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# What Courts Should Know

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Trends in Intervention  
Programming for Abusive Partners

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## **I. Introduction**

Programs that work with perpetrators of intimate partner violence are changing. After many years of hard work and study, practitioners across the country are employing new strategies to improve outcomes for both offenders and survivors. Courts and judges have an opportunity to build on this exciting time of change.

## **II. Courts and Offender Intervention Programming**

Batterer intervention programs were created as part of a coordinated community response to domestic violence, serving as a viable court disposition or mandate, especially when a jail sentence was not an option.<sup>1</sup> The programs are also used in civil disposition for protection order, juvenile delinquency, and child protective proceedings. This document reviews the current debate about the role of these programs and presents a snapshot of some of the new directions that programs working with abusive partners are taking in jurisdictions across the country.

A 2007 study conducted by the Center for Court Innovation found more than 2,200 batterer intervention

programs nationally, with several states—including California, Florida, Rhode Island, and Oregon—requiring certain offenders to attend programs as part of a court disposition.<sup>2</sup> Additional research has found that four out of five participants in batterer programs nationally are court-ordered.<sup>3</sup>

While the link between courts and offender intervention programs is well-established, debate continues among researchers and practitioners about what actually works. Best practices will continue to evolve, but a growing body of evidence suggests that by incorporating risk and needs assessments, cognitive-behavioral learning strategies, and accountability mechanisms, programs may be better able to hold offenders accountable and protect victims. As courts are the primary referrer for these programs and the entity charged with ensuring compliance, they have an obligation to understand both the local programs and the national landscape.

### III. New Trends in Intervention Programs for Abusive Partners

Researchers have been evaluating the efficacy of batterer programs since 1980. At first glance, batterer programs appear to have little effect on the rate of criminal reoffending. Four of the five experimental trials demonstrated that batterer programs had no significant effect on recidivism.<sup>4</sup> Furthermore, a recent literature review found that batterer programs do not reduce re-offending, or show only marginal effects.<sup>5</sup>

While the studies have limitations, this research and the reflections of practitioners have spurred a period of adaptation among program providers.<sup>6</sup> Very few programs are currently operating as they did even five or 10 years ago, and many have expanded their definitions of success beyond reducing criminal recidivism. For example, the Mirabel Project, which focuses on investigating the success of offender intervention programs in England, asks, “What does it mean for a programme to ‘work,’ to ‘be successful,’ to have ‘positive outcomes,’ and whose perspectives on these questions should we be mindful of?”<sup>7</sup>

At the same time, many criminal justice institutions are re-examining their approach to the general offender population by including more evidenced-based best practices, and domestic violence programs are moving to incorporate several of them. Programs in numerous jurisdictions are:

1. reviewing whether and how to include risk and needs assessments,
2. embracing a wider variety of treatment modalities,
3. increasing the consistency of their responses to non-compliance, and
4. incorporating a procedural justice framework.

In addition, programs are more focused on improving the quality and uniformity of their implementation. In Canada, for example, the Department of Corrections has implemented new guidelines for offender supervision and staff training and has subsequently seen lower recidivism in the domestic violence offender population.<sup>8</sup>

## IV. Including Risk and Needs Assessments

Implementing a risk-needs approach within batterer intervention programs could have a far-reaching impact. At this point, research on effective interventions with general offender populations has repeatedly documented the importance of programming that responds to both the risk level and the needs of each offender.<sup>9</sup> This same research suggests that low- and high-risk offenders should be in separate programming with different dosages or hours of programming.<sup>10</sup>

Unfortunately, most communities have only one level of community-based domestic violence offender intervention programs. Additionally, there is little agreement on how and when risk and needs assessments should be used to inform decisions. Often, referrals to programs come directly from the court or probation without any risk assessment information, nor are there mechanisms for the mandated program to receive input about the appropriateness of the offender for their program.

Several jurisdictions are rising to these challenges. In Connecticut, court staff use the validated Domestic Violence Severity Instrument-Revised (DVSI-R) at arraignment to assess the risk of recidivism. This score informs court decisions regarding bail and batterer program length, with lower-risk offenders completing a 12-week program and higher-risk offenders a 26-week program. The DVSI-R is also used by probation staff in Connecticut to assess the risk of domestic violence recidivism and the assessment results impact supervision and programming levels.<sup>11</sup> Certification and training for both programs is conducted by the Court Support Services Division of the Judicial Branch.

The Colorado Domestic Violence Offender Management Board oversees the evaluation of offender programs throughout the state. In 2010, Colorado

began implementing revised standards based on risk, need, and responsivity. After an offender is sentenced, treatment providers conduct an initial evaluation using the Domestic Violence Risk and Needs Assessment (DVRNA). The evaluation gathers data that determine an offender's level of risk and a recommended treatment plan. Three levels of programming have been created to respond to risk, and offenders' risk levels are regularly reassessed. All programming is intended to increase victim safety and reduce offender abuse and recidivism. Programs no longer have a set length of time, but rather are informed by risk and completion standards.<sup>12</sup>

Another example of incorporating the risk principle comes from the Correctional Service of Canada, which has recently implemented a program with high intensity (high risk), moderate intensity (moderate risk), and adapted moderate intensity (moderate-risk offenders with additional mental health issues, learning disabilities, and/or other issues affecting their ability to take part in correctional programming). Program length is determined by a risk assessment. Each program is grounded in cognitive-behavioral strategies "designed to teach offenders skills that help reduce their risky and harmful behaviours. It helps them change their attitudes and beliefs. They learn to set goals and solve problems. It also teaches them how to manage themselves. They develop interpersonal, communication and coping skills."<sup>13</sup> This multi-target curriculum not only focuses on domestic violence behavior but other criminogenic needs and risk areas, such as criminal history, criminal thinking, and substance use. It includes both incarceration- and community-based programming (either transitional programming or a maintenance program).

## **V. New Approaches to Program Modality**

Research shows that the modality of programming is crucial to reducing recidivism. Traditionally, batterer programs focused on educating offenders about the impact of their violence and the historical forces underlying power and control in intimate partnerships. The group format was used to help hold participants accountable. Since then, batterer program modalities have expanded to include cognitive-behavioral approaches, relationship enhancement therapy, psychodynamic methods, restorative justice, drug/alcohol treatment, and self-help groups and other elements. Many programs combine these models.

### **Cognitive-Behavioral Therapy and Moral Reconciliation Therapy**

Research on the general criminal population suggests that cognitive-behavioral skills-based programming can reduce recidivism.<sup>14</sup> Several programs nationally have begun to incorporate cognitive-behavioral approaches to change abusive behavior. For example, Achieving Change through Value-Based Behavior (ACTV), a new curriculum for men who have been court-mandated to complete a batterer intervention program following a domestic violence conviction, uses acceptance and commitment training techniques, a therapeutic modality designed to address a multitude of psychological and emotional disorders.<sup>15</sup> The goals of ACTV are to reduce or end psychologically, emotionally, and physically abusive and controlling behaviors, and to increase respectful, adaptive, and healthy behaviors in their stead. ACTV is intended to be implemented in a group format with two facilitators. It is a 24-week program with each session lasting 90 minutes.

Facilitators guide group members to make different choices than they have made in the past and to engage in behaviors consistent with their personal values. ACTV is adapted from evidence-based acceptance and commitment training techniques. Modules focus on: barriers to change, emotion regulation skills, and cognitive and behavioral skills. Initial research on the effectiveness of the new curriculum showed a decrease in recidivism and lower rates of psychological, physical, and sexual aggression.<sup>16</sup>

Another evidence-based cognitive behavioral program modality is Moral Reconciliation Therapy (MRT) with over 180 studies showing its effectiveness in reducing recidivism in the general criminal population.<sup>17</sup> MRT addresses beliefs and moral reasoning. The program is designed to change how participants think and make judgments. Moral reasoning represents how a person makes decisions about what he or she should and should not do in a given situation. MRT was initially created to be used for incarcerated substance users, but is now used with many offender populations. Correctional Counseling Inc., which conducts the national trainings for MRT facilitators, has created a 24-session, open-enrollment curriculum for domestic violence offenders.<sup>18</sup>

## Addressing Trauma

Several programs have sought to create trauma-informed offender intervention programs. Trauma-informed programming seeks to hold offenders accountable for their choices, both past and present, while acknowledging those pasts may have included traumatic childhood experiences, including violence. The Alma Center Inc. in Milwaukee, Wisconsin, runs several community-based programs for men. These include the Men Ending Violence Program, a trauma-resolution and education program that explores the root causes of intimate partner violence and focuses on healing past

trauma and developing attitudes and behavior that will support respectful intimate partner relationships in the future; and Restorative Fatherhood, a fatherhood education program exploring personal experiences of fathering to learn compassion, forgiveness, and responsibility, and to build positive, developmentally-appropriate nurturing fathering and co-parenting values, attitudes, and skills.

The Family Peace Initiative in Topeka, Kansas, has both community- and incarceration-based programs for domestic violence offenders. Both programs focus on changing behavior by understanding past trauma in a process called “Getting Out of the River of Cruelty.” Getting out of the river requires each person to take responsibility for the cruelty they have done to others and for healing the impact of the cruelty that was done to them long before they were old enough to be able to do anything about it.<sup>19</sup>

### **Addressing Unique Needs**

Some programs for abusive partners have been designed specifically to engage men through addressing their needs as fathers. The Caring Dads program, for example, has been documented to achieve significant change, reducing the risk for maltreatment and increasing participants’ ability to co-parent and prioritize their children’s needs.<sup>20</sup> Caring Dads works with fathers (including biological, step-, and common-law fathers) who have physically or emotionally abused or neglected their children, or exposed them to domestic violence, or who are screened to be at high risk for these behaviors. The 17-week program includes outreach to mothers to ensure safety, and ongoing, collaborative case management of fathers with community stakeholders and agencies that work with the offender. The program uses motivational interviewing, cognitive-behavioral therapy, and psycho-educational strategies, as well as general parenting skill development. Other established

program models include Parenting with Respect in Barre, Vermont, and the Responsible Fatherhood Program in Boston, Massachusetts.

Change Step is a 26-week domestic violence accountability program for veterans created by the Domestic Abuse Program. Change Step is trauma-informed, has at least one facilitator who is in the military or a veteran, and discusses violence, PTSD, and military culture, as well as coercive control.

Numerous programs across the country have been created to address intimate partner violence involving female offenders. Reflectively Embracing Non-Violence through Education for Women (RENEW), based in Ann Arbor, Michigan, for example, is an advocacy, intervention, and support group program for women who have used force in their intimate relationships. The program's mission is driven by the belief that women—whether domestic violence survivors or not—who use force against a partner put themselves and others around them at greater risk of harm. The RENEW curriculum guides female offenders through a process to better understand their use of force and work toward violence-free lives.

## VI. Increasing Compliance

Even where programs enhance their use of risk assessments and their treatment modalities, they cannot be successful without support from other system stakeholders, especially the courts. Research on effective programming demonstrates the need to impose certain, consistent, and fair consequences for non-compliance.<sup>21</sup> Unfortunately, there is still work to be done to make this a reality.

In a national survey by the Center for Court Innovation, 85 percent of batterer programs, 73 percent of courts, and 74 percent of victim advocates believed accountability was a primary function of batterer intervention programs. Additionally, more than 90 percent of both courts and programs reported utilizing regular offender compliance reports. Despite this impressive infrastructure, implementation was inconsistent; only 32 percent of courts reported holding the first compliance hearing within four weeks of a report of non-compliance and only 26 percent hold a compliance hearing within two weeks. Only 12 percent of courts reported having a written protocol defining what actions to take in response to non-compliance.<sup>22</sup>

In one effort to improve coordination, the Alternatives to Domestic Aggression program in Ann Arbor, Michigan, has worked closely with the court and probation to ensure information regarding compliance is consistently shared. For instance, probation receives weekly updates on program compliance and holds group conferences that allow officers to meet with all probationers mandated to the program at one time to review each probationer's attendance, program payment, and other contractual obligations. Participating probationers get to see first-hand the benefits of compliance and the costs of non-compliance when other members of the group conference are

sanctioned or rewarded. Group conferencing also allows for consistency in messaging about accountability.

Creating a sanction matrix is another important strategy. In Boise, Idaho, the probation department has worked closely with the court and the local batterer intervention program to create a flow chart of supervision, rewards, and sanctions. Based on the outcome of the Ontario Domestic Abuse Risk Assessment, a probationer is deemed high, medium, or low risk. The risk categorization determines the level of supervision. Supervision strategies include the probation officer observing the probationer in the court-mandated batterer intervention program. The number of observations is correlated to the probationer's risk score.

## VII. Procedural Fairness

Procedural justice refers to the perceived fairness of justice procedures and treatment of litigants, victims, and defendants. The critical dimensions of procedural justice include:

- *Voice*—litigants have an opportunity to be heard;
- *Respect*—litigants are treated with dignity and respect by judges, attorneys, and court staff;
- *Trust/neutrality*—litigants perceive the decision-making process is unbiased and trustworthy;
- *Understanding*—litigants understand the case outcome and what is expected of them in order to comply with court orders; and
- *Helpfulness*—litigants perceive court actors have an interest in their needs and their personal situation.

Research shows that when litigants and defendants perceive the justice system to be fair, they are more likely to comply with court orders and be law-abiding in the future. Specifically, procedural justice can increase compliance with court orders and reduce recidivism.<sup>23</sup>

Some batterer intervention programs are incorporating procedural fairness elements to enhance the participant's perception of neutrality. For example, several programs have changed their names from batterer intervention to "domestic violence accountability," "intimate partner violence," "abusive partner intervention," or "abuser education" programs because the word batterer was inconsistent with this concept. Emerge, in Boston, switched from "batterer" to "abuser" education to describe its program because the term "batterer" may have been discouraging potential participants from entering the program. According to Emerge, "It seems to imply repeated or severe physical violence toward a partner. Because of this, many people who might otherwise want to stop their abuse and

improve their relationships shy away from Emerge or similar programs. A number of people who come to Emerge report no physical abuse, but they do report an extensive history of emotionally or verbally harmful behavior towards their partners or families.”<sup>24</sup>

Other programs have worked to ensure defendants have a better understanding of why they were mandated to participate. In Brattleboro, Vermont, the Taking Responsibility program and the court worked together to reduce confusion caused by differences between the plea and the original charges. Previously defendants were asked by the program to admit to all the original charges, not just those in the plea. When they refused, they were deemed non-compliant. In an effort to address this, the judge handling the domestic violence cases in Brattleboro, along with probation and program staff, created a stipulation sheet to be signed by the defendant, in order to acknowledge that the defendant understood the plea. This stipulation sheet was then used in the program as the basis for their work. This process increased participants’ understanding and decreased the number of men sent back to probation or the court for violations.

## VIII. Conclusion

A growing body of evidence and promising practices point to innovative strategies that can benefit abusive partner intervention programs. Working collaboratively with criminal justice agencies to incorporate risk and needs assessments, cognitive-behavioral learning strategies, trauma-informed approaches, and procedural fairness, programs may be better able to hold offenders accountable and enhance victim safety. By applying these principles, courts and stakeholders can work towards enhancing offender accountability and better protecting victims.

## Endnotes

1. Pence and McMahon, 1997 and Pence and McDonald, 1999.
2. Labriola, et al, 2007.
3. Bennett and Williams, 2004.
4. Davis, Taylor, and Maxwell 2000; Dunford 2000; Feder and Dugan 2002; Labriola, Rempel, and Davis 2005. Randomized controlled trials (RCT) or experiments—the most rigorous of research designs—randomly assign study subjects to various conditions which allow for those in each condition to be comparable at baseline. Quasi-experimental research is similar to traditional experimental design, but it lacks the element of random assignment to treatment or control. Instead, quasi-experimental designs typically allow the researcher to control the assignment to the treatment condition, using a criterion other than random assignment (e.g., an eligibility cutoff mark). In non-experimental research, there is no comparison group. Usually, completers are compared to dropouts, which is not a meaningful test, since completers are more predisposed to comply.
5. Miller, M., Drake, E., & Nafziger, M. (2013). What works to reduce recidivism by domestic violence offenders? (Document No. 13-01-1201). Olympia: Washington State Institute for Public Policy.
6. Numerous commentators have questioned both the research methods as well as the implementation of the particular programs studied. Gondolf, E.W. (2012). *The future of batterer programs: Reassessing evidence-based practice*. Boston: Northeastern University Press. Many program professionals argue that they should be judged by other measures of “success.” For example, the Mirabel project documented its impact on such issues as improved relationships, decreased isolation, enhanced parenting, reduction or cessation of violence and abuse, and improved school performance for children, and their findings suggest that throughout the duration of the program, victims felt an increase in respectful communication; an “expanded space for action,” meaning increased ability to make decisions regarding clothing, housework, and communication with friends and family; increased safety and freedom from physical and sexual violence; a decrease in minimizing and blaming; and a small, but positive, impact on co-parenting.

7. Westerland, Nicole, et al. *Domestic Violence Perpetrator Programmes: What Counts As Success?* August 2010, Briefing Note 1, p. 2.
8. Stewart, L., Gabora, N., Kropp, R. and Lee, Z. *Family Violence Programming: Treatment Outcome for Canadian Federally Sentenced Offenders*, 2008.
9. While this summary looks at information primarily from programs involving criminal justice offenders, many civil justice programs are using similar ideas to enhance their programming.
10. Latessa, E., Listwan, S. Koetzle, D. 2014. *What Works (and Doesn't) in Reducing Recidivism*.
11. Court Support Services Division, Connecticut Judicial Branch. *The Family Violence Risk Assessment Project and its Domestic Violence Screening Instrument (DVSI-R)*. Sanctions Update, 2006.
12. Gover, Angela R., Richards, Tara N., and Tomsich, Elizabeth N. *Colorado's Innovative Response to Domestic Violence Offender Treatment: Current Achievements and Recommendations for the Future*. Buechner Crime Briefing, 2015.
13. <http://www.csc-scc.gc.ca/correctional-process/002001-2011-eng.shtml>
14. Latessa, E., Listwan, S. Koetzle, D. 2014. *What Works (and Doesn't) in Reducing Recidivism*.
15. Hayes, S. C., Bissett, R., Korn, Z., Zettle, R. D., Rosenfarb, I., Cooper, L., & Grundt, A. (1999). The impact of acceptance versus control rationales on pain tolerance. *The Psychological Record*, 49(1), 33-47.
16. Lawrence, Erika. University of Iowa, 2013.
17. Ferguson, L. Myles and J. Stephen Wormith. A Meta-Analysis of Moral Reconation Therapy. *International Journal of Offender Therapy and Comparative Criminology*, June 2012.
18. <https://www.ccimrt.com/mrt>
19. <http://www.familypeaceinitiative.com/about/river-of-cruelty>
20. Scott, Katreena L. and Claire V. Crooks. Preliminary Evaluation of an Intervention Program for Maltreating Father, Brief Treatment and Crisis Intervention, 7:3 August 2007. In addition to offender-focused programming, many communities are engaged in the Safe and Together Model which focuses on working with both the offending parent and the victim and children to enhance child-

welfare responses to domestic violence. <http://endingviolence.com/our-programs/safe-together/safe-together-overview/>

21. Latessa, et al.
22. Labriola, et al. 2007



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