

CHOOSING BETWEEN BATTERERS EDUCATION PROGRAM MODELS: RECOMMENDATIONS TO THE NEW YORK CITY DOMESTIC VIOLENCE CRIMINAL AND FAMILY COURTS

**A REPORT OF THE DOMESTIC VIOLENCE COMMITTEE OF THE
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK**

INTRODUCTION

Research on batterers education programs is still very much a work in progress. No studies, to date, definitively establish the efficacy of batterers education in reducing recidivism. Nevertheless, courts across the country and especially in New York City continue to use these programs in sentencing defendants convicted of or pleading to domestic crimes. (Peterson, 2003) Additionally, Family Court Judges may require attendance at a batterers program in family offense, custody, visitation and neglect proceedings.

Courts have numerous different types of program models available to them and it is critical that courts choose wisely. This report recommends that courts, whether criminal or family, mandate attendance only at programs that adhere to a strictly educational model, as described below, and only as one part of a more comprehensive effort to increase accountability for domestic violence offenses. Other program models may actually undermine the efforts of courts and other criminal justice agencies to hold batterers responsible for their actions.¹

¹ The Domestic Violence Task Force takes no position as to whether courts should refer offenders to batterers programs. Such referrals should never be a substitute for other appropriate sanctions such as jail or an order of protection. However, when courts choose to order programs as part of a

sentence or disposition, we make the recommendations contained in this report.

FOUR MODELS

Most batterer education programs fall within one of four dominant models: the Family Systems Model, the Psychotherapeutic Model, the Cognitive Behavioral Model and the Educational Model. Each model maintains a different intervention philosophy and a different approach to the education of batterers. Below we examine the approaches and philosophies of each and compare how consistent they are with established public policy priorities on domestic violence. One of those priorities is victim safety. Research shows that whether or not a man attends a batterers program may be one of the strongest indicators that the victim will remain with the batterer. (Gondolf, 1988) Thus, it is imperative that only the program model that best promotes victim safety be used by the courts.

FAMILY SYSTEMS MODEL/ COUPLES COUNSELING

The Family Systems Model views domestic violence as the end result of poor family interactions, where the behavior of each family member contributes to the behavior of the others. Education programs using a Family Systems Model try to equip both partners with the communication and conflict resolution skills necessary to solve domestic disputes. This model requires both partners to take responsibility for the problem and to alter their behavior towards one another in order to solve the problem. Since the Family Systems Model works with both partners, it generally employs a couples counseling format. Couples counseling encourages each partner to share problems with the relationship so that the couple can work together to find a solution.

Programs operating under the Family Systems Model are in direct opposition to the criminal justice system's emphasis on accountability for the partner using violence and may actually increase danger to victims of family violence. Eighty-one percent of state standards for batterers education programs explicitly prohibit the use of couples counseling where domestic violence is alleged. (Austin and Dankwort, 1997) Why such unanimity? Most domestic violence advocates and therapists agree that counseling and violence are incompatible. For couples counseling to work, both parties must feel free and safe to express all of their thoughts and emotions. In some cases, the fear of retaliatory violence necessarily reduces the victim's ability to speak freely. In other cases, couples counseling may encourage the victim to express problems within the relationship and to report instances of the batterer's violence, all in the presence of the batterer, which may lead to further violence. In either case, free and safe communication during couples counseling sessions does not promote victim safety. Because of these concerns, psychological and social work associations ethics committees recommend against conducting couples counseling when one party is violent. (American Psychological Association, 1997, 2003)

Couples counseling is also inconsistent with the well-established public policy recognizing that domestic violence is a crime. Counseling may blur the lines of accountability by asking both parties to consider how they have contributed to the violence. By requiring the victim to take responsibility for participating in activities that supposedly precipitate violence, the batterer is excused from taking sole responsibility for the choice he made when he decided to use violence. Suggesting that victims take “preventative measures” to avoid their partners’ violence sends a message to victims that they are responsible for any subsequent violence and a message to batterers that they are justified in their use of violence. (See also Stop F.E.A.R Coalition of Rockland County, Policy Statement on Couples Counseling & Anger Management.) It also promotes the myth that such measures are always available to victims.

COGNITIVE BEHAVIORAL MODEL

According to the theory of domestic violence used to formulate the Cognitive Behavioral Model of batterers programs, violence is a learned behavior. Under this theory, men batter because they are imitating behavior witnessed in childhood or in the media, and their abuse is rewarded by victim compliance. Therefore, this model postulates that just as violence was learned, non-violence can be learned as well. Programs based on a Cognitive Behavioral Model attempt to modify how batterers think and behave by providing batterers with techniques for dealing with a given situation. Anger management training is sometimes a part of the Cognitive Behavioral Model. However, some programs that use a cognitive behavioral approach for batterers education do not use or promote anger management. These Cognitive-Behavioral programs often use weekly group educations similar to those used by programs based on the Educational Model. (See description of weekly group meeting format under Educational Model.)

The Cognitive Behavioral Model purports to require men to change their behavior and take responsibility for making the change. However, it does not account for batterers who do not react violently outside of their intimate relationship or batterers who continue to use violence even when it is not rewarded, descriptions which include many if not most batterers.

Some Cognitive Behavioral Model programs, as well as some Psychotherapeutic Models, are based solely on anger management. These programs hold that domestic violence is the result of an individual's (the batterer's) inability to control or to express his anger. Anger management

programs generally teach batterers to recognize the signs of anger and to resolve the anger with relaxation techniques or to use non-violent means of expressing their anger such as fair fighting skills or mock combat techniques (i.e. pillow fighting or using styrofoam clubs).

Anger management-based educations undercut batterer accountability because they permit batterers to view their violent behavior towards their partner as uncontrollable and unavoidable. However, many batterers do not have a problem with “uncontrollable” anger; often, they have no trouble controlling their anger with the police, co-workers, employers, or friends. Programs that minimize the batterer’s violence as an anger management issue ignore the batterer’s desired end result of the violence and manipulation – power and control over the victim -- and thereby jeopardize the victim’s safety.

Additionally, anger management programs may give victims a false sense of security because these programs claim to cure the cause of the batterer’s violence, his anger. The batterer may even use the techniques taught in an anger management program to continue controlling his victim. For example, the batterer may refuse to help the victim or participate in household responsibilities on the ground that these activities are too stressful and may trigger his anger.

PSYCHOTHERAPEUTIC MODEL

According to the theory of domestic violence used to formulate this model of batterers education, the violent and controlling behavior of the batterer stems from early childhood trauma. Psychotherapeutic education claims to address the early childhood problems in order to end the current pattern of violence.

Educational programs based on this model generally use individual counseling sessions with the batterer.

The Psychotherapeutic Model philosophy may validate the batterer's violent behavior or minimize his responsibility for it by reinforcing his belief that his violent behavior is not his fault. While there is general agreement that pathology and childhood trauma may be exacerbating factors in domestic violence, it is clear that these factors are not the sole causes of domestic violence.

In the individual counseling format typically used in the Psychotherapeutic Model, batterers meet one-on-one with a counselor, psychiatrist or psychologist. Individual therapy traditionally focuses on the batterer's family history and the batterer's emotional needs in order to process unresolved emotional trauma.

While this approach may be helpful to the individual over the long term, individual counseling minimizes the batterer's current responsibility for past and on-going violence by centering on how the batterer was abused in the past. Of course, some batterers may have severe mental illness that makes other options impossible or other extenuating circumstances that would prevent them from participating in a group format. For the vast majority of men arrested for domestic violence crimes, however, individual counseling would not be consistent

with the consensus that domestic violence is not simply a private matter. “Men want individual therapy because they do not want what they have done treated as a public matter. To honor this wish would be to reinforce an unacceptable notion of women and children as property. The aim of the batterers education program is to say that battering of a partner is a crime and is not simply a private matter.” (Kaufman, 2000)

EDUCATIONAL MODEL

According to the theory used to formulate the Educational Model, domestic violence is a learned behavior that is reinforced by a society that condones violence in the home and violence against women. This model seeks to rebuild the batterers’ belief systems through feminist education. Programs using the Educational Model explain the negative consequences of patriarchal and controlling behavior and teach the benefits of non-violence and egalitarian relationships.

The Educational Model is designed to hold batterers accountable by requiring them to take full responsibility for their choices both in the past and in the future. Programs based on this model address the needs of victims, whether or not the woman chooses to remain with the batterer, and provide information regarding the limitations of batterers education and information about safety planning and relevant services in the area.

The most widely recognized Educational Model curriculum is called the Duluth Model. The Duluth program philosophy and format aim to keep all of those involved with the program, including staff, from engaging in victim-blaming practices by “challenging the thinking, rationalizing and acting that leads to violence and other forms of abuse.” (Pence, 1993) The Duluth curriculum uses structured exercises to enable men to understand the origins and the effects of their belief system. The exercises focus around eight themes: non-violence; non-threatening behavior; respect; support and trust; accountability and honesty; sexual respect; partnership; and negotiation and fairness.

All batterers education programs based on the Educational Model (as well as many batterers education programs based on the Cognitive Behavioral Model) use a group format for education. The maximum class size ranges from 12 to 24 participants with one or two group facilitators. Programs often use male and female co-facilitators to provide an example of positive male-female interaction and to prevent inappropriate male bonding between a male facilitator and group members. The goal of the group format is to create an arena in which the men are held responsible both by the group facilitator and the other group members. Group education provides a forum that promotes a consistent message to combat social approval of violence against women. The group itself also creates another means of emotional support for the batterer, so that the batterer does not have to rely entirely on the victim.

The group meetings are held weekly from 12 to 52 weeks, with most programs running approximately 26 weeks. There is no evidence to suggest that shorter or longer programs are more effective at eliminating re-assault. However, since these programs are used to hold defendants accountable, it may be beneficial to place the defendant in a longer program where he can be more effectively monitored. In addition, placing the batterer in a longer program may increase victim safety because he will be consistently away from the home two to three hours each week. (Bennet and Williams, 1998)

EFFICACY AND COORDINATED RESPONSE

While current studies do not indicate that any of these models significantly reduce recidivism, some studies do demonstrate the importance of what is known as a coordinated community response to domestic violence. Evidence suggests that coordinated community efforts that incorporate batterers education is more effective than community responses in which batterers education is the only tool used in prevention. (Syers and Edelson, 1992) A study of 861 Navy service men convicted of assault and sentenced to either batterers education or a control group concluded that communities taking a proactive response to domestic violence by using batterers education programs in addition to sanctions for non-compliance, strong probation work, and victim safety monitoring will probably reduce the risk of re-offense. (Dunford, 2002)

Another study showed that men who fail to enroll in mandated programs in a timely fashion have higher rates of recidivism. (Puffet and Gavin, 2004) This indicates that courts should closely monitor defendants' compliance with program mandate and provide consequences for those who fail to enroll.

When courts use batterers education programs as a monitoring tool or as a condition of adjudication, they send a message to defendants and to the community that the program is an extension of the criminal justice system. Only Educational Model programs see their mission as consistent with this approach.

CONCLUSION AND RECOMMENDATION

By requiring defendants to participate in a batterers education program, the criminal justice system sends a message that it endorses the philosophy and the methods of the programs that receive its defendants. To send a consistent message to defendants and to the community that the criminal justice system aims to hold batterers accountable and to maintain victim safety, defendants should be mandated to attend batterers education programs based on the Educational Model. While research does not prove that the Educational Model stops domestic violence, its philosophy most closely reflects the goals of the criminal justice system and the priorities of the domestic violence movement and neither promotes practices that excuse the defendant's behavior, nor relies on techniques that can be used against the victim.

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