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DEFENSE
NATIONAL DEFENSE CENTER
FOR CRIMINALIZED SURVIVORS

TIPSHEET

WORKING WITH SURVIVORS ON PROBATION AND PAROLE

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BWJP

Working with Survivors on Probation and Parole

Victims of domestic violence who are on probation or parole often find themselves between a rock and a hard place. They might have to choose between complying with the conditions and requirements of their pre-trial release and sentence and keeping themselves and their children safe from their abusive partners. Community-based advocates can play a critical role in helping survivors successfully complete supervision, particularly when working in partnership with a survivor's probation or parole officer.

Probation and parole share some similar features but there are differences. They are both comprised of supervising officers with defendant caseloads who are tasked with the overall oversight and accountability of defendants who are completing their court-ordered conditions. The key difference between probation and parole is when they occur during the course of a defendant's case. Probation may be ordered by a judge at the front end of a case, as an alternative to reporting to prison, whereas parole is granted by a parole board after a person serves their prison sentence. Supervision levels are generally higher, and more intensive, for parolees than probationers. Monitoring while on probation ranges from non-reporting supervision all the way up to intensive supervision that is on par with parole standards.

It can be especially difficult for survivors experiencing abuse to fulfill their supervision requirements and may result in a violation of probation or parole. For example, survivors may use drugs or alcohol to cope with the effects of the abuse, or they may need to flee the jurisdiction to escape immediate lethal violence and are unable to wait to get permission from the court. These actions, however, might be considered prohibited conduct and violate a Judicial Order.

This tipsheet highlights various practical strategies advocates can use when working with survivors on probation and parole.

TIP #1

Introduce yourself and your organization to the survivor's parole or probation officer.

Probation and parole officers and their agencies may have no idea what community-based advocates do or what services they provide. They may be more familiar with the practices of systems-based advocates, whose roles are very different from those of community-based advocates. It's also likely that there are few opportunities for probation and parole officers to engage with either of these two types of advocates, let alone understand what the differences are between them. For community-based advocates, establishing a relationship with a survivor-defendant's probation or parole officer (with the survivor's permission) at the beginning of supervision can be invaluable for all. Probation and parole officers may also want to connect with the survivor's advocate, should safety issues arise. Ideally, a community-based advocate would introduce themselves and their agency ahead of time to probation officer leadership in their area with a video meeting or in-person presentation.



TIP #2

Provide court-ordered and other services appropriate for criminalized survivors.

It can be difficult for an advocate to provide the same support services for a survivor-defendant as they would for someone who is a survivor-complainant in a case. For example, a probationer may be turned away from their local DV shelter when they are attempting to leave an abusive relationship based on their current charges or the fact that they are under supervision. To complicate things further, they may be barred from accessing DV survivor support services, in or out of shelter, if they are convicted of a misdemeanor or felony level domestic violence or IPV offense. Community-based advocates who work at programs that exclude survivors who have been convicted of crimes may wish to raise this issue with leadership; it is not uncommon to find that the exclusion of criminalized survivors is not an explicit policy, but a misinformed practice that can be more easily changed. Advocates may also want to work with survivors' probation officers to determine whether existing services, such as one-on-one counseling, may be an acceptable alternative to "batterer's intervention" type programs.

Courts and supervision agencies may simply not know what all the options are in their communities. By letting courts and probation and parole agencies know that they work with criminalized survivors, advocates can make a significant difference for a survivor's safety and success in completing their conditions.

TIP #3

When a survivor is convicted of a DV charge, set an initial meeting with them, their defense attorney, and their parole/probation officer.

Sometimes, particularly when the conviction is related to domestic violence, there may be a question as to whether the defendant is really a victim. In these situations, an “all hands on deck” approach may be helpful. Advocates can try to arrange for the survivor, their defense attorney, and the advocate to all be at the first supervision appointment. If this cannot be arranged, an email or phone call introduction can be helpful as well. The defense attorney can provide context arising from the case as to the probationer’s safety concerns, particularly if the abusive partner is likely to try to sabotage the survivor’s completion of conditions.

Just like other systems providers (courts, attorneys, law enforcement, etc.), probation and parole officers assess a situation to the best of their abilities – often with little information or investigation. They rarely have the benefit of reviewing or receiving any evidence of the case, so having advocates or systems personnel reach out to them can help, not to change the disposition, but to provide context to the reality of what the survivor-defendant is dealing with. The hope is that this will lead to safer outcomes and the successful completion of probation/parole conditions.

TIP #4

If a survivor under supervision is experiencing abuse, reach out to the probation/parole officer to meet with them and the survivor together.

Advocates may be unsure how to best support survivors on probation/parole who are currently experiencing abuse. The probationer may be in immediate danger and/or their abusive partner - who may also be the complainant - may be threatening to call the survivor’s probation/parole officer as a tool to further abuse. If possible, it would be helpful for the advocate to report with the survivor to help explain to their officer what is happening and discuss the safety plan. Advocates can also ask the probation/parole officer if they have any suggestions for the safety plan to ensure compliance and that the officer is always informed as to the ongoing situation. The survivor, their advocate, and their probation/parole officer can discuss the reality of what could happen if the abuser did reach out to law enforcement or probation/parole to report a violation. Advocates can also clarify with the probation/parole officer what their role and relationship is with their client and talk through any limitations regarding privacy and confidentiality.



TIP #5

Understand the general process a survivor-defendant will go through when there is an allegation of a violation of probation/parole.

Although the process will vary based on the allegations or new pending charges, advocates may want to get a sense of the process that survivor-defendants will go through when there is an allegation of a probation or parole violation. Having some familiarity with the process may be helpful to not only better support the survivor, but also to help survivors know what to expect. Ultimately, the survivor's defense attorney is the best person to talk to about what to expect in the case when there is a probation or parole violation allegation.



TIP #6

Attend the survivor's revocation hearings.

An advocate can best support a survivor-defendant who is facing a violation by showing up for them at their revocation hearing.

The advocate can connect with the survivor's defense attorney before the hearing to let them know they will be in attendance and what their participation in the hearing could look like. This could involve just the presence and continuing support from someone knowledgeable about DV/trauma from the community, or, with the survivor's permission, an advocate can share the work they are doing to support the survivor and speak to the court on their behalf. Physical presence is preferred, but a letter to the court can also be useful; this will likely be submitted by the defense and shared with the prosecution.

TIP #7

Know community resources to share with survivors.

Knowing what community resources are available and connecting survivors to them can be an incredible way to ensure that survivors are safe and will be successful on probation or parole. Advocates can assist survivors in completing their supervision requirements by sharing referrals, like domestic violence counseling, substance use classes, housing/food security resources, and community employment support services.

TIP #8

Continue safety planning with survivors on probation/parole and communicating with their probation/parole officers.

Safety planning with a survivor on probation or parole can be difficult, especially when navigating potential violations for things they do not have control over or cannot address in advance, like fleeing their registered address, missing curfew, losing their job, being around someone who has a felony conviction or being arrested. Safety plans can also change as the survivor's circumstances change. Because communication and compliance with conditions are of utmost importance to probation/parole officers, it can be crucial for a survivor, possibly with their advocate, to reach out to the probation/parole officer when a safety plan is made or when it changes. And because survivor safety is paramount, when survivors seek safety in ways that may violate their probation, they should communicate to their officer and defense attorney as soon as possible to avoid potential sanctions.



TIP #9

If the local probation/parole office does not already offer training on domestic violence, share information and suggest a training collaboration.

Just as advocates may be unfamiliar with the probation and parole process and the role of probation and parole officers, probation and parole staff may not know anything about domestic violence and the risks that victim-defendants on their caseloads may be facing.

To build relationships with probation/parole officers and to better support criminalized survivors, community-based advocates can offer training on domestic violence and trauma. Such training can address common misconceptions about survivors and their behavior, help supervision staff understand the context and complexity of survivors' lives, and recognize how safety planning can be critical to successful completion of supervision. Once probation and parole officers can identify survivors on their caseloads and know what dynamics to look for, they can more effectively identify areas of risk where the victim-defendant may be experiencing coercion, abuse, or fear while under their supervision.

TIP #10

Participate in the local coordinated community response (CCR) and develop robust relationships that include community providers.

To be effective in ensuring safety for survivors, advocates can strengthen relationships within the local community's CCR and build bridges between systems and community stakeholders. This might look like inviting probation and parole officers to the table with community-based advocates, defense attorneys, and state anti-domestic violence coalitions. In communities where there is no formal CCR, a great way to start to learn about each other's work and find ways to work collaboratively towards survivors' safety is by reaching out to community providers who intersect with the lives of victim-defendants – even informally – in addition to connecting with systems agencies.



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