the program. As an openly pro-feminist organization, Fresh Start may have been stigmatized by people who work in related institutions. It is not an intention of this study, however, to question whether or not the stigma is justified. No assumptions or judgments will be made about the value of the Fresh Start program. Rather, it shall be determined if such a stigma, justified or not, could account for a minimal response by the client's probation officer.

The respondents were directly asked to comment on, and evaluate, the philosophy and methods of the Fresh Start

program. There was no consensus among the probation officers on this issue. Six probation officers (five females/one male) supported the program. Seven probation officers (five males/two females) were heavily critical of the program. The remaining two officers (both females) felt that they did not know enough about the program to comment.

Opinion About Fresh Start

Although there were no reigning presumptions among all officers about the program, there were striking results. Some officers, particularly male officers, held extremely negative views of the program. One male officer said:

"I've never gone to it before, but I'm getting very negative feedback from my clients. The program is too feminist. I only send my clients there if I have to. It's the feminist approach that disturbs me the most. The program stomps on men. It shits on them. I have great reservations about the program."

Nevertheless, there were other respondents who had positive views of the Fresh Start program. One female officer said:

"I think it's a good program. I've seen some big changes. I'd rather see a seed planted than nothing at all. I have fairly regular contact with the staff and I find them good and fair."

Thus, there was a great deal of variation among the respondents in their perceptions of Fresh Start. There was no prevailing attitude among the officers in the sample about Fresh Start.

Nevertheless, there were several officers who intensely disliked the program. These officers reported that they tend

to not send their clients to Fresh Start. They also reported that they disagreed with the methodological and philosophical underpinnings of the program. This raises suspicion that their perceptions of Fresh Start could account for their tendency not to breach their clients who become expelled from the program.

What is the Role of the Officers' Perceptions of Fresh Start?

Clearly there was evidence to support the assertion that Springfield's probation officers tend to dislike the Fresh Start program. This, however, does not prove that their attitudes towards Fresh Start influence their decision to lay a breach or probation charge when they have a client expelled from the program. This merely proves that they dislike the program. In order to demonstrate that their appraisal of Fresh Start is related to their decision to breach we would need to demonstrate that they would breach a client if he was expelled from a different program.

Unfortunately, we do not have the evidence to explore this avenue. We do not know the rates of breaching for other offences involving treatment programs. Such data would enable us to determine if the rates of breaching were disproportionately lower for clients expelled from Fresh Start. In a similar vein, we are not able to determine if the rates of breaching are lower in other offences. Thus, we need to ask if it is the case that breach of probation

charges are disproportionately lower for wife assault clients who become expelled from Fresh Start or is it the case that breach of probation charges are low across all offences involving treatment?

Despite the fact that we don't have access to quantitative statistics on this matter there is evidence that suggests the latter. Item 18 on the interview guide asks:

"What is your viewpoint or approach when it comes to breach of probation? Should it be used to impress upon abusive men that their rehabilitation is considered important."

All of the respondents answered that a breach of probation is a last resort. One officer said:

"Breach of probation is a last resort. Like if someone's life is in danger. Then you lay a breach. If it's minor then I usually threaten a breach."

Not all of the officers agreed though on what constituted a last resort. For some a last resort was if they felt the victim's life was in danger. For most, a breach only happens if the client clearly violated a condition of his probation order. Since most treatment conditions for wife assault probationers do not specify that they need to complete the Fresh Start program, there is no clear violation of their probation order. Only one officer felt that being expelled from treatment would usually warrant a breach.

Thus, the findings for this question are mixed. Several officers do stigmatize the Fresh Start program. These officers, nearly all male, held extremely negative attitudes

about the program. Nevertheless, there is no conclusive evidence that demonstrates that these attitudes influence their decision to breach or not. Only one officer in the sample indicated that being expelled from treatment would likely prompt her to breach.

The overwhelming majority of the respondents felt that a referral to another program would be a more appropriate measure. Therefore, the probation officers' perceptions of Fresh Start can not conclusively be seen as related to their decision to breach a client. Rather, there is a tendency for probation officers to view being expelled from a treatment facility as insufficient to warrant a breach of probation.

The findings for this question, however, need to be seen as suggestive and not conclusive. In the absence of a control group it is difficult to ascertain how probation officers would respond to clients from other offence categories that become expelled from treatment programs. Future research should compare breaching rates across all offence categories to determine if clients expelled from Fresh Start are less likely to be prosecuted for breach of probation than clients from other programs.

ATTITUDES ABOUT WIFE ASSAULT

This section will focus on a central tenet of the radical feminist perspective. They set forth that criminal justice workers will decide not to challenge male

power and will collude with abusive men. Throughout the interviews the respondents were invited to discuss their views on their wife assault clients, their views on the ideal criminal justice response to wife assault, and other subjects. Such discussions revealed the allegiances and intentions of the officers.

Perceptions of Abusive Men

Despite some variation among officers, there was not strong support for the radical feminist claim that probation officers are unwilling to challenge abusive men. The respondents were asked a wide variety of questions on this matter. The majority of the officers were highly critical of abusive men, perceived them as dangerous, indicated a desire to increase enforcement levels, and criticized the current system for allowing abusive men to slip through the cracks.

This is not to say that every officer does not adhere to any ideologies or attitudes that could be considered chauvinistic or sexist. The radical feminist perspective was not entirely without any support. At times, some officers did make controversial comments. These comments tended to be insulated, however, from their general views on these cases. For example, one female officer who berated and stigmatized some victims of wife assault also consistently advocated for increased enforcement and was supportive of Fresh Start for its pro-feminist methodology. In every case,

it was impossible to categorize the officers as 'sexist' or 'not sexist'. The interviews dealt with a wide spectrum of questions. No officer gave responses that were exclusively of one variety.

Again, although there was some support for the claim that probation officers adhere to sexist attitudes about wife assault, overall most officers appeared willing to challenge abusive men. None of the respondents in the sample could genuinely be accused of colluding with abusive men. Perhaps providing an overview of the data might illuminate this finding.

Overview of Findings

The vast majority of officers (12 of 15 respondents in the sample) felt that there was a significant risk that the men would re-offend and that the victims were at risk of serious abuse. One male respondent said:

"When a man goes to court for domestic assault we know that it's been happening for a long time. It's also safe to say that any probation officer who has a domestic assault probationer and isn't very cognizant of this client and doesn't monitor his client is making a fatal error."

There were three male respondents, however, who tended to minimize an abusive man's dangerousness. One male officer felt that:

"Only about 25% of the women at the most [are at risk of serious abuse]. This whole issue is getting overblown. There are a lot of men getting arrested unnecessarily."

Nevertheless, the majority of officers demonstrated a willingness to view their wife assault clients as dangerous.

The respondents were also asked to offer their explanations for why men abuse women. This question would have been an opportunity for probation officers to offer opinions that blame victims and exonerate the offender. Yet, across the board, this did not happen. In fact, several officers offered opinions that contained elements of pro-feminist theory. One male respondent said:

"Anger management seems to be a common explanation but I don't buy it. In fact, our in-house psychiatrist runs an anger management program but he won't accept domestic assault clients. If these guys problem was anger they'd be hitting everyone not just their wives."

A female officer theorized that:

"These men have a need to define themselves through their spouses and a need to control their spouses. They backlash against her. Stress is not a factor. They're just controlling men."

Both of these statements contain elements of pro-feminist theories of wife assault.

However, when the respondents were directly asked if the abuse is the man's responsibility or a couple problem, the answers were more divided. Half of the officers believed that the abusive male is solely responsible for the abuse. For them there was no inclination to implicate the victim in the responsibility for the abuse. One officer said:

"Even though his wife may do things to tick him off, it doesn't make her responsible for physical violence. In normal couples they have a fight and be done with it. With these men, they don't stop at anger. They hit. They need to learn how to stop this. Her behavior is not an issue."

Meanwhile, the other half of the sample did not agree. They felt that wife assault should be conceived of as a couple problem. One female respondent stated:

"It's a couple problem. It takes two to tango... Sometimes from what you hear about the wives you think, well I'd hit her too."

Nevertheless, there was no clear consensus on this issue. The officers were split evenly on the issue of responsibility for the abuse.

On other issues there was more of a consensus. When asked to characterize their wife assault clients and compare them with other clients, the majority of probation officers were highly critical towards the abusive male. One female officer reported that she does challenge these clients regularly:

"I might be a bit harder on them because I'm a woman and I've been hardened by this. I come across these wife abusers who have no respect for women. I might be harder on them. Is that bad? I'm sorry. I don't let these guys get away with prejudiced statements."

The majority of officers also reported having less trust and tolerance with their wife assault clients. One female officer said:

"They are very similar to con artists: smooth and charming. I can't trust them at all. With other clients, well I can't say that I trust them completely, but a lot more than wife abusers."

A male officer described his wife assault clients as:

"Black and white thinkers. They are very rigid. My way or the highway. They tend to project blame on their partner. Most clients are not like this - only domestics."

Yet another male officer though did not have negative comments to make about his wife assault clients. He said:

"Most, over 80% of these guys are nice, warm, caring, sensitive men who somehow fuck up through abusive behavior."

This was the only officer, however, who described wife assault probationers in this way.

Perceptions of the Victims

While the majority of officers did demonstrate a willingness to challenge abusive men, several officers also had disparaging comments to make about some of the victims. One female officer said:

"Oh God. Some are little witches. Some would drive a saint to drink. They're real naggers. Others are really dependent and helpless. They're the real victims."

There were a number of officers who at different points in the interviews had negative opinions about the victims. Yet, many respondents were supportive and respectful of the victims. One male respondent said:

"I'm finding that these ladies aren't placing as much blame on themselves as they did years ago. There's a new breed out there. Feminists have done their job well in education."

Probation officers also initiate contact with the victims.

Only one respondent, a female, said that she does not contact the victims. All of the other officers reported that

contacting her is a regular feature of these cases. Several officers also mentioned offering victims referrals to social service agencies.

Perceptions of the Criminal Justice System

The respondents were also asked to comment on what they perceive to be the ideal criminal justice response to wife assault. Only one officer, a male, indicated that he was opposed to increasing enforcement levels in these cases (two officers had no opinion). The remaining twelve officers offered a wide variety of suggestions that would increase expediency, efficiency, and enforcement levels for these cases. These twelve officers all expressed a desire to improve the system so that fewer abusive men could slip through the cracks. In this respect, the radical feminist framework was not accurate in its prediction of their behavior.

When asked to evaluate the current justice system's response to wife assault the respondents' tended to be slightly more split. Half of the male respondents criticized the current system for its strict approach to wife assault. One male officer said:

They've bent to political pressure. They've gone too far in the other direction. Police don't have any choice anymore. A lot of men are getting caught up in the net who shouldn't. It leaves the door open for women bent on revenge.'

These officers believed that the system has become too

enforcement oriented and that too many men are being arrested unnecessarily.

No female officers, however, shared this opinion. In fact, female officers were more likely to be critical of the current system for not being effective enough in its enforcement role. One female officer described it as:

"Fairly poor. Police are improperly trained. The penalties are inappropriate - too lenient. Mediocrity runs right through the whole system."

There were several female officers who spoke of the system in this manner. They cited problems with the police, crown attorneys, judges, and probation departments that decrease the effectiveness of the system.

Overall, the majority of officers felt that the system was too lenient. Half of the male officers and the majority of the female officers stated that although they have seen improvements, the system is still too lenient with abusive men.

Attitudes Towards Protocol

One of the more convincing findings in this area come from the data generated by the final item on the interview guide. The respondents were asked if they would be supportive of protocol or policy initiatives that would decrease leniency and negligence. Eleven of the fifteen officers registered enthusiastic support for such measures. One male officer said:

"I'm fed up with the courts. They're run by defence lawyers. They run the courts. Protocol might improve things. Having a designated domestic assault court might help. In my opinion the judges should respond to breach of probation charges for wife abusers with incarceration. [Springfield] is unique. The defence lawyers run everything."

Although three of the four opponents of such measures were men, a female officer voiced the most 'anti-feminist' sentiment:

"I don't know. You'd really get some strong feminist types right in there. It could be a scenario where every wife abuser is bad. Women have to change too."

Overall the majority of the officers tended to actively support a shift in the criminal justice system that would decrease leniency in wife assault cases. Most officers, particularly female officers, were quite strongly in favor of measures that would increase their ability to impose controls on their clients.

What is the Role of Sexist Ideologies?

The goal of this study is to explain the low number of breach of probation charges that have been laid by probation officers against wife assault probationers who become expelled from Fresh Start. Radical feminism would contend that sexism and the perpetuation of patriarchy would explain this leniency or negligence. Yet the respondents in this sample, aside from occasional controversial remarks, demonstrated a general intolerance of wife assault and a desire to increase enforcement against abusive men.

Resolution test chart showing patterns of horizontal and vertical lines with numerical values ranging from 1.0 to 4.0.

Despite the evidence that the probation officers in the sample seemed comfortable challenging abusive men this does not mean an automatic rejection of the radical feminist perspective. There are a few reasons for this. First, the goal of this project is not to test a theoretical model. Instead, a set of research questions were derived from the radical feminist perspective that would aid in operationalization of the research. This is not strict theory testing. Second, there is no comparison group. We would need to examine the breaching rates of other offence categories involving treatment programs to determine if the breaching rates are disproportionately lower for wife assault clients. Third, since this is an exploratory research project it may be more useful to view these findings as suggestive than conclusive.

There is evidence to suggest that occupational norms regarding breach of probation for treatment offences play an important role in determining whether or not a probation officer will breach a man who becomes expelled from Fresh Start. This finding will be explored in the next section.

OCCUPATIONAL NORMS AND IDEOLOGIES

The central claim of the radical feminist perspective in this area is that due to sexist attitudes and beliefs about wife assault, criminal justice workers will be exceedingly lenient in their prosecution of abusive men. The Fresh Start program for abusive men has expelled many probation

clients for various reasons yet very few have ever been prosecuted for breach of probation. Radical feminism would claim that the probation officers' attitudes about wife assault and the perpetuation of patriarchy would solely account for this phenomenon. This, however, appears to be a questionable assertion.

There appear to be occupational ideologies and norms that are directly related to the tendency among probation officers not to breach their clients who become expelled from Fresh Start. Probation officers tend to view breach of probation as a last resort that should only be initiated after all alternatives have been exhausted. The vast majority of officers also reported that the normal response to a client's expulsion from treatment is to refer him to another treatment program.

Overview of Findings

There were several items on the interview guide that generated data to support this finding. The respondents were asked if they considered treatment for abusive men to be important. Nearly all of the officers indicated that they do view treatment as a high priority. A third of the respondents, however, also said that although they consider treatment to be important they will not force treatment on their clients. One male officer, who considered treatment to be 'imperative', also said:

"But, you can lead a horse to water but you can't make him drink. What's to be gained from forcing him to stay in treatment if he doesn't want to."

A female officer stated that:

"You can't breach someone because of their attitudes. I'd usually refer him someplace else."

There appears to be a norm where probation officers refer wife assault clients to other treatment facilities before they will breach. This practice appears to be rooted in a shared belief that breach of probation charges should only be laid as a last resort. Every officer in the sample reported that breaches should only take place as a final resort. One male officer said:

"I use a breach as a last resort. To fail to attend a program is not enough."

Nearly all of the respondents stated that they would find him some other type of counselling before they would breach him.

One female officer stated:

"I've never brought anyone to court for a problem with a treatment facility. I'd find somewhere else for them."

This was typical of most respondents. They tended to believe that, except in cases where the offender is dangerous, breaching is a last resort:

"Provided that no one is at risk, of course, I'd usually use a breach as a last resort. I only breach if I went through all my options. Usually if he's expelled I'd find something else for him."

There was some evidence, however, that not all officers agreed on what constitutes a 'last resort'. For one female officer being expelled from Fresh Start was a last resort. She said this about breach of probation:

"Generally it's a final resort. If he's kicked out of [Fresh Start] he should be breached."

She was the only officer who felt this way though. The remaining fourteen respondents in the sample indicated that being expelled from Fresh Start would not qualify as a last resort. For them, if a client was unsuccessful at one mode of treatment they would make a referral to another community resource center. An anger management program at the General Hospital, private counselling, and a staff psychiatrist were cited as alternatives to the Fresh Start program.

What is the Role of Occupational Norms and Ideologies?

Occupational norms and ideologies regarding breaching appear to directly influence the decision-making processes of probation officers when men are expelled from Fresh Start. Probation officers adhere to occupational ideologies that deem breach of probation to be a last resort. Accordingly, when a wife assault client becomes expelled from the Fresh Start program, his probation officer will nearly always refer him to another treatment facility instead of breaching. Thus, the rarity of breach of probation charges in a large part can be accounted for by the occupational norms and ideologies of probation departments and not sexism or the perpetuation of patriarchy.

Again, it appears that this occupational norms and ideologies seem to be the most significant factor in a

decision to breach. For example, six officers in the sample reported that organizational factors could deter them from laying a breach of probation charge. It needs to be noted, however, that these organizational barriers could only deter the officer after the officer has considered laying a breach. It appears though that the vast majority of officers would never reach that stage of contemplating a breach if a client is expelled from Fresh Start. After a client becomes expelled from Fresh Start they perceive making a referral to another agency to be the most appropriate response. At this point, the bureaucratic hurdles would not deter them from laying a breach because they are not considering a breach at that juncture. After a wife assault client is expelled from a treatment facility, the vast majority of probation officers simply refer him elsewhere because they adhere to a shared belief that this is an appropriate response.

CONCLUSION

The goal of this project was to account for the low number of breach of probation charges directed against wife assault probationers who become expelled from the Fresh Start program. It appears that occupational norms and ideologies regarding treatment and breach of probation make it unlikely that an expulsion from a treatment facility would lead to a breach of probation charge. Future research should be done, however, to produce more conclusive results.

The vast majority of officers in the sample reported that they do not view expulsion from a treatment program to be sufficient to provoke a breach of probation charge. Nevertheless, it needs to be noted that this is a self-report of their behavior. The findings would more conclusive if there was a comparison group. It would be necessary to examine the breaching rates of another offence category that involves treatment programs and compare them with the wife assault rates. It should be stated that it is necessary that the comparison group be an offence category that involves a treatment program. It would not be sufficient to simply compare breaching rates across all offence categories. There appear to be specific dynamics involved when a probationer is assigned treatment. Any comparison group would need to have treatment involved for the comparison to be meaningful.

The final chapter will assess the implications that this project has for future research. Throughout the research process there were a number of issues that came to the surface that warrant further investigation. Furthermore, this study's findings may have policy implications within the Ministry of Correctional Services. At the present time many of the probation officers in the sample found the criminal justice system's response to wife assault to be problematic. Looking outward to see how other communities organize their criminal justice system may provide some insight in policy formation strategies. In particular, Duluth, Minnesota has developed an innovative and highly accountable system that

includes probation departments. This system appears to have practical utility for other cities and could be of some use in Springfield.

CHAPTER 6

CONCLUSIONS

INTRODUCTION

This concluding chapter will be used as an opportunity to reflect upon the implications of this research. There are three areas that will be discussed. First, there will be a discussion on the shape of future theories regarding probation departments and wife assault. Radical feminism appears not to be the most useful framework for this study's particular problem yet it may be applicable to other topics. Second, the data revealed a number of related areas that need exploration in empirical research. These areas will be outlined and discussed. Finally, this study's findings indicate a need for some degree of policy formation in probation departments. Several officers in the sample reported dissatisfaction with the current system. These recommendations will be discussed at the end of this chapter.

IMPLICATIONS FOR THEORY

Although radical feminism was used in this study, there has been other work done on probation officers' responses to their client's infractions. Although this literature deals with all types of offences, not only wife assault, there are certain concepts that may prove relevant here.

There are two modes of thought. The first perspective contends that it is the attitudes of the probation officer that determine how the officer will respond to his client's behavior (cf. Morris et al, 1990: Clear et al. 1992). The

second perspective maintains that organizational considerations best account for the officer's behavior (cf. Berk et al, 1982; Rauma, 1984).

At present these two camps have remained insulated with few attempts at combining their analysis into a grand theory. Radical feminism, as an attitude-based perspective may play some role in shaping a debate on the role of attitudes in probation officers' behavior with female offenders. Nevertheless, occupational and organizational considerations need to be discussed as well. Some integration of these two theoretical perspectives may prove to be useful in future research.

It may be useful, however, to have a separate analytical category for wife assault. The varied nature of all of probation officers' duties should not be compressed into a single analytical theory. Due to their mixed caseloads, probation officers' work involves many divergent areas (including juvenile offenders, psychiatric clients, wife assault, and break and entry clients). It may be difficult to speak in general terms about how probation officers respond to all of their client's infractions. For example, while their work with wife assault clients usually involves contact with a treatment facility and victims, their work with shoplifting clients would probably not. This research suggests that this is quite likely. Occupational ideologies and norms appear to account for the manner in which probation officers respond to their wife assault clients being expelled

from a treatment facility. It is doubtful though that this research would provide much insight into how probation officers respond to violations committed by juvenile offenders. For this reason it may be beneficial to conceptualize probation officers' work with abusive men as a unique research area.

Theories in this area are in their infancy. It will be useful to develop a framework that allows an examination of both organizational conditions and the subjective orientation (including both personal and occupational ideologies) of the probation officer. The radical feminist perspective may play a significant role in this process. An investigation into sexist attitudes should figure prominently in any investigation of a probation officers subjective orientation to wife assault cases.

It should not, however, be the sole focus. Research should also ferret out occupational ideologies and norms. Probation officers are skilled professionals and have developed codes of behavior within their organizational context. These codes of behavior are valuable resources and may provide great insight into their work.

It also appears that attitudes towards wife assault should be examined in other areas of the criminal justice system's treatment of wife assault cases. In particular, several probation officers mentioned chauvinistic judges as a reason why many wife assault cases get thrown out. Radical feminism's claims may more accurately apply to judges than

probation officers.

Probation departments have only recently become a significant link in the criminal justice system's response to wife assault. There is still room for considerable growth in theoretical and conceptual frameworks in this area. Future research should greatly advance our understanding of this social phenomenon.

AREAS FOR FUTURE EMPIRICAL RESEARCH

Throughout the data collection process, a number of issues came to the surface that would provide excellent sites for future research. This section will discuss aspects of the criminal justice system's response to wife assault that could be examined in sociological research.

In reviewing the literature on the police response to wife assault it was found that there was a disjuncture between the accounts of police officers and victims. While police officers reported making frequent referrals to social service agencies, the victims of wife assault reported that police officers rarely offered any assistance in this manner (cf. Bowker, 1984; Dolon et al, 1986). Thus, a comparative analysis of the accounts of probation officers and victims could prove to be useful.

There could also be work done comparing the subjective orientation of male and female probation officers in wife assault cases. There were significant differences on some

items in this study. For example, male officers tended to be more critical of the Fresh Start program, more critical of mandatory arrest policies, and less favorable towards the victims of wife assault. Radical feminism may prove to be useful in this topic.

It may also prove worthwhile to compare the different ways that probation officers respond to violations committed by different types of offenders. This research cited occupational norms and ideologies as accounting for the lack of breach of probation charges against wife assault probationers expelled from treatment. It could lend further credence to the findings of this study if it could be shown that probation officers usually respond to treatment expulsions for other types of offenders by making referrals to other facilities. Having a comparison group might underscore the importance of recognizing the role of occupational ideologies in explaining breach of probation practices.

There were also a number of areas outside of probation departments that warrant some research. As has already been discussed, it appears that some of Springfield's judges may hold questionable attitudes towards wife assault. Several officers registered frustration over their experiences with judges in court. Perhaps qualitative research with judges could provide some insight into the decision-making processes that take place in court.

Finally, a number of officers made comments regarding

crown attorneys and defence lawyers in Springfield. They believed that, based on their experiences in other cities (particularly Toronto), Springfield is unique in that defence lawyers operate from a dominant position in court. It could be interesting to uncover what conditions created such a system. Many probation officers felt that the current ineffectiveness of crown attorneys has resulted in several wife assault cases being dismissed. The successful prosecution of abusive men in the courts may depend upon these social relations. Sociological research may advance our understanding of how this system is organized.

It may even be the case that Springfield is not that unusual in this respect. Quite possibly Toronto may be one of the few cities in Canada where defence lawyers are not dominant. Springfield may prove to be a more typical Canadian city than Toronto. A comparative analysis between Springfield and other Canadian cities may resolve this debate. These are a number of future research sites that have been identified as a result of this exploratory study.

IMPLICATIONS FOR POLICY

One of the most innovative responses to wife assault comes from Duluth, Minnesota. Duluth's Domestic Abuse Intervention Project (DAIP) was designed to re-shape policy within the criminal justice system with a view of ending male violence against women (Shepard et al, 1988). The goal of

the project was to move the criminal justice system beyond passive disapproval of wife assault towards actively imposing sanctions on the assailant (Pence et al, 1989). The result has been a dramatic restructuring of judicial policy and practices:

"The project co-ordinates the intervention of law enforcement, criminal justice, and human service and battered women's advocacy programs to provide comprehensive community intervention to assailants in domestic assault cases."

(Shepard et al, 1988: 285)

DAIP emphasizes the need for a consistent criminal justice response to wife assault. The practices of all professionals (including police, probation officers, sentencing judges, prosecutors, and mental health professionals) must be co-ordinated to collectively impress upon the assailant the message that, if continued, his abuse will result in harsher penalties (Pence et al, 1989). Policy changes were instituted in every aspect of the judicial, correctional, mental health, and human services systems. The overriding consideration was constructing a semi-autonomous social structure that would significantly contribute towards ending male violence against women (Shepard et al, 1988).

This is how it works. Whenever police encounter a scene where there are probable grounds that an assault took place they are required to arrest the assailant. If found guilty in court, he is then placed on probation with the condition that he complete DAIP's treatment program. He is not able to slip through the cracks in the system. If he actively

resists treatment he is re-prosecuted and the penalties become harsher.

In Springfield, like Duluth, police must make an arrest when there are probable grounds that an assault took place. After conviction, however, there are gaps in the system. The conditions of probation are vague and sometimes vary for different offenders. It is nearly impossible to breach offenders who actively resist treatment because the probation order does not specify that he complete any treatment process. Beyond this, it takes a year for the case to be prosecuted in court and, as one officer in the sample said, 'the penalties are a joke'. DAIP circumvents all of these problems through ensuring consistent and specific conditions of probation.

DAIP recognizes the historical trends of men not being held accountable in the criminal justice system. It also recognizes that since battered women are at risk of further abuse, there is a need for agencies to implement controls and sanctions on the batterers. In DAIP's charter, the following four goals are outline as the organization's primary objectives:

- "(1) to bring cases into the courts for resolution and to reduce the screening out of cases by police, prosecutors, judges, and other court personnel
- (2) to impose and enforce legal sanctions and to provide rehabilitation services to the assailant to deter him from committing further acts of violence
- (3) to provide safe emergency housing, education, and legal advocacy for women who are assaulted

- (4) to prevent assailants from either getting lost in or manipulating the judicial system by co-ordinating interagency information flow and monitoring each agency's adherence to agreed upon policies and procedures"

(Shepard et al, 1988: 286)

Such a co-ordinated effort at providing safety to abused women transforms the way a society views wife assault (Gamache et al, 1988). Furthermore, there is evidence to suggest that the system is working. Arrest rates in Duluth soared 800% over the three year period after the inception of the program (Pence et al, 1989). Probation departments are also highly efficient. The batterers were placed on probation with the condition that they complete DAIP's treatment program. Men who fail to comply are re-prosecuted and the penalties become harsher (Pence et al, 1989).

Certainly no individual social structure could become a panacea for ending male violence against women (Buzawa and Buzawa, 1990). Yet, this program represents a highly co-ordinated attempt at ensuring that the criminal justice system is not colluding with abusive men.

This program may have some relevance in Springfield. Clearly it is unrealistic to expect Springfield to completely overhaul their entire system and tailor it after the Duluth model. Duluth has created a semi-autonomous social structure after a much time, effort, and analysis. It may not even be necessary for Springfield to go to that extreme. They can dramatically improve their system simply by ensuring that their probation orders are consistent and specific. The

current wording of the vast majority of treatment conditions for wife assault cases is similar to 'must attend for treatment as required by the probation officer'. The wording confounds any attempt by the probation officer to penalize those clients who resist treatment because it never specifies that the offender must complete a treatment process. Improving the wordings on probation orders so that treatment conditions are consistent and specific, and hence enforceable, may be sufficient to enable probation officers to successfully breach those offenders who actively defy attempts at rehabilitation.

CONCLUSION

This final chapter has attempted to put into perspective the implications of this study. Since theories in this area are still underdeveloped, the findings here may have some impact on future research. Although there is some question as to whether the claims of radical feminism apply to this research problem, this perspective may figure prominently in upcoming research. Future theories on probation officers' work with abusive men should not, however, only focus on personal attitudes. Organizational conditions and occupational ideologies need to be included in any analysis of this topic.

It is important to maintain a focus in research on the way wife assault cases are treated in probation departments.

The criminal justice system's response to wife assault has expanded to include a network of departments and workers. Police departments are no longer the primary site of criminal justice intervention in wife assault cases. Sociological research has not fully kept pace with these changes. In recent years, for example, probation departments have assumed a greater role in wife assault cases. The supervision of convicted wife assault offenders has largely been left to probation officers. This opens up multiple sites of research for the future. Hopefully, this research has helped advance a sociological understanding of the methods and philosophies that probation officers use with convicted abusive men.

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APPENDIX 1**Interview Guide**

1. One of the first things you do when a client is assigned to you is fill out the LSI form to help you determine the risk level of the client. What patterns or trends, if any, have you noticed about the dangerousness of domestic assault probationers?
2. In your opinion do you feel that there is a real risk that domestic assault probationers are going to re-offend?
3. Are the women who are involved with these men at risk of serious abuse?
4. Outside of the LSI, how do you go about classifying your client in your head. Is there a set of informal criteria that you use to assess domestic assault probationers?
5. Is the way a domestic assault probationer is rated on the LSI related to your future response to his infractions?
6. Based on your experience, or perhaps from something you've read, what are the reasons why men abuse women?
7. Are the men solely responsible for the abuse? Are the wives part of the problem?
8. Are most domestic assault probationers assigned some kind of treatment? Where do you typically send such clients?
9. Based on your contact with the men, what kinds of issues need to be dealt with in treatment?
10. How important is treatment for abusive men?
11. Should successfully completing a treatment program be mandatory for domestic assault probationers?
12. How would you evaluate the philosophy and methods of the Fresh Start* program?
13. How would you evaluate or assess the staff at the Fresh Start* program?
14. Based on your experience, what are some typical reasons why domestic assault probationers are expelled from Fresh Start*?
15. What are the implications for his probation when he is expelled from Fresh Start*?
16. How do you decide when to breach and when not to breach a

domestic assault client?

17. What are some behaviors that would likely lead to a breach of probation charge for a domestic assault client?

18. What is your viewpoint or approach when it comes to breach of probation? Should it be used to impress upon abusive men that their rehabilitation is considered important?

19. Do you prefer to think of yourself as an advocate for your client or as someone who needs to impose controls on your client, or both?

20. Do you have a different approach with domestic assault probationers than with other clients?

21. How do domestic assault probationers compare with your other clients?

22. How would you characterize the domestic assault probationers that you have had contact with?

23. As a probation officer you work to serve the courts, the community, and your clients. Does this create role confusion for you in your work with domestic assault clients?

24. Do you have much contact with the victims? What are your impressions of them?

25. Do you feel that your work is related to the victim's safety?

26. Does the victim's presence create role confusion for you?

27. Is it possible that you would not be able to lay a breach of probation charge against a domestic assault probationer because of constraints that are beyond your control?

28. What happens if the crown doesn't agree with your decision to lay a breach?

29. Is prosecuting domestic assault probationers for breach of probation considered a low or a high priority in the courts? Does this affect your decision to breach?

30. What do you see as the ideal criminal justice response to wife abuse?

31. How would you evaluate the current criminal justice response to wife abuse?

32. Some major cities in the United States have developed strategies to reverse the traditional negligence that the

justice system has had towards wife abuse. One example of such a strategy would be a heightened level of protocol regarding the implementation of treatment. Another example would be policy initiatives that maximize co-ordination between the police, probation officers, and the court. The goal of these projects is to increase enforcement levels and reduce rates of inefficiency. What is your opinion about such tactics?

APPENDIX TWO

Consent Form

In research projects involving human subjects it is mandatory for researchers to obtain the informed consent of all participants in the study. This document will explain to you the nature of the research project being undertaken and will explain your individual rights as one of the participants.

Consent forms are typically used for two specific reasons. First and foremost, from your perspective, it is highly important that you understand your rights in this project so that you are fully aware of the process and its goals. The intent of research should not be to deceive or manipulate its subjects. This consent form will explain the nature of the project so as to eliminate any confusion or mystification about the process. The second reason for obtaining consent forms is to ensure that after the information has been gathered there would be documentation proving that all subjects gave their informed consent to participate in the project. This is done to avoid any conflict as a result of the research.

Aim of the Study

This research project is being undertaken by Neil Slattery, a graduate student at Carleton University's Sociology/Anthropology department. The information that will be gathered in the study will be exclusively used for his Master's thesis. This data is for academic purposes only and will never be used in any media forum. If at any time you need to contact my supervisor or a member of the Ethics committee, they can be contacted at the following addresses:

1. Dr. Florence Andrews, M.A. thesis supervisor

Chair-elect
Department of Sociology and Anthropology
Carleton University
1125 Colonel By Drive
Ottawa, Canada
K1S 5B6
tel: 613-788-2600 ext. 2801
fax: 613-788-4062

2. Dr. Valda Blundell
Ethics Committee
Department of Sociology and Anthropology
Carleton University
1125 Colonel By Drive
Ottawa, Canada
K1S 5B6
tel: 613-788-2600 ext. 2582
fax: 613-788-4062

The aim of this study is to contribute to social scientific understanding of the nature of the criminal justice system's response to domestic assault. I am primarily interested in discerning the methods that probation officers typically use to work with such probationers. No individual cases will ever be discussed. I completely respect the probation officer's pledge of confidentiality with their clients. My focus will be on understanding probation officer's methods and perceptions, from a clinical standpoint, of domestic assault probationers. Hopefully, as a result, our understanding of the criminal justice system, with regards to domestic assault, will be enlarged.

There are three general types of questions that will be asked. The first explores the methods that probation officers use to assign treatment to domestic assault probationers. The second type will be a series of general questions dealing with occupational roles and methods. The final section will deal with the frequency and circumstances surrounding breach of probation actions. All questions will be read to you and you will be able to answer any or all questions at your discretion.

There will only be one interview. There will be no need for repeat contact with us. The interview will last for approximately one hour and could take place in your office or in any location that is convenient for you. All information that you give us is anonymous/confidential. At no point will you be asked to put your name on the questionnaire. Furthermore you have the right to withdraw at any time and/or not answer a particular questions. All questions though are of a routine manner, and I would like to assure you that no personal information is needed from you. Participation in this survey is completely voluntary.

Approximately 6 weeks after the interviews are complete, a copy of the final report will be made available to you if you so desire. If you would like a copy of the report please indicate by checking the appropriate box below. I thank you very much for your participation.

I, the undersigned, have read the above information and based on this information I give my consent to participate in this research project providing that all my rights, described above, will be strictly protected.

Name: _____

Would you like a copy of the final report? Yes ____ No ____

END

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FIN