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## Many in Domestic Violence Community Question Batterer Intervention Programs

By Tom Perrotta

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Every year in domestic violence courts in New York City and numerous counties throughout the state, prosecutors recommend, and judges approve, dozens of defendants a month for “batterer intervention programs.”

Defendants are made to pay their own way to fulfill the conditions of a plea agreement or even bail. Classes last from 30 minutes to just under two hours, one to three times a week, and rely on teaching techniques ranging from lectures, discussions, videos and speeches from men who have reformed.

After years of hoping that these programs would reduce domestic violence, however, many among the community of judges, prosecutors and court officials are beginning to accept a theory that increasingly looks like a fact: Batterer intervention programs do not cure batterers.

Data have long suggested as much, and a recently released study by the Center for Court Innovation, funded by the National Institute of Justice, offers the best indication yet that nothing is gained, at least under current methods, by trying to teach new behavior to batterers. The question now is how the state’s domestic violence courts, among the most prevalent of the state’s specialized courts, should respond to the data.

The study, which was conducted in the Bronx Misdemeanor Domestic Violence Court from July 2002 through February 2004, monitored 420 misdemeanor defendants. The men were randomly

assigned to four groups: batterer programs plus monthly monitoring; batterer programs plus “graduated” monitoring (less frequent monitoring in response to compliance); monthly court monitoring only; and graduated monitoring only.

The study found that men assigned to batterer programs are prone to re-arrest just as often as men who receive only court monitoring. In fact, men in the programs are slightly more prone to re-arrest for domestic violence – 16 percent compared with 12 percent – than men under monitoring, a difference that is statistically insignificant. Men in programs had a 29 percent re-arrest rate for all offenses, compared with 26 percent for those under monitoring.

While those findings comport with others from previous studies performed in other parts of the country, the random assignment method of this study is considered, by its designers, superior to past studies in terms of accuracy and for purposes of comparing batterer programs to monitoring.

“It means that domestic violence courts, and other non-specialized courts that deal with domestic violence, are going to want to re-think the use of batterer programs as a response to low-level domestic violence offenses,” said Greg Berman, director of the Center for Court Innovation.

### ***Effect on Victims***

The study reached other unexpected conclusions. Researchers surmised that even if batterer programs were no better than judicial monitoring, some form of monitoring would prove better than none. But data showed no difference in re-arrests for men under judicial monitoring compared to men who had no monitoring at all, contradicting other studies in this area (Mr. Berman said more research was needed on this aspect, as this was not the chief subject of the study.)

Perhaps more troubling, the study found that victims were far more satisfied with the outcomes of their cases if batterers were assigned to a batterer intervention program, even though those programs proved to have no effect on future acts of violence against them. Seventy-seven percent of victims whose cases were assigned to a batterer program were pleased with the sentence of the case, compared with 52 percent of victims whose cases were not assigned to a batterer program.

“It may only indicate that victims whose partners are mandated to a batterer program are imbued with optimism that in the end is unjustified,” the study found. “It would be troubling if the court’s use of batterer programs imparts to victims a false sense that rehabilitation is taking place, when in fact it is not. Another, equally plausible interpretation is that many of the victims surveyed recognized that the batterer program does not make them any safer but wanted the offenders held more accountable by having to attend it as an added punitive requirement.”

Almost half of the victims dissatisfied with sentences of batterers felt those sentences should have been more severe.

Judge Judy Harris-Kluger, the statewide deputy chief administrative judge for court operations and planning, who oversees specialized courts like domestic violence courts, said the study had provoked a re-evaluation of batterer programs.

“There may be cases where community service would be more appropriate as a punishment instead of a batterer intervention program,” she said.

### ***Monitoring Tool***

The Center for Court Innovation views the study’s findings as complex and deserving of a nuanced response, such as more experiments with judicial monitoring, batterer programs that stress accountability rather than rehabilitation, or new batterer programs. The initial response by judges, however, was simpler: Send fewer people to batterer programs.

When the findings began to circulate last fall, when the study was in draft form, the city’s batterer programs began to notice a decline in referrals.

Ted Bunch, senior director of the Domestic Violence Accountability Program at Safe Horizon, said referrals were down by about 20 percent or 25 percent in the three months after the report’s findings became known last year, though he said they are now returning to normal levels.

Geraldine Abelson of the Interborough Developmental and Consultation Center reported a similar drop-off that has not abated.

Neither Mr. Bunch nor Ms. Abelson contests the findings of the recent study, but both offer different reasons why their programs should not be abandoned by the court system.

Mr. Bunch admits that his program does not cure batterers – in fact, that is how he advertises it. Batterer programs, he said, were never a solution to battering, and expectations for their success have always been too high.

“The role of any batterer program is strictly to be used as a tool for judicial monitoring,” Mr. Bunch said. “We’ve never been the cure for domestic violence.”

The Safe Horizon’s batterer program, which is widely used in the Bronx and elsewhere in the city, is known as the New York Model. Mr. Bunch said the program shares some principles with the Duluth Model, the most widely used batterer program in the country, which confronts men about abuse and their views of women and offers punishment if they do not comply with the program.

However, Mr. Bunch said, the New York Model was distinct and rooted in the idea that domestic violence is the manifestation of sexism. He described the program as the largest in the country and added that it operates, for the most part, on the fees that defendants are ordered to pay. About 5 percent of its budget, about \$30,000, comes from state funding, he said.

Mr. Bunch does not promise to reduce recidivism. At best, he said, the program is a tool that helps the court to better monitor its defendants. That alone, he said, made the program useful for the court system - something he has told many a judge lately, he said, in an effort to bring back the referrals he had lost.

“For us to think that any model is going to change men’s behavior is really false,” he said.

Ms. Abelson, a social worker by training with expertise in trauma, questions whether the recent findings apply to her agency’s program, which relies on what she calls the “Paradoxical Model.”

Rather than concentrating on the fact that battering hurts victims, Ms. Abelson said, the program tries to help batterers understand the consequences battering will have for them, such as a loss of their children and jail. Her agency, which operates in Brooklyn, is a licensed outpatient mental health facility that accepts medical insurance or court-ordered fees from defendants. It also offers scholarships to defendants who want to enter the program but cannot afford it.

“It’s about motivation,” Ms. Abelson said, adding that programs might work for some defendants, and not others.

“It needs to be studied more,” she said. “I think what we have to pay attention to is that we don’t throw the baby out with the bathwater. If you tell a judge it doesn’t work, then why is a judge going to send them?”

### ***View From the Trenches***

Court Justice Matthew J. D’Emic is among the judges Ms. Abelson is concerned about.

“I am skeptical as to their benefits,” said Justice D’Emic, who presides over Brooklyn’s Mental Health Court and shares duties on its Domestic Violence Court. For felony cases, Justice D’Emic said, he used to require a batterer program as a condition of bail, but he stopped a couple of years ago.

“I really didn’t find that, pre-plea, they were keeping anybody safer,” he said.

Justice John M. Leventhal, who shares duties with Justice D’Emic on the Domestic Violence Court, said he was not surprised by the study’s findings, and did not expect batterer programs to prevent future battering. However, he does require a batterer program as a condition of bail, and said he would continue to do so. The programs might still serve some good, he said, and are useful in terms of monitoring defendants.

“The research basically reinforced what I thought anyway,” Justice Leventhal said. “I understand the data, but I still put people in the program because it could benefit someone.”

For the defense bar, the study’s findings are mixed. Many defense attorneys object to the fact that their clients are routinely sent to batterer programs, yet they do not want to witness the demise of a program that they believe can save some defendants from incarceration.

Seymour James, attorney in charge of the criminal practice at the Legal Aid Society, said batterer programs had helped defendants, and could help more in the future. What he dislikes about them is their one-size-fits-all approach, unlike the state's drug courts, which he said more often tailor their responses to individual defendants.

"I don't think there is a careful assessment for the need of the program with respect to the individual," Mr. James said. "I don't know that this level of sophistication has been incorporated into requiring a person to attend batterer programs."

Lisa Schreibersdorf, head of Brooklyn Defender Services, said she found judicial monitoring just as effective as batterer programs, but held out hope that the programs could benefit some defendants.

"I wouldn't consider getting rid of them because of this one study," she said. "I'd like to know more."

Prosecutors tend to agree so far. They play a much more important role than the defense bar in this process, as they recommend and screen the programs used.

Of the five prosecutors in the city, the offices of Charles J. Hynes, in Brooklyn, and Richard A. Brown, in Queens, have referred the most defendants. As of now, both offices are of the mind that batterer programs can still do some good, no matter the study's findings.

Doug Knight monitors these programs for the Queens District Attorney's Office. Mr. Knight is a social worker who has worked with alternative sentencing programs for 20 years. He has worked in Mr. Brown's office for five years, and said the office refers about 110 defendants a month to various treatment services, though he could not specify how many of those recommendations were for batterer programs.

### ***More Analysis Needed***

Like Mr. Bunch, Mr. Knight admits he does not know if any of the various batterer intervention programs used in Queens reduce violence. But rather than inspiring people to scrap the programs, he said he hoped the study would spur further analysis of the programs and lead to improvements.

"There's no standardization," Mr. Knight said. "I am definitely a proponent of whatever would help us make the programs better."

Standards are not likely to emerge; if for no other reason than there is no agreement on what constitutes a successful program, much less how to measure it. Instead, prosecutors are left to vet the programs.

Audrey E. Stone, chief of the Special Prosecutions Division in the Westchester County District Attorney's Office, said her office looks for one that teaches "accountability and education, not

rehabilitation.” For the most part, it relies on the Workshops for Anti-Violence Education, and it does so for monitoring, not behavioral changes.

“For any prosecutor’s office to be relying on a batterer program for rehabilitation there is no data out there to support that impact,” Ms. Stone said.

Wanda Lucibello, an assistant in the Brooklyn District Attorney’s Office who oversees domestic violence cases, considers batterer programs to be “a tool that is part of a larger arsenal of weapons” for fighting domestic violence. She said the office’s recommendations results in about 32 batterers a month being placed in programs.

In Manhattan, in comparison, just 52 men were placed in batterer programs during a three-month period from July to September 2005, according to Barbara Thompson, a spokeswoman for that office.

Ms. Lucibello expressed no surprise that women felt better about a sentence if it included a batterer program, even if the program produced no results. Most of the women she interviews, she said, want the court system to pay attention to their cases, and batterers programs can give the sense that the court system cares. And if the program fails, Ms. Lucibello said, a victim may then be more likely to leave a dangerous relationship.

“That means something positive has happened to her,” she said. “If nothing else I think we learn from this report that it is really complicated.”

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