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RESEARCH

# Court Responses to Batterer Program Noncompliance

## A National Perspective

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With

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Report Submitted to the National Institute of Justice

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## Executive Summary

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Over the past 25 years, the criminal justice system has sought to transform its historically inadequate response to domestic violence. Advocacy efforts led domestic violence to be widely recognized as an important social problem, and criminal justice reforms were instituted accordingly to improve the policing and prosecution of domestic violence cases. These reforms precipitated a massive influx of domestic violence cases into criminal courts nationwide. Initially at the urging of advocates, growing numbers of courts turned to batterer programs as their mandate of choice, especially when the legal issues in a case precluded the imposition of jail.

Although batterer programs are now widespread, the rationale for using them has become a matter of growing contention. When batterer programs first originated in the late 1970s, supporters typically described them as one prong in a “coordinated community response” to domestic violence, guided by the aim of “changing the climate of tolerance for this type of violence” (Pence and McDonnell 1999). Initially, the purpose was to get the participants to stop their abusive behavior. Accordingly, rehabilitation has been and continues to be the focus of research. Over 35 batterer program studies have been completed since the 1980s. Recently, five key studies have emerged that employ experimental techniques, assigning offenders at random to a batterer program or a control condition in an effort to provide definitive evidence of whether or not the programs produce a reduction in re-abuse. The results suggest that they do not. Four of the five experimental trials, including all four completed over the past decade, showed no effect of batterer programs on recidivism (Davis, Taylor, and Maxwell 2000; Dunford 2000; Feder and Dugan 2002; Labriola, Rempel, and Davis 2005). The most recent literature review found that batterer programs overall do not reduce re-offending, especially when measured by victim report, or at best show only marginal effects (Feder and Wilson 2005).

Although the viability of batterer programs as “treatment” has grown more dubious, the research literature has not examined whether these programs can advance any other function. A *potential* function, promoted for years by many in the advocacy community and gaining broader attention in the wake of research that casts doubt on the goal of rehabilitation, is accountability. This is the subject of the present study, conducted by the Center for Court Innovation and VCS Inc., with funding from the National Institute of Justice. The study was implemented as a researcher-practitioner partnership. In general, the practitioners led the framing of research questions and premises, and the researchers led the development of the methodology and analysis plan.

### **The Meaning of an Accountability Model**

“Accountability” is a term often linked rhetorically with the court response to domestic violence, but its meaning has rarely been examined in depth, and the relevant research literature is almost entirely anecdotal and incidental. The underlying assumption of this study is that to promote accountability, criminal courts must not merely mandate offenders to batterer programs, but must also enforce their mandates by imposing meaningful consequences on those who are noncompliant. In this view, when courts consistently impose penalties in response to

noncompliance, up to and including jail, it reinforces that the criminal justice system takes the crime of domestic violence seriously and view a batterer program as an important requirement that the offenders cannot ignore. Such steps contribute to the ability of the justice system to convey to the larger society a message of intolerance for domestic violence. The goal of accountability is therefore consistent with the vision of batterer programs as part of a coordinated community response that seeks to change the country's attitudes with respect to domestic violence. In other words, this study's focus is on the systemic response to noncompliance with a court order to a batterer program, rather than the "success" of batterer programs in preventing recidivism among program completers.

## **Research Design**

Our primary research question was simple: to what extent are criminal courts nationwide advancing the goal of accountability by imposing consequences on offenders who are noncompliant with a batterer program mandate? We were also interested in understanding the goals that courts, batterer programs, and victim assistance agencies currently ascribe to batterer programs. Additional questions included: when and how courts mandate offenders to these programs; what, if any, other types of programs courts mandate for domestic violence offenders (e.g., alcohol treatment, mental health treatment, or parenting); and to what extent courts, batterer programs, and victim assistance agencies concur on their answers to these questions.

We conducted a survey of 260 communities nationwide, with the goal of including a criminal court, batterer program and victim assistance agency in each community. In the absence of prior research, we believed that a national study reaching a large number of sites would comprise the ideal methodology. Subsequent research might involve an empirical study of court practices at a smaller number of sites.

Our sampling plan involved intentionally selecting a range of communities meeting several criteria. They included: (1) three to five communities in all 50 states; (2) mix of population sizes; (3) high volume of batterer program mandates relative to population; (4) use of batterer program mandates both pre-disposition (before a conviction or dismissal) and post-disposition (as a sentence); (5) batterer program mandates originating with the court, not probation, although probation may supervise the mandate; and (5) contact information available for a local batterer program, court, and victim assistance agency.

We first identified 2,265 batterer programs nationwide and sent each a one-page preliminary survey requesting basic information necessary to select our sample. A total of 543 programs returned the survey, from which we selected 260 communities. We ultimately selected more than five communities in 18 states with particularly large numbers of batterer programs and fewer than three communities in eight small states where we identified only one or two programs.

Respondents in the 260 communities could complete the survey either on the internet, utilizing a secure password, or by returning a hard copy. Response rates were 75% for the batterer programs, 53% for the courts, and 62% for the victim assistance agencies. We conducted an extensive series of analyses testing for response bias. The only clear finding was that non-

responders to the court and victim assistance agency surveys were more likely to be from the Northeast. This variable could be easily controlled.

## Results

Major findings are reported below for each of three categories of research questions: (1) the court's use of mandates to batterer programs; (2) rationales for such mandates; and (3) enforcement practices when offenders are noncompliant with the mandate.

### 1. *How and When Do Criminal Courts Use Batterer Programs?*

- *Charges:* Nearly all courts reported that they most often impose batterer program mandates on convicted offenders who were originally arrested on a misdemeanor (55%) or violation (39%), as opposed to a felony charge (6%).
- *Role of probation:* Probation departments play a critical role in supervising batterer program mandates; only 6% of the courts reported that they always mandate offenders to batterer programs without the involvement of probation, and 94% involve probation in all or some of their batterer program mandates.
- *Pre-disposition mandates:* Even though we attempted to over-sample courts that mandate defendants to batterer programs pre-disposition, only 34% of the courts in our final sample reported such use. Of those courts, 64% reported offering a legal benefit (case dismissal, charge reduction, or reduction of sentence) to defendants who complete the program.
- *Compliance monitoring:* According to 62% of courts, convicted offenders mandated to a batterer program have to report back to court for periodic compliance monitoring, but only 58% of those courts reported that the first compliance monitoring date was held within four weeks of mandate imposition. This finding suggests that in many jurisdictions monitoring occurs at infrequent intervals.
- *Program length and duration:* Almost half (44%) of the batterer programs surveyed reported that their program is 20-30 weeks long (26-week programs were most common). Also, nearly all programs (98%) hold one session per week; and each program session almost always lasts either 90 minutes (50%) or two hours (33%).
- *Alternatives to batterer programs:* In addition to batterer programs, the overwhelming majority of courts surveyed (83%) sometimes mandate domestic violence offenders to other types of programs, most often alcohol treatment, substance abuse treatment, mental health treatment, and anger management (each of which is used by 61% or more of responding courts).

## **2. Rationale: Why Do Courts Mandate to Batterer Programs?**

All respondents were asked to “check as many as apply” of five functions of court mandates to batterer programs: (1) treatment/rehabilitation, (2) accountability, (3) monitoring, (4) legally appropriate punishment, and (5) alternative to incarceration. The results revealed a remarkable degree of convergence across the three types of respondents. Key findings were:

- *Rehabilitation and accountability:* Most respondents checked both the competing functions of “treatment/rehabilitation” and “accountability.” Rehabilitation was somewhat more popular among the courts (90%) and batterer programs (85%) than among victim assistance agencies (70%), whereas accountability was more popular among the batterer programs (85%) than among the victim assistance agencies (74%) or courts (73%).
- *Alternative to incarceration:* More than 28% of all three types of respondents checked “alternative to incarceration” as a function of court mandates to batterer programs, with the courts (47%) somewhat more likely than the two other types of agencies to endorse this function.

## **3. Enforcement: How Do Courts Respond When the Offenders are Noncompliant?**

- *Frequency of sanctions for noncompliance with a batterer program mandate:* Based on the nearly identical figures obtained from both the batterer programs and victim assistance agencies, at least 40% of criminal courts “always” or “often” impose a sanction in response to noncompliance. The remaining courts impose a sanction “sometimes,” “rarely,” or “never.” When asked to rate how often the courts respond with “appropriate seriousness,” the percentages are similar. The courts themselves hold a more positive view of their response to noncompliance, as 74% answered that they “always” or “often” impose a sanction.
- *Severity of sanctions for noncompliance:* The batterer programs and courts generally agreed in their ranking of which sanctions the court imposes most to least frequently. Both were more likely to rate the courts use of less severe sanctions (e.g., return to court immediately and verbal admonishment) as being imposed “often” or “always” than to rate more severe sanctions (e.g., jail or probation revocation) as being imposed with high frequency.
- *Jail sanctions:* Jail time appears to be an infrequent response to an offender being terminated from a batterer program and reported to the court as being out of compliance with the mandate. Only 27% of courts and 16% of batterer programs responded that jail time was imposed “often” or “always” in response to noncompliance with the mandate to attend a batterer program.
- *Consistency of response:* Virtually all courts surveyed (95%) presented their response to reports of noncompliance as “consistent” across cases. This positive perception was not always shared by batterer programs (66% rated the court’s response as

consistent) and victim assistance agencies (51% rated the court's response as consistent).

- *Difference in perspectives:* Across all questions tapping the court's response to noncompliance with a batterer program mandate, the courts conveyed a significantly more favorable view of their own enforcement practices than did the batterer programs or victim assistance agencies.
- *Protocols for reporting noncompliance:* Virtually all batterer programs nationwide (at least 94% according to both the batterer program and court surveys) submit compliance reports under at least certain circumstances. Reports are submitted directly to the court by 70%, with the rest reporting to probation or another monitoring agency.
- *Protocols for implementing a court response:* Only 12% of the courts reported having a written protocol defining which sanctions will be imposed in the event of noncompliance with a batterer program mandate. Also, only 26% of courts reported that they bring an offender back to court within two weeks of receiving a report of noncompliance; another 37% reported that they do so within a month.
- *Difference between theory and practice:* Whereas at least three-quarters of the survey respondents from each of the three types of agencies checked "accountability" as a function of court mandates to batterer programs, the preceding results suggest that a significantly lower percentage of courts promote accountability in practice through the actions they take in response to a report that an offender has not complied with the court order.

## Conclusions

This study suggests that a critical foundation exists in most communities nationwide on which to build an accountability model for implementing court mandates to batterer programs. In particular, we found theoretical support for the goal of accountability among the vast majority of survey respondents. We also found that virtually all batterer programs send compliance reports to the mandating court under at least some circumstances – a prerequisite practice for any effort to hold offenders accountable when they are noncompliant.

However, we also detected two barriers to holding offenders accountable when they do not comply with a batterer program mandate. Although most survey respondents listed "accountability" as a function of court mandates to batterer programs, most – including 90% of court respondents – also listed "treatment/rehabilitation." Clearly, there is widespread belief in the field that batterer programs have a therapeutic benefit, even though a research consensus has begun to emerge that casts doubt on the validity of this assumption. Confusion about the purpose of batterer program mandates may divert attention from the task of strengthening enforcement of noncompliance, an essential element of accountability.

The second barrier is at the level of formal protocols to facilitate enforcement efforts. We found that extremely few courts have developed written protocols to institutionalize their response to noncompliance. Also, the average court reported a substantial delay between receiving a report of noncompliance and bringing the offender back to court, a necessary step before any sanction can be imposed. As past research has shown, for a sanction to be an effective deterrent, it must be swift and certain. These conditions appear to be lacking.

To review, while at least three-quarters of survey respondents from each of the three types of agencies checked “accountability” as a function of court mandates to batterer programs, a lower percentage of courts appear to promote accountability in practice through the actions they take in response to a report of batterer program noncompliance. We hope that these results can comprise a useful, if modest, first step in stimulating the field to develop clearer and more consistent policies in the use of batterer programs to hold offenders accountable.

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- Joy Bennett, Director, Tioga County Probation Department, Oswego, NY
- Joseph Burdo, New York State Division of Parole, Dannemora, NY
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- Honorable Judy Harris Kluger, Deputy Chief Administrative Judge, Unified Court System, New York State
- Toby Myers, Ed.D., Houston, TX
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# Chapter One

## Introduction

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Since their origins in the late 1970s, batterer programs have emerged as a widespread court response to domestic violence. The number of batterer programs is difficult to track, and sizes vary, but the number is now well over 2,000. Court policies have contributed to their proliferation: more than 80% of participants are mandated by courts or probation (Bennett and Williams 2002).

Although large numbers of courts use batterer programs, the reasons for doing so vary significantly. Most commonly, courts regard batterer programs as the best hope for rehabilitation – and thus reduced re-offending. Accumulating evidence, however, suggests that this goal is unrealistic. None of the four most recent randomized trials to examine the effects of batterer programs yielded positive results (Davis, Taylor, and Maxwell 2000; Dunford 2000; Feder and Dugan 2002; Labriola, Rempel, and Davis 2005). The most recent literature review found that batterer programs overall do not reduce re-offending, especially when measured by victim report, or at best show only modest effects (Feder and Wilson 2005). Hence there is little evidence to suggest that batterer programs are providing effective “treatment.”

A second reason for courts to use batterer programs is to “hold offenders accountable.” In this view, batterer program mandates can serve as a meaningful, relevant sanction even if they do not promote individual change among participants. Such a mandate is appropriate when the legal issues in a case preclude the imposition of a jail sentence or other more serious sanction. A problem in implementation of the “accountability” principle, however, is that the term is ill defined and may be adopted in theory or rhetorically without careful consideration of what it would entail for courts and programs. For purposes of this study, to promote accountability, courts must not merely mandate offenders to batterer programs, but must also consistently enforce court orders by sanctioning those who are noncompliant.

A practice closely linked to the goal of accountability is that of compliance monitoring. Increasingly, courts – especially specialized domestic violence courts – seek to track the behavior of domestic violence offenders, either while a case is pending or after its disposition. Monitoring may be conducted by a judge or judicial hearing officer during ongoing status hearings, or by probation. Batterer program mandates facilitate monitoring by establishing a tangible, long-term requirement that the court can verify. When offenders are noncompliant, monitoring enables the court to promote accountability by swiftly identifying the noncompliance and imposing further sanctions, up to and including jail time.

Consistent with the use of batterer programs as a tool of accountability and monitoring is their role in the “coordinated community response” to domestic violence (Pence and McMahon 1997). In this view, no single element of the criminal justice, victim assistance or advocacy systems, will reduce or eliminate domestic violence independently. Rather, the coordination of systems and policies will work toward the goals of keeping individual victims safer, consistently holding offenders accountable and making intimate partner violence socially unacceptable. Only by imposing penalties for noncompliance with a batterer program mandate will courts convey the broader social message that the criminal justice system takes domestic violence seriously.

As part of the coordinated community response, batterer programs serve a role in the criminal justice system analogous to classes for those arrested for driving while intoxicated

(DWI). These classes have an impact not because each individual attending them is changed by sitting through lectures and videos, but as one small front in a much greater pattern of consistent responses to drunk driving indicating that society deems it a serious offense.

Although DWI classes are not expected to change the behavior of large numbers of individual offenders, many seem to expect batterer programs to stop offenders from further violence. As evidence of this expectation, considerable resources have been devoted to testing whether these programs in fact produce attitudinal changes and decrease physical abuse (for reviews of over 35 batterer program evaluations, see Babcock, Green, and Robie 2004; Crowell and Burgess 1996; Davis and Taylor 1999; Dobash, Dobash, Cavanagh, and Lewis 1995; Dutton 1995; Feder and Wilson 2005; Gondolf 1995; Saunders 1996; Tolman and Edleson 1995).<sup>1</sup> The finding that batterer programs do not appear to reduce re-offending clearly signals a need for a shift in expectations.

As a result, this national accountability study seeks to gain a better understanding of whether courts use batterer programs to hold offenders accountable. Our key premise is that courts can use batterer programs as a meaningful sanction only if they impose penalties for noncompliance. A “zero tolerance” message cannot be sent effectively if offenders regard attendance and compliance with court-mandated programs as optional.

A few studies have examined the implementation of batterer program requirements in tandem with the practice of compliance monitoring, such as requiring defendants to return to court for status hearings (Gondolf 1998, 2000; Harrell, Schaffer, DeStefano, and Castro 2006; Howle 2006; Labriola et al. 2005; Newmark, Rempel, Diffily and Kane 2001; San Diego Superior Court 2000). Nonetheless, the issue of the court’s enforcement of its orders – its *response* to offenders who are terminated from the program – has not been studied systematically. This question becomes all the more important in light of high rates of program noncompliance and termination. Across a series of studies, batterer program termination rates range consistently from 30% to 50% (Cissner and Puffett 2006; Daly and Pelowski 2000; Edleson and Syers 1991; Gondolf 1998; Puffett and Gavin 2004; Hamberger and Hastings 1993; Labriola et al. 2005; San Diego Superior Court 2000; Davis et al. 2000).<sup>2</sup>

## Study Goals and Objectives

This study sought to examine, for those criminal courts that mandate offenders to batterer programs, whether and how they use the programs to promote accountability. Toward this end, we were interested in understanding the goals that courts articulate for using batterer programs (are accountability and monitoring among them?), and whether those goals are reflected in policy and practice. We were also interested in understanding the degree to which the court’s perspective mirrors that of two other critical agencies – batterer programs and victim assistance agencies. The “coordinated community response,” that is so often advocated by practitioners and

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<sup>1</sup> From the practitioner’s or policymaker’s perspective, even if such interventions could be shown to increase knowledge or produce attitudinal changes, such effects would be irrelevant if they do not translate into decreased physical abuse or other tactics that offenders use to control victims. Seen in this light, findings pertaining to behavioral effects are the sole important criterion of success.

<sup>2</sup> Most of the batterer programs included in these studies have specific requirements that court-mandated offenders must fulfill in order to avoid termination, and consistently report terminations to the court or probation. Therefore, these termination rates may be higher than those of programs that have fewer requirements or more lax enforcement of policies.

so little examined empirically, would seem to require cross-agency consistency in defining the role of batterer programs.

### ***Specific Research Questions***

The study was motivated by five main questions:

1. *Rationale: Why do criminal courts use batterer programs?* We were interested in the theory underlying the practice, especially how widely “accountability,” “monitoring,” and “rehabilitation” are each emphasized. We wanted to get the perspectives of batterer programs, courts, and victim assistance agencies on this question.
2. *Policies and practices regarding court mandates to batterer programs: How do criminal courts use batterer programs?* Our questions regarding policy and practice were in regard to how often the courts use these mandates and when the mandates are used (e.g., with misdemeanor or felony charges). Also, as a practical matter, we needed to know how probation is involved in different jurisdictions. Finally, although we assumed that courts would most commonly impose a mandate to a batterer program after a conviction – usually as a condition of probation or a conditional discharge sentence – we were interested in the degree to which the courts use batterer programs to monitor defendants prior to disposition or for other purposes before a case is resolved.
3. *Policies and practices regarding enforcement of mandates: Do criminal courts enforce their mandates to batterer programs by imposing jail or other sanctions in response to noncompliance?* This question was our central focus. We were also interested in whether theory and practice converge on this point: that is, do enforcement practices vary depending on the goals that courts articulate for batterer program mandates?
4. *Cross-agency consistency:* Within communities, are the perceptions of batterer programs, criminal courts, and victim assistance agencies in alignment concerning:
  - a) The goals of criminal court mandates to batterer programs?
  - b) The appropriateness of the court’s use of batterer programs?
  - c) The nature and effectiveness of the court’s response to noncompliance?
  - d) Whether criminal courts are sending the message that they take domestic violence seriously?
5. *Impact of contextual characteristics:* Does the use and enforcement of batterer program mandates vary based on such characteristics as:
  - a) Community characteristics, including region, population, and whether the community is urban, suburban, or rural? (We hypothesized that regional or community sub-cultures may influence court responses.)
  - b) Presence/absence of a specialized domestic violence court part or calendar? (We hypothesized that establishment of a domestic violence court might signal a stronger coordinated community response and a clearer focus on accountability.)
  - c) Cross-agency consistency in regard to the goals of and best practices in courts’ use of batterer programs? (We hypothesized that where batterer programs, courts,

and victim assistance agencies share goals and policies, cross-agency coordination would be more effective, benefiting accountability.)

### ***Overview of the Design***

The study involved a survey of batterer programs, criminal courts, and victim assistance agencies in 260 communities nationwide. The selected communities were distributed across all 50 states, represented a mix of urban, suburban, and rural municipalities, and appeared in a preliminary investigation to make significant use of batterer program mandates relative to their population and caseload. The rationales for surveying three agencies in each community were twofold: to answer our research question pertaining to cross-agency consistency; and also to improve study reliability. For instance, where some courts might tend quite understandably to overstate their enforcement efforts, the batterer program responses could then serve as a reality check, improving the validity of the final results<sup>3</sup>.

### **The Collaboration**

This project was conducted as a true collaboration of practitioners and researchers, and we would like to include a note about its genesis. Appendix A elaborates on the experiences that both the practitioner and researcher members of the project team brought with them; how their partnership informed the research design and analysis; the challenges and benefits of the collaboration, and the learning curve experienced by both sides.

For this section, we describe how the project's specific research questions took shape. Phyllis B. Frank, the practitioner co-principal investigator, has been directing a batterer program for 25 years and is the founder and director of one of the first batterer programs in the U.S. Learning and observing through the years what programs can and cannot do, meeting and sharing observations with other advocates around the country, she arrived at the conclusion that batterer programs are not "treatment" and should not operate with the aim of changing individual behavior as their primary function. According to Frank, batterer programs cannot guarantee the safety of individual victims and should not be used for that purpose. Rather, they serve the court, and in that regard they can serve the purpose of holding the offenders accountable for adhering to their program's policies and procedures in order to fulfill the court's mandate (see also Chapter Two). Based on Frank's experience, the question of "does it work?" had to be reformulated – not "does it work to reform batterers to be non-abusive?" but "does it work to hold batterers accountable?"

The "New York Model for Batterer Programs" (a model in whose development Ms. Frank played a leading role) applies this perspective, and is adhered to by many programs in New York, as well as programs in Vermont, Maine, Oregon, and Florida, and advocated by the New York State Office for the Prevention of Domestic Violence and the New York State Coalition Against Domestic Violence. Further explication of the model's "underlying principles" can be found at the website, <http://www.nymbp.org>. These principles led directly to certain requirements on how programs should interact with the court: First, the court should not order

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<sup>3</sup> Of note, we did not actually conduct the "outcome study" that was originally envisioned, although not for lack of interest or belief in its importance. As discussed in Chapter Three, we determined that a survey of broad national scope rather than an empirical study of practice at a much smaller number of sites would be the appropriate starting point. An outcome study was therefore proposed as a possible Phase Two.

the batterer program if a more serious sanction was appropriate or available. Second, if the program terminated an offender for noncompliance (whether due to behaviors in class, absences, or other violations of the program's policies and regulations) the court would be notified of the termination. It was then up to the court to recalendar the case. Third, if the court chose to respond to the termination by re-ordering the offender back to the program, he must restart it. Thus it was essential to set up a system with the courts whereby the program would report compliance and completion of the court mandate as well as noncompliance (i.e., termination), and the court would agree to restore noncompliant cases back to the court's calendar for sanctions.

The missing loop in the feedback system was what the court was actually doing when a defendant had been terminated from the program. When Ms. Frank posed this question to providers at VCS's National Training Institute, the answer most often was "nothing." In Ms. Frank's view, the court's non-response to a violation of the court order makes a mockery of the order, undermines accountability, and dismisses the victim's experience.

For many years, Ms. Frank sought collaboration with researchers in the hope of conducting what she termed an "outcome study," the "outcome" consisting of what the court actually does with defendants who violate the court's order by failing to complete a batterer program. Through a working relationship with Chris O'Sullivan, Ms. Frank was introduced to Michael Rempel, Melissa Labriola, and Nora Puffett of the Center for Court Innovation. Chris O'Sullivan and Nora Puffett had worked briefly with Phyllis B. Frank to codify the New York Model for Batterer Programs, a project that was taken over by the New York State Office for the Prevention of Domestic Violence. Michael Rempel and Melissa Labriola were engaged by the prospect of turning to an accountability study, having begun final analyses for the most recent randomized trial of batterer programs, whose results confirmed earlier studies showing that batterer programs do not change the behavior of individual offenders (Labriola et al. 2005). This finding led to an interest in studying the degree to which courts used batterer programs to serve functions other than rehabilitation.

## **Organization of the Report**

The first three chapters provide an overview of the study and its purpose, as well as detailing all aspects of the research design and methodology. Chapter Two is a review of relevant previous research. Chapter Three describes the research design in detail, including the sampling frame for the national survey, implementation of the sampling plan, survey response rates, and the results of analyses testing for response bias.

The next three chapters present the study findings. Chapter Four begins with a description of the respondent batterer programs, criminal courts and victim assistance agencies, followed by answers to questions about their policies and practices. Chapter Five explores respondent views on the theoretical question of why batterer programs should be used. Chapter Six describes the communication between courts and batterer programs and findings on the central question of the courts' enforcement of batterer program mandates.

Chapter Seven reviews the major findings and discusses policy and research implications, drawing on the perspectives of both the researcher and practitioner members of the project team.



## Chapter Two

### Research on Court Mandates to Batterer Programs

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Over the last 25 years, the criminal justice system has sought to transform its historically inadequate response to domestic violence. Reform efforts originated in the activism of the feminist and battered women's movements of the 1970s (Horowitz 2003; Schechter 1982). Previously, the police had often been reluctant to make domestic violence arrests – a reluctance related to the difficulty of prosecuting the cases. When such cases did reach the courts, effective dispositional and sentencing options had yet to be developed (Pence and McMahon 1997).

In response, an array of new criminal justice initiatives emerged, including pro-arrest policies, evidence-based prosecution, and specialized prosecution units and domestic violence courts (Sherman 1992; Rebovich 1996; Karan, Keilitz, and Denaro 1999; Keilitz 2000; Gavin and Puffett 2005). These changes accelerated with the passage of the Violence Against Women Act in 1994, which established new federal laws and funding mechanisms for services and research (see Buzawa and Buzawa 1996; Hanna 1996).

The expansion of victim advocacy programs and the reforms in policing and prosecution produced a massive influx of domestic violence cases into the criminal courts nationwide. Initially at the urging of advocates, a number of courts began to rely on batterer programs as their mandate of choice, especially when the legal issues in a case precluded the imposition of jail time. By the 1980s, the use of batterer programs had already increased significantly, and the range of program models had diversified (Feasell, Mayers, and Deschner 1984). Many states reacted by developing official program standards or certification protocols in an effort to regulate the programs (Austin and Dankwort 1999; Bennett and Piet 1999; Gondolf 1995). Some states passed legislation requiring the use of approved programs with large subgroups of criminal offenders. As a result of these developments, most batterer program participants, 80% according to one estimate (Bennett and Williams 2004), are mandated to attend by a court.

Although batterer programs have emerged as a staple of the criminal justice system response to domestic violence, their purpose and effects remain controversial. Two broadly theorized benefits are: (1) the programs stimulate change in participants, effecting *rehabilitation* and reduced recidivism, and (2) the programs serve as an appropriate penalty (when jail is not an option) and monitoring mechanism, effecting offender *accountability*.

#### **Findings on Batterer Program Effectiveness in Promoting Rehabilitation**

Research to date has focused primarily on the first potential benefit – that batterer programs change offenders' behavior. Studies have reviewed re-arrest records, interviewed victims, and measured attitudinal changes among participants in an attempt to establish evidence of individual change. Unfortunately, as the research has grown in sophistication, the possibility that these programs might have a consistently positive and substantive impact on offenders has grown increasingly dubious.

To date, five true randomized experiments have been conducted on the effectiveness of batterer programs in preventing recidivism. In the first study, the "Ontario experiment" (Palmer, Brown, and Barerra, 1992), men assigned to the batterer program had considerably lower re-arrest rates than men in the control group. However, the sample size of 59 men who entered the

study over a lengthy 17-month period raises questions concerning both the implementation of the randomization (were large groups of offenders systematically excluded from the study?) and the generalizability of the results.

Several years later, the San Diego Navy experiment (Dunford 2000) found no significant differences among 861 men randomly assigned to four distinct conditions: (a) a batterer program, (b) group sessions for couples, (c) monitoring and case management for the offenders, and (d) a pure control group. The study had a large sample size, strong implementation, and unusually high contact rates of 75% or higher across a series of victim interviews conducted at six-month intervals up until 18 months post-randomization. The main drawback was that the study included only Navy personnel and excluded substance abusers, men with criminal histories, unmarried men, men with mental disorders, and unemployed men. Most batterer programs do not exclude these groups of men, with the possible exception of those who abuse alcohol or drugs or have clear mental illness.

The Brooklyn experiment (Davis et al. 2000) found that men mandated to a batterer program had significantly fewer re-arrests than those assigned to community service. Strangely, however, there was no effect of actual program *attendance*, only of assignment: the men who were randomly assigned to the program but never attended a single session did just as well as the men who attended every session. Davis et al. also found an effect of program duration, while holding constant the number of class hours attended. Some men attended the 39-hour program in 26 weekly sessions, but others attended the same number of hours in biweekly sessions over eight weeks. A higher percentage of program participants *completed* the 8-week than the 26-week program. Under the logic that exposure to the program produces individual change or rehabilitation, the program should impart greater benefits to those who attend all of it. Thus the eight-week program group, with its higher completion rate, should have had the lower re-arrest rate. The findings were the opposite, however: only the 26-week group had a lower re-arrest rate than the control group. This result suggested a positive effect of *monitoring* (i.e., the men in the 26-week group were under court control for a longer period of time), rather than an effect of actual learning and change stemming from program participation.

In the Broward experiment (Feder and Dugan 2002), 404 defendants convicted of misdemeanor domestic violence were randomly assigned either to probation plus a six-month batterer program or to probation only. At a 12-month follow-up, there were no differences between the two groups on measures of attitudes toward women and domestic violence, or in recidivism as measured either by victim report or criminal justice records. The study had arguably the strongest experimental design among the first four, since all convicted misdemeanor offenders in Broward County entered the randomization process with extremely limited exclusions. Also, the intensity of probation monitoring was kept identical between the batterer program and the probation-only groups.

Upon initial review, these four studies seem to offer a picture of mixed results. However, meta-analysis provides a statistical method of collapsing the studies and examining overall effects across experiments. Feder and Wilson (2005) conducted such an analysis using these four true experiments (as well as another analysis that included studies with quasi-experimental designs). The results reveal more consistency than is apparent in a single study. The overall effects of batterer programs are negligible: the average effect size across the four randomized experiments was slightly positive when based on official records, but was zero when based on victim reports of abuse. (These results held despite counting the Brooklyn study as showing a positive program impact, whereas the study's authors attributed the appearance of an impact to

greater court control rather than to the impact of program participation per se.) Thus the evidence suggests that batterer programs cannot be relied upon to end or even reduce domestic violence.

In the latest experiment (Labriola et al. 2005), 420 misdemeanor domestic violence offenders in the Bronx were randomly assigned to judicial monitoring and a batterer program or to judicial monitoring only. Improving on the Brooklyn research design, this experiment was carefully designed to isolate the effect of the batterer program by ensuring that the level of judicial monitoring between the two study groups was held constant. The study found that the batterer program did not produce lower rates of re-offending, based upon either official re-arrest records or victim report. The victim contact rate for follow-up interviews was only 25%, but there were no significant differences between the cases of those who were and were not interviewed; and the results based on victim report echoed those based on the re-arrest records. This study was completed just after Feder and Wilson's (2005) meta-analysis and adds more fuel to the argument that batterer programs do not systematically or significantly rehabilitate.

The five experiments just discussed all compare outcomes between offenders randomly assigned to a batterer program versus those assigned to other (usually less onerous) sanctions. Another series of studies compare offenders assigned to different program models: Perhaps some types of programs work better than others or, to offer a more nuanced version of the same question, perhaps some types are more effective for a particular personality type, or racial or ethnic group, than another? However, among those studies examining the influence of different batterer program curricula on future violence or re-arrests, few have found substantial differences, despite widely varying program requirements and curricula (e.g., Brannen and Rubin 1996; Dunford 2000; Gondolf 1999; Gondolf 2005; Jones and Gondolf, 1997; O'Leary, Heyman, and Neidig 1999; Saunders 1996). The most recent of these studies, relying on official re-arrest records only, found no differences between a short (12-week) program that used a therapeutic approach, did not charge participants and had a laissez-faire attitude toward attendance and lateness versus a 26-week didactic program that charged a fee and strictly upheld attendance and timeliness requirements. The programs differed neither in participant re-arrests nor in program completion rates (Cissner and Puffett 2006).

Perhaps as telling as the results showing little or no difference in re-offending rates among those assigned to a batterer program and those receiving other sanctions, such as community service (Davis et al. 2000), probation (Feder and Dugan, 2002) or judicial monitoring (Labriola et al., 2005), is a study conducted by Klein and Wilson (2006). Generally, the experimental studies report official re-offending rates ranging from 10%-30%, apparently suggesting that most arrested domestic violence offenders do not re-offend, whether or not they are assigned to a batterer program. Klein and Wilson, however, followed a group of domestic violence cases for ten years and found astronomically high re-offending rates. In the one year after the initial arrest, only a third of the men appeared to re-offend, as evidenced by a new arrest, violation of a protection order, or issuance of a new protection order; but at the end of the follow-up period, over half the men returned to the criminal justice system. Although this study did not specifically investigate the impact of batterer programs, the reaction to these findings is that they call into question the approach to reducing domestic violence (e.g., see Johnson 2006).

## **New Directions for Research – The Coordinated Community Response**

Considered together, the preceding studies raise the possibility that attempting to identify the impact of batterer programs *sui generis* will not show the positive effects that courts and society

have hoped. It is possible, however, that we have approached the problem incorrectly – that we have evaluated the wrong elements. There is growing support for the analysis that it is inappropriate to consider these programs in isolation; that context is vitally important in defining and assessing program “success” and “failure” (Bennett and Williams, 2004; Gondolf 2001; Frank and O’Sullivan 1999). These researchers and batterer program directors are referring to the larger system of interests and agencies whose functioning as a “coordinated community response” many maintain is the most effective deterrent to domestic violence recidivism (see, for instance, Murphy, Musser, and Maton, 1998; Shepard, Falk, and Elliott, 2002; Pence and McDonnell 1999). They and others urge that evaluations of any single element of the response to battering be expanded to consider the entire community response. For instance, Gondolf has called his extensive four-site study of convicted batterers and their partners a study of batterer intervention *systems*, including “arrest practices, court procedures, probation supervision, battered-women’s services, and other community services” (Gondolf, 2002: 2). Pence has noted with chagrin that programs claim to be using the “Duluth Model” when they adapt elements of the batterer program curriculum created and disseminated by the Duluth program, DVAIP. However, the “Duluth Model” involves a coordinated community response and is not defined by the batterer program curriculum alone. Pence and McDonnell (1999) explain that the full coordinated community response involves establishing interagency linkages among all relevant community stakeholders with the broad social goal of “changing the climate of tolerance for this type of violence.” Seen in this light, perhaps there is a meaningful function that court mandates to batterer programs can serve in contributing to the social unacceptability of domestic violence, even if the programs by themselves cannot precipitate direct attitudinal or behavior changes in individual offenders.

The criminal justice system clearly has a central role in the larger universe of community responses. One imperative of a coordinated community response is simply not to drop the ball: it is incumbent on the courts not to become the hole in the safety net, the place where offenders can escape consequences or manipulate the system. The courts have the unique power to respond to offender behavior and to send the message that domestic violence is unacceptable. This discussion provides the backdrop for turning our attention to the second theorized benefit of batterer programs: promoting accountability.

## **Findings on Batterer Program Effectiveness in Promoting Accountability**

As the discussion of the coordinated community response literature makes clear, when batterer programs originated in the late 1970s, supporters did not assume that the programs would achieve rehabilitation by themselves. Instead, programs were to serve as one prong of a coordinated strategy. The most concrete contribution was to provide the criminal courts with a sanction that would appropriately penalize cases in which a jail sentence was not feasible (Pence and McMahon 1997). There was a related interest in the monitoring function of batterer programs – mandatory attendance gave the courts a requirement that could be tracked and an opportunity to impose sanctions on those who did not comply (see also Mazur and Aldrich 2003). Indeed, the initial recommendation of those who developed what became known as the “Duluth Model” was that batterer programs should not even be established where justice authorities lacked systems for tracking offender behavior and system responses to noncompliance (Pence and McMahon 1997).

Many of today's batterer programs continue to stress the closely related goals of monitoring and accountability. A few also expressly reject the goal of rehabilitation. The "New York Model," founded by this study's practitioner co-principal investigator along with others, is one such program. It works only with court-mandated participants, seeking to provide one in a continuum of graduated sanctions, suitable when more severe penalties are not legally appropriate. The model assumes that individual offenders can change, but that batterer programs cannot be expected to produce such change. Thus the program serves instead to provide the court with a viable requirement that the participants are fully capable of completing; to monitor attendance; and to report noncompliance with the requirements back to the court – thereby enabling court enforcement through additional sanctions if necessary. Since rehabilitation is not viewed as a feasible goal of the program alone, the model holds that the curricular content of the batterer program classes is less important than the fact that the men are held accountable *by the court* for attending (see <http://www.nymbp.org/index.htm>).

Although the New York Model and similar batterer programs embrace an accountability-based approach, accountability cannot truly be achieved unless the court does its part – for the 30% to 50% of offenders mandated to a program who do not fulfill the requirement, there can be no accountability unless there is a penalty for noncompliance. Thus a batterer program by itself cannot hold a batterer accountable for his acts of abuse against his partner. Only the court can mandate offenders to the program and, for those returned to the court for noncompliance, impose further consequences.

Yet, anecdotal evidence suggests that even those courts that formally monitor defendants may not be aware of noncompliance – or may not act on the knowledge they do have. This is true whether noncompliance takes the form of failing to meet program requirements or a new offense. Several researchers have reported that courts rarely penalize offenders for noncompliance with program mandates (Babcock and Steiner 1999; Harrell 1991; Palmer, Brown, and Barerra, 1992). Before the introduction of the San Diego County Domestic Violence Courts, offender compliance was assumed unless the court learned otherwise, essentially by accident. Even when the court learned of noncompliance with a batterer program mandate, there was often no response (San Diego Superior Court 2000). (San Diego's tracking and enforcement systems were subsequently revamped and improved once the domestic violence courts were established.) More disturbingly, Gondolf (2002) reported that it was the systemic failure to respond that enabled a small group of men in his four-site study to re-offend chronically. The lack of enforcement of court orders sends the message to defendants and to the public (and to the victim) that the mandate is meaningless and domestic violence is not treated as a serious crime.

A November 2006 report by the California State Auditor (Howle 2006) reviews the 58 county probation departments' monitoring and enforcement of California's legal requirement that domestic violence offenders placed on probation complete a 52-week batterer program. The audit found that only about half of the domestic violence offenders placed on probation actually fulfill the program requirement. A review of a random sample of 125 cases indicated that more than one quarter of those who had completed programs did so after committing violations of program or probation requirements. Some departments referred domestic violence offenders back to programs after such violations without notifying the courts, in violation of statutory provisions. And some courts notified of violations simply returned the offenders to programs without any additional consequences, even when the offender had repeatedly violated the mandate. As the cover letter to the governor notes, such practice "unintentionally sends the message that program violations are not serious and therefore will be tolerated" (Howle,

November 21, 2006). Although focusing solely on practice within one state, this audit represents the first study known to the research team involving a direct empirical test on our questions of interest across a substantial number of individual sites. That fact in itself illustrates a lack of research attention to the courts' follow-through on batterer program mandates.

## **Conclusion**

The literature discussed above leads us to believe that batterer programs do *not* generally produce direct cognitive or behavioral changes. However, existing research is agnostic on whether these programs can productively advance any other function. One other *potential* function is to serve as a meaningful sanction and monitoring tool for the court, thereby demonstrating to defendants and the larger community the seriousness with which the justice system views intimate partner violence. For this message to be credible, however, courts must not only *issue* but also *enforce* their batterer program mandates by sanctioning those who are noncompliant. Enforcement is the linchpin to "accountability."

Unfortunately, our knowledge of courts' enforcement of their mandates to batterer programs is largely anecdotal and incidental. We lack systematic information on how frequently program mandates are used in the first place, both pre- and post-disposition; how frequently mandates are enforced nationwide; and, when they are enforced, what sanctions are typically imposed. Since there has been so little empirical data collected, we are, for now, thrown back on courts' own policies and rhetorical promises to "hold defendants accountable." Are they meeting those commitments? How is "accountability" interpreted and enforced? How effective is their supervision in practice? Research is needed to explore how court-mandated offenders are actually monitored, how information is exchanged between programs and courts, and whether, when, and how sanctions are imposed in response to noncompliance. The knowledge gained from such systematic study could be valuable to practitioners, policymakers and administrators in forming or reevaluating policies regarding the courts' use of batterer program mandates and in determining how to construct a more productive relationship between courts and batterer programs.

## Chapter Three

### Research Design

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This study was designed to illuminate the extent to which today's criminal courts use batterer programs to hold domestic violence offenders accountable. Primary research questions include why criminal courts use batterer programs; how the programs are used; to what extent courts enforce their mandates by imposing sanctions in response to noncompliance; and to what extent batterer programs, courts, and victim assistance agencies see eye to eye in defining the goals, policies, practices for using batterer programs.

As the preceding chapter indicates, the literature to date offer little empirical information, and no previous studies provide a national perspective. A valid national study might proceed in two ways. First, it might involve a rigorous empirical analysis of court practices across multiple sites. For reasons of cost and data collection feasibility, however, it would be challenging to identify a sufficient number of sites for a meaningful national sample. Also, with little baseline information to guide site selection, it would be virtually impossible to identify sites that, taken together, could be expected to comprise an appropriate cross-section of national practice.

Second, a national study might employ survey methods, asking practitioners across a large and diverse sample of sites to rate their goals, policies, and practices. Survey methods would enable reaching many more sites at less cost than through primary data collection. A disadvantage would be our inability to confirm whether the survey responses mirror reality. For example, some court administrators might indicate on a survey that they engage in strong enforcement practices, even if an empirical study of their cases would suggest otherwise. Still, an expansive national survey covering many relevant topics across several hundred sites emerged as the ideal first study, given the paltry state of our baseline knowledge. Survey methods would also provide the only effective means of answering two of our key research questions: *why* criminal courts nationwide use batterer programs – what are the motivating goals behind doing so – and whether or not the perceptions held by batterer programs, courts, and victim assistance agencies within the same communities tend to coincide.

Accordingly, we implemented a survey to 260 communities nationwide. Within each, we surveyed a batterer program, criminal court, and victim assistance agency. This chapter elaborates on both the research design and its implementation.

### Survey Domains

Survey domains and questions emerged from an iterative process involving multiple meetings, edits, and counter-edits across the entire researcher-practitioner project team over approximately a five-month period. Final surveys are in Appendices B-D. Key domains were:

- ***Rationale: Why Use Batterer Programs?*** All respondents received the same question concerning the functions of court mandates to batterer programs: treatment/rehabilitation, monitoring, accountability, legally appropriate punishment, alternative to incarceration, or “other.” Also, the batterer programs were asked an additional question on the primary focus of their curriculum, and the victim assistance agencies were asked for their view

what *should* be its primary focus: addressing participant mental health issues, confronting attitudes towards intimate partners, educating participants about domestic violence, holding participants accountable, or teaching communication and coping skills.

- ***Court Mandate Policies: How Do Courts Use Batterer Programs?*** Questions appeared on the court survey only. They concerned what types of charges lead to batterer program mandates, when these mandates are imposed (pre- and/or post-disposition), whether and how probation is involved, approximately how many defendants are mandated per month, and whether the court is aware of the specific program in which each defendant enrolls. For courts that use pre-disposition mandates, additional questions concerned the legal circumstances (e.g., condition of bail, condition of release, condition of restraining order, or pre-trial diversion program); and whether completion leads to a legal benefit (e.g., charge dismissal, charge reduction, change in sentence, or no benefit). A final question under this domain concerned which other types of program mandates the court sometimes imposes on domestic violence offenders, if any (such as alcohol treatment, substance abuse treatment, mental health treatment, or parenting classes), instead of a mandate to a batterer program.
- ***Batterer Program Policies: How Do the Programs Operate?*** Most of these questions appeared on the batterer program survey only. They concerned whether the program accepts court-mandated referrals only or volunteers as well; the length and duration of the program; possible reasons for noncompliance; and an approximate program completion rate. The last question was asked of the criminal court as well.
- ***Communication: How Do Batterer Programs and Courts Interact?*** Questions on the batterer program survey included whether, when, and to whom in the criminal justice system the program reports on compliance. Questions on the court survey included whether the court receives progress reports from the batterer program, and if so, when, and who receives it (court staff directly or probation); and the court's level of satisfaction with the timeliness, quality, and accuracy of such reports.
- ***Mandate Enforcement: How Do Courts Respond to Noncompliance?*** This domain was our primary interest. Both the batterer programs and the courts were asked all of the following questions, whereas the victim assistance agencies were only asked the more general questions under the first and third bullets below:
  - A general question concerning "how often" the court imposes sanctions in response to program noncompliance (never, rarely, sometimes, often, or always);
  - A series of questions concerning "how often" the court imposes each of eight specific types of sanctions in response to program noncompliance (see list in Appendices A or B); and
  - A concluding question concerning whether the court "responds consistently to reports of noncompliance with the batterer program."

If the batterer program indicated that it sends compliance reports to probation instead of or in addition to the court, the program was also asked each of the questions above with respect to probation's batterer program enforcement practices.

Also, the batterer programs and victim assistance agencies were asked to rate how often the court and probation respond with “appropriate seriousness” to noncompliance. The victim assistance agencies were asked the same question with respect to how often the batterer program responds with appropriate seriousness.

Finally, the court was asked a series of general questions probing for whether it has an official protocol defining which sanctions to impose in response to various forms of noncompliance; and if so, how often it applies this protocol in practice.

- ***State Laws, Regulations, and Standards:*** Both the courts and batterer programs were asked whether state laws, regulations, or standards existed governing the use of batterer programs, and whether the state certifies batterer programs.
- ***Background Characteristics:*** All respondents were asked to define their community as primarily urban, suburban, or rural. Additional questions were tailored to the type of respondent.
  - Courts were asked about the scope of legal jurisdiction (whether the court adjudicates violations, misdemeanors, and/or felonies); whether domestic violence cases are heard in a specialized domestic violence court part; and, if the court had a specialized part, how many additional staff work in it.
  - The batterer programs and victim assistance agencies were asked to characterize their institutional relationship (e.g., same or different agency; and whether the victim assistance agency offers policy guidance to the batterer program).
  - The victim assistance agency was asked to rate its relationship with the local criminal court (on a scale from “very cooperative” to “very oppositional”) and to indicate the extent to which the courthouse accommodates advocacy services.

Several concerns strongly influenced the process of drafting the survey questions. First, we wanted to duplicate wording on all three surveys whenever possible to test whether respondents from different agencies in the same communities shared perceptions.

Second, we had many discussions regarding appropriate and universally understandable language. We wanted clear and concise language that agencies and jurisdictions around the country could understand. For example, we discussed at length the differences between the terms “noncompliance” (with a court order) and “termination” (from a batterer program). This decision was perhaps the most important in regard to language because we were trying to determine the court response to noncompliant defendants. We had to establish what the definitions of “noncompliance” and “program termination” were from both the court and batterer program points of view.

Third, we wanted our questions on the batterer program and court surveys to delineate the role of probation. Since probation often supervises batterer program mandates, the answer to our most important research question – about the enforcement of such mandates – could depend on probation policies and practices. Ultimately, though, our position was that enforcement of noncompliance rests with the court because only the court can uphold a probation violation and impose sanctions such as jail. For this reason, we considered but opted against administering a fourth survey of probation agencies in those communities where probation’s role is significant.

Fourth, we wanted to minimize threats to study validity that might result from a low response rate. We devoted much effort to constructing surveys that were easy to read, understand, and

complete in 30 minutes or less. Therefore, to some extent, we sacrificed precision and detail to improve the response rate and reliability of the answers. For example, we did not ask respondents to try to estimate the percentage of noncompliant cases that receive each type of sanction from the court nor did we provide different noncompliance scenarios and ask which type of sanction the court would be most likely to impose in each one. Instead, as noted above, we provided a list of possible sanctions and a Likert scale for approximating the general frequency of use for each one (never, rarely, sometimes, often, or always). Reflecting our concern with eliminating excessive detail and marginally relevant domains, the final versions of all three surveys were about half as long as the earliest versions.

## **Sampling Plan**

The sampling frame consisted of communities nationwide where the criminal court regularly imposes batterer program mandates on domestic violence offenders. For each community, our approach required the identification of a triad of survey recipients: a batterer program, criminal court, and victim assistance agency.

Our approach did not call for a representative sample of all batterer programs or all criminal courts nationwide. Rather, we sought a sample providing for a mix of community types (small, medium, and large; and urban, suburban, and rural) but geographically comprehensive, representing every state and region, including those with smaller populations. We also sought to over-represent communities known to deal with high numbers of batterer program mandates relative to their population. We wanted to avoid skewing our final sample toward the experiences of batterer programs and courts that process a low number of cases per year. The concern about volume was proportional to the local population. Obviously, many fewer batterer program mandates would be imposed annually in smaller than larger communities, but we wanted to ensure that, for given population categories, we were capturing the specific communities and agencies that had a sufficient number of cases to generalize.

To ensure wide geographic representation, the initial sampling plan called for three to five communities in each of the 50 states plus the District of Columbia. Following a pre-sampling investigation (see below), we relaxed this standard and allowed the sample to include more than five communities in states with exceptionally large numbers of batterer programs and less than three communities in the smallest states where only a couple programs could be identified.

We expected that courts would use batterer program mandates most often as a post-conviction condition of sentencing but we were also interested in exploring the dynamics behind mandates imposed pre-disposition – before a plea, conviction, or dismissal (see Chapter One). We thus sought to over-sample communities where the local criminal court uses batterer programs for both pre- and post-disposition mandates.

With these principles in mind, the sampling plan was designed in three steps: (1) identifying the national population of batterer programs, (2) administering a brief “preliminary survey” to every program, and (3) constructing a final sample based on the results of the preliminary survey.

### ***Step #1: Identifying the National Population of Batterer Programs***

In theory, it would have been logical to begin the pre-sampling process by identifying criminal courts nationwide that use batterer programs. In practice, we were certain that working from the batterer programs back to the criminal courts would yield a richer sample. We surmised

that batterer program staff would be easier to reach, more invested in our subject matter, and more likely to assist us by providing the preliminary information necessary to achieve our sampling frame.

Therefore, we began by seeking to identify as many batterer programs as possible nationwide. We first obtained batterer program lists from each state's domestic violence coalition.<sup>4</sup> We also performed internet searches for batterer program names and contact information. We then cast a wider net by asking our external advisory board members to disseminate our request to identify batterer programs for a study of national import. In the course of our search, we were contacted by an individual who offered to share a list of nearly 2,000 batterer programs but only on condition of our agreeing to abide by a certain ideological perspective in our research. We declined this offer.

After exhausting these methods, we had identified only a small number of batterer programs in eight states: Arkansas, Connecticut, Hawaii, Indiana, Nevada, North Dakota, Rhode Island, and Wyoming. The practitioner co-principal investigator (Phyllis B. Frank) utilized her professional networks in an intensive effort to identify additional programs in these states.

These methods led us to identify what we at first believed to be 2,445 batterer programs nationwide. Approximately 70% were identified with the help of state domestic violence coalitions; over 25% were found through internet searches; and approximately 3% came through informal contacts made by our advisory board and co-principal investigator. When we conducted our preliminary survey of these programs (see below), 149 letters were returned addressee unknown, and we discovered that 30 of the agencies were not actually batterer programs. A population of 2,265 batterer programs remained. Although the actual national population is undoubtedly larger, we are unaware of any other effort nationwide that has produced a list of this magnitude.

### ***Step #2: Implementing a Preliminary Survey***

We sent all of the identified batterer programs a *preliminary survey*. The survey was only one page, printed on the back of a brief cover letter stating our study's purpose in general terms and providing assurances of confidentiality (see Appendix E). Although such a brief survey severely limited the number of questions we could ask, at this stage we were not focused on our substantive research questions but on maximizing the number of responding programs, obtaining contact information for criminal courts and victim assistance agencies, and gaining basic information that would inform the sampling process.

Survey questions covered:

- Whether batterer program participants include court-mandated domestic violence defendants? If yes:
  - Approximately how many defendants are referred annually? We requested separate estimates for referrals from criminal courts, civil court, probation, parole, and "other" referral sources.
  - For probation referrals: whether the order to attend the batterer program originates with probation itself or with a court/judge.
  - Whether criminal courts ever order defendants to the program *pre-disposition*.
  - Whether criminal courts ever order defendants to the program *post-disposition*.

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<sup>4</sup> In a few states, the coalition's web site included a comprehensive list of batterer programs, but in most states it was necessary to contact the coalition by phone to obtain the information.

- Contact information for the local criminal court that makes the most referrals annually (and how many referrals are received?).
- Contact information for a local victim assistance agency that serves domestic violence victims (if such an agency exists).
- The respondent's complete contact information and capacity to answer on online survey, and
- Whether the respondent would be interested in participating in the study.

Surveys were mailed to 2,445 sites with self-addressed return envelopes. As noted above, the results of our mailing led us to conclude that only 2,265 addresses represented operational batterer programs. As shown in Table 3.1, 543 of these 2,265 programs completed the survey, for a response rate of 24%.<sup>5</sup> Our primary purpose at this stage, however, was not to obtain a high response *rate*, but to obtain sufficient raw *numbers* of programs to allow us to select an appropriate national sample according to the sampling frame described above. (Response-related issues would become important later, when surveying our final sample.) Therefore, we did not expend project resources on lengthy follow-up mailings that would have boosted response rates.

As Table 3.1 indicates, seven states (14%) did not reach our desired minimum of at least three completed surveys per state. As could be expected, those states all had small populations, with the arguable exception of Indiana and perhaps Connecticut. Also, we did not obtain any returned surveys of six mailed to programs in the District of Columbia, leading us to eliminate it from the study.

### ***Step #3: Constructing a Final Sample***

Preliminary survey results were analyzed, and a final community sample was selected. The selection process involved reviewing the responses one state at a time. Selection in each state was driven by the following preference rules:<sup>6</sup>

- Three to five communities per state;
- Communities where the batterer program referrals originate with the criminal court, not with probation or other referral sources (as long as the mandate originates with the court, our primary questions could still be answered if probation makes the actual program referral or supervises participation);
- Communities for which the responding batterer program was able to identify a local victim assistance agency;
- Communities for which the responding batterer program receives both pre- and post-disposition batterer program referrals;
- Communities for which the responding batterer program receives a higher *relative* volume of cases than other possible programs in the state; “relative” was defined with respect to community population size;

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<sup>5</sup> Ten programs (less than 1%) returned the survey without completing it, simply checking an optional box at the bottom stipulating, “I am not interested in participating in this study.” For analytic purposes, these 10 are grouped with the other non-responders.

<sup>6</sup> An additional preference rule expressed in our initial research proposal but not ultimately acted upon was to obtain communities with and without specialized domestic violence courts. This rule would have enabled us to answer the question of whether specialized domestic violence courts engage in more rigorous mandate enforcement practices than others. However, it was not possible based on our pre-sampling process to know in advance which triads involved specialized domestic violence courts and which did not.

**Table 3.1. Batterer Programs Included in Preliminary Survey and Final Sample**

State	Programs Identified	Programs Responding	Response Rate	Final Survey Sample
Alabama	12	4	33%	4
Alaska	13	5	38%	4
Arizona	64	17	27%	7
Arkansas	31	2	6%	2
California	136	33	24%	14
Colorado	208	37	18%	12
Connecticut	15	1	7%	1
Delaware	5	3	60%	3
Florida	137	21	15%	6
Georgia	132	24	18%	8
Hawaii	7	2	29%	2
Idaho	16	7	44%	5
Illinois	78	26	33%	9
Indiana	10	2	20%	2
Iowa	58	12	21%	6
Kansas	41	10	24%	6
Kentucky	95	16	17%	6
Louisiana	13	3	23%	3
Maine	13	7	54%	5
Maryland	29	8	28%	5
Massachusetts	20	13	65%	6
Michigan	14	7	50%	5
Minnesota	82	9	11%	5
Mississippi	7	4	57%	4
Missouri	13	4	31%	4
Montana	39	10	26%	5
Nebraska	12	6	50%	6
Nevada	9	2	22%	2
New Hampshire	33	8	24%	5
New Jersey	20	4	20%	4
New Mexico	20	5	25%	5
New York	52	18	35%	6
North Carolina	95	13	14%	5
North Dakota	4	2	50%	2
Ohio	79	28	35%	7
Oklahoma	27	7	26%	5
Oregon	72	20	28%	7
Pennsylvania	23	9	39%	5
Rhode Island	10	3	30%	2
South Carolina	19	10	53%	5
South Dakota	12	7	58%	5
Tennessee	36	5	14%	5
Texas	98	16	16%	8
Utah	80	16	20%	6
Vermont	13	5	38%	5
Virginia	52	11	21%	5
Washington	139	38	27%	9
West Virginia	11	6	55%	5
Wisconsin	49	15	31%	5
Wyoming	7	2	29%	2
Washington, D.C.	6	0	0%	0
<b>Total</b>	<b>2266</b>	<b>543</b>	<b>24%</b>	<b>260</b>

- A mix of community types in regard to population density (urban, rural, suburban), operationally defined as a mix of communities from the following three categories of population size: (a) less than 50,000, (b) 50,000 to 250,000, and (c) greater than 250,000; and
- Only one triad per community; this preference rule was violated in 15 instances, 13 of which are in large urban areas (population greater than 250,000). In these 15 communities, we generally identified and selected multiple distinct batterer program/court/victim-assistance agency triads; however, in five of the 15 communities, we surveyed the same court or victim-assistance agency a second time in order to complete a triad with the two other types of agencies.

As shown in the rightmost column of Table 3.1, our sampling process led us to select 260 communities, or triads. This sample included 48% of the 543 batterer programs that responded to the preliminary survey. The final sample had from three to five communities in 24 states (48%), more than five in 18 states (36%), and less than three in eight states (16%).

Table 3.2 describes the final sample (N = 260) and compares it to the responses of all 543 communities with batterer programs that responded to the preliminary survey. Again, note that the goal was not to select a representative sample from the 543 programs that responded to the survey but for the final sample to reflect the research preference rules described above. Hence the appearance of substantial differences is, in this analysis, desirable.

As the results indicate, the regional distribution does not greatly change (Northeast, South, Midwest, and West) from the initial 543 responders. However, referring back to the data in Table 3.1, it is clear that the final sample reflects a more even state distribution. As we intended, states with unusually large numbers of responding batterer programs had a lower percentage of communities in the final sample than did states with small numbers of responding programs.

The sampling plan led over half of the final sample (53%) to consist of communities with a population of less than 50,000 (median population = 43,475). As shown in Table 3.2, however, this population distribution almost perfectly mirrors that in the original set of 543 communities. Moreover, maintaining a significant number of smaller communities in our final sample assured adequate representation for the country's vast array of small communities and avoids a common tendency in social science research to conduct major evaluation projects primarily in large urban centers. However, since the raw numbers of domestic violence defendants nationwide are likely to be proportionately higher in large urban areas, our analysis of the results would need to test carefully for variation across communities of different types (urban, suburban, and rural).

We achieved our goal of focusing on courts and batterer programs that deal with a relatively large volume of cases. The average number of defendants referred to the batterer programs in our final sample (spanning court, probation, parole, and other referrals) was 236 annually, and the median was 110.<sup>7</sup> By comparison, for all 543 batterer programs that responded to our preliminary letter, the annual average was 137, and the median was 55. Also, as shown in Table 3.2, we were able to select programs with significantly higher numbers of referrals across each specific population category: less than 50,000, 50-250,000 and more than 250,000. Counting only referrals from the local criminal court referenced by the batterer program on its preliminary

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<sup>7</sup> These average and median numbers are derived from adding the reported number of annual referrals from a criminal court, other type of court, probation, parole, and "other" sources (with most of the latter coming from child protective services or voluntary referrals).

**Table 3.2. Impact of Selection Criteria on the Final Survey Sample**

Variable	Responded to	
	Preliminary Survey	Final Sample
	N = 543	N = 260
<b>1. Region</b>		
Northeast	13%	16%
South	28%	29%
Midwest	24%	24%
West	26%	31%
<b>2. Population size</b>		
Small communities: less than 50,000	54%	53%
Medium communities: 50,000 to 250,000	30%	29%
Large communities: More than 250,000	16%	19%
Average population size	183,097	178,111
Median population size	43,617	43,475
<b>3. Annual program volume (average/median)</b>		
Total referrals	137 / 55	236 / 110
Total referrals: small communities	71 / 44	102 / 70
Total referrals: medium communities	221 / 70	434 / 204
Total referrals: large communities	199 / 81	326 / 200
Total criminal court referrals	85 / 24	142 / 50
Total probation referrals	26 / 0	54 / 10
Total parole or other referrals	26 / 6	40 / 10
Total criminal court referrals from the highest court referral source	106 / 60	140 / 75
<b>4. Legal status at time of mandate</b>		
Pre-disposition mandates?	58%	69%
Post-disposition mandates	95%	98%
<b>5. Batterer program and victim assistance agency are identical</b>		
	23%	28%

survey, the batterer programs in the final sample averaged 140 referrals per year from that court and a median of 75 (versus a 106 average and 60 median for the 543 initial responders).

Consistent with our interest in understanding how mandates are used in both the pre- and post-disposition periods, 69% of the final program sample receives pre-disposition mandates (versus 58% for the initial 543 responders) and 98% receives post-disposition mandates (versus 95% for the initial responders).

Finally, although not germane to our sample selection criteria, it is interesting to note that in 28% of the communities in the final sample, the batterer program and victim assistance agencies were one and the same.

## **Survey Implementation**

We implemented a web-based format using Websurveyor, an online survey program. The online format also enabled us to program automatic skip-patterns, so that each respondent would only see those questions requiring an answer based upon previous responses.

We first sent all the programs and courts selected for the survey a letter stating its purpose, asking them to complete it online, providing a unique online username and password, and describing confidentiality and data security protocols approved by the Center for Court Innovation's Institutional Review Board. (Appendix F is the letter sent to the batterer programs at this stage; the letters sent to the courts and victim assistance agencies were virtually identical.) The letter also provided contact information for respondents who wished to receive and complete a hard copy of the survey.

After one month, our response rates were 34% for the batterer programs, 18% for the courts, and 30% for the victim assistance agencies. We then undertook a series of steps designed to improve the response. After five weeks, we sent a reminder postcard to non-responders. Ten weeks later, we sent hard copies of the survey to non-responders. Simultaneously, we engaged in intensive phone and e-mail follow-up with those non-responders for whom we had accurate contact information. Finally, the Director of the National Institute of Justice signed a letter that was sent to all remaining non-responders (with survey attached) indicating the importance of the study and requesting their participation.

These efforts had a substantial cumulative impact, leading to high final response rates of 75% for the programs (N = 195), 53% for the courts (N = 139), and 62% for the victim assistance agencies (N = 162). We had at least one response from 94% of our target communities; and at least one response from either the batterer program or the court in 88% of them.

The particularly high response rate from the batterer programs is quite likely attributable to the fact that we already had accurate contact information due to their completing the preliminary survey. The response rate may also be attributable to the special investment of many batterer programs in our questions of interest. On the other end of the spectrum, the courts were clearly the least likely to respond, as evidenced by their paltry 18% response rate to the initial mailing. There are a number of possible reasons. First, we could not direct our court surveys to a single named individual or to a person who held a particular position. We had to depend on each court's bureaucracy to open, evaluate, and forward our mailings to the judge or administrator in the best position to answer our questions about the use of batterer programs. Second, since some courts lack specialized domestic violence court parts, or a specific interest in domestic violence cases, it is likely that there was no single individual with the requisite information to complete the survey. Similarly, many courts may have lacked anyone with a substantial enough personal investment in the issues examined in our study to lead them to want to participate. In this light, our final return of greater than 50% is probably the maximum that was achievable and, in fact, is a relatively high figure for such surveys.

## **The Possibility of Response Bias**

With surveys of this nature, many respondents simply do not answer due to lack of time, interest, or personal organization. Such logistical or time management sources of non-response are unlikely to create systematic biases in the results. Of greater concern would be if non-response correlated with our key outcomes of interest. For instance, perhaps courts that take

**Table 3.3. Community Characteristics: Survey Responders versus Non-Responders**

Survey	Batterer Program Survey		Criminal Court Survey		Victim Assistance Agency Survey	
	Responders	Non-Responders	Responders	Non-Responders	Responders	Non-Responders
Sample Size	N = 195	N = 65	N = 132	N = 128	N = 160	N = 100
<b>1. Region</b>						
Northeast	16%	15%	12%*	22%	13%+	21%
South	30%	26%	27%	31%	27%	33%
Midwest	24%	23%	25%	22%	28%+	17%
West	29%	35%	36%+	25%	32%	29%
<b>2. Population size</b>						
Small communities: less than 50,000	55%	48%	55%	51%	52%	55%
Medium communities: 50,000 to 250,000	26%	36%	27%	30%	30%	26%
Large communities: More than 250,000	19%	16%	18%	18%	18%	19%
Average population size	219818	173861	196587	221818	161,742	285340
<b>3. Annual program volume (average)</b>						
Total referrals	233	244	198	280	235	238
Total criminal court referrals	135	164	116	172	146	135
Total probation referrals	53	57	48	60	47	65
Total parole or other referrals	46	23	34	47	42	38
Total criminal court referrals from the highest court referral source (also same as the court targeted for the court survey)	141	138	126	158	133	154
<b>4. Legal status at time of mandate</b>						
Pre-disposition mandates?	66%	75%	68%	69%	69%	68%
Post-disposition mandates	98%	97%	98%	98%	98%	97%
<b>5. Batterer program and victim assistance agency are identical</b>	29%	23%	30%	26%	30%	24%

+ p < .10 \* p < .05 \*\* p < .01 \*\*\* p < .001 (2-tailed t-test)

fewer steps to enforce noncompliance would be less likely to respond to a survey asking them to evaluate their enforcement practices. We undertook a series of analyses to test for response bias.

***Possible Response Bias Based on Community Characteristics***

First, we compared responders to non-responders on those community characteristics already known for both groups based on the preliminary survey results (see Table 3.3). We did not detect any significant differences based on use of pre-disposition mandates, use of post-disposition mandates, various measures of batterer program referral volume; or community population size. The results do indicate, however, that non-responders to the court survey were significantly more likely than responders to be from Northeastern states. We cannot discern any possible reason why region would be associated with the probability of response. However, this finding held up, even after re-testing our bivariate results by performing three logistic regressions, one for each type of agency. Response was defined as the dependent variable (0 = responder, 1 = non-responder), and the independent variables included region (three dummy variables for Northeast, South, and Midwest; all compared with West), use of pre-disposition mandates, total referral volume, community population size, and whether the batterer program and victim assistance agency in the community are identical. Consistent with the bivariate results, only a Northeastern

region on the court survey significantly predicted non-response at the .05 level (and Northeastern region also predicted non-response at the weaker .10 level on the victim assistance agency survey). The possible implications of this finding can be easily handled by determining whether region significantly predicts any of the key survey response outcomes – for example, as evidenced within those surveys that were completed, in response to program noncompliance, do Northeastern courts tend to impose sanctions either more or less frequently than courts from other regions?

### ***Clustering of Non-Response within the Same Communities***

We next considered whether non-responses were clustered at the community level. For example, if the batterer program did not respond, did that make it more likely that the court did not respond from the same community? In analyzing the association of non-responses within communities, we used the partial correlation coefficient, allowing us to control simultaneously for the impact of Northeastern region (determined to be an independent predictor of non-response, as described above). In sequence, we analyzed the relationship at the community level of non-response to the batterer program and court surveys; non-response to the batterer program and victim assistance surveys; and non-response to the court and victim assistance surveys. We did not find any significant relationships with one caveat: We at first found a significant relationship at the community level between non-response to the batterer program and victim assistance agency surveys ( $p < .05$ ). However, as noted above, in 28% of our communities, the program and victim assistance agencies were one and the same, making it quite logical for their personnel to respond to both or neither surveys. Indeed, as expected, in communities where the two agencies were the same, there was an exceptionally strong tendency for both to respond or neither to respond (partial  $R = .295$ ,  $p < .05$ ). On the other hand, in communities where the batterer program and victim assistance agencies were different, there was again no significant relationship between the responsiveness of one and the other agency. Hence overall, the distribution of non-responses was not systematically biased at the community level.

### ***Possible Impact of Court Enforcement Practices on Non-Response***

Finally, we sought to understand whether the probability of non-response from one agency became significantly greater if other agencies from the same community gave certain answers. Our substantive question is: in communities where court enforcement practices appear to be either stronger or weaker – based on those responses that we *did* obtain – does that affect the overall probability of response. Appendix G provides the relevant statistical results for analyses reported on below.

*1. Possible bias related to non-response on the court survey:* We were most concerned with the possibility of bias in our criminal court responses, since the courts had the lowest overall response rate of 53%. We thus performed t-tests comparing average responses on the two *other* surveys in communities where the court respectively did and did not respond. We limited our analyses to key outcomes measures, asked respectively of the batterer programs and victim assistance agencies, concerning the court's enforcement of noncompliance.

We examined responses on the following five batterer program survey questions concerning the enforcement of noncompliance (answered in reference to the court that provides the program with the most referrals, in most cases the same one that was supposed to answer the court survey): (1) how often the court imposes sanctions in response to termination, (2) how often the

court imposes sanctions in response to noncompliance (whether or not the defendant was terminated), (3) how often the court imposes a jail sanction, (4) whether the court responds consistently to noncompliance, and (5) how often the court responds with appropriate seriousness (see Appendix B for question wording).<sup>8</sup> We did not detect significant differences in any batterer program responses based on whether or not the court from the same community completed the survey. (And the average responses reported in Appendix G are nearly identical on each of the five items.)

Turning to the victim assistance agencies, we examined responses on the three enforcement-related questions asked on the victim survey: how often the court imposes sanctions, how consistently it responds, and how often it responds with appropriate seriousness. We also examined responses on a series of questions concerning the extent to which the court facilitates victim advocacy services in each of five distinct ways.<sup>9</sup> We again did not detect significant differences in any victim assistance agency responses based on whether or not the court from the same community completed the survey.

*2. Possible bias related to non-response on the batterer program survey:* We repeated the process in examining non-response among the batterer programs.<sup>10</sup> Their response rate was particularly high (75%), so the possibility of bias was a marginal concern. On respectively the court and victim assistance agency surveys, we examined the same court enforcement-related questions noted above. (The courts were asked the same enforcement questions as the batterer programs, except for these two: how often the court imposes sanctions in response to a program termination and how often the court responds with appropriate seriousness.) On the court survey, we also examined two questions concerning the court's satisfaction respectively with the (a) timeliness and (b) quality and accuracy of compliance reports submitted by the batterer program. The results did not indicate any significant differences in how the courts rated their enforcement practices in communities where the batterer program did and did not complete the survey. When turning to the various relevant questions on the victim assistance survey, we similarly did not find any significant differences at all between victim assistance agencies linked to responding and non-responding batterer programs.

*3. Possible bias related to non-response on the victim assistance agency survey:* Finally, we repeated this same process in examining non-response on the victim assistance agency survey.<sup>11</sup>

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<sup>8</sup> On these particular questions, we had a maximum of 99 completed answers on the batterer program survey from communities where the court responded and 86 answers on the batterer program survey where the court did not respond. Total available N's do not equal the total number of batterer program survey respondents, since some respondents did not answer the enforcement-related questions due to various skip patterns in the survey instrument. (This caveat concerning available sample sizes applies also to footnotes 6, 7, and 8.)

<sup>9</sup> On these particular questions, we had a maximum of 84 completed answers on the victim assistance agency survey from communities where the court responded and 78 answers on the victim assistance agency survey where the court did not respond.

<sup>10</sup> For the analysis, on the survey questions of interest, we had a maximum of 90 completed answers on the court survey from communities where the batterer program responded and 26 answers on the court survey from communities where the program did not respond; and we had a maximum of 94 completed answers on the victim assistance agency survey from communities where the batterer program responded and 24 from the victim assistance agency survey where the program did not respond.

<sup>11</sup> For this analysis, on the survey questions of interest, we had 122 answers on the batterer program survey from communities where the victim assistance agency responded and 61 answers on the batterer program survey from communities where the victim assistance agency did not respond; and we had a maximum of 69 answers on the

We did so with hesitation for this reason: Since the victim assistance agencies are not directly implicated in monitoring and reporting on offenders mandated to batterer programs, we did not consider it plausible in the first place that these agencies could be more or less likely to respond to such a survey as ours based on the nature of court and batterer program enforcement practices. However, we did find that the victim assistance agencies appeared more likely to respond to the survey in communities where the batterer program answered that the court was more likely to impose sanctions in response to noncompliance; but this effect only appeared at the weaker .10 level. We did not find any differences at the .05 level in how either the courts or batterer programs answered their enforcement-related questions.

### ***Possible Response Bias Based on Different Respondents Answering the Court Survey***

Our batterer program and victim assistance agency surveys were both addressed to the “program director,” the staff role that is almost certainly most suited to respond or, at the least, most suited to determine who else should answer on behalf of the agency. The proper addressee was less clear, however, on the court survey. We decided to address it to a “court administrator” and noted on the envelope that a “domestic violence”-related survey was contained within. The cover letter then instructed the recipient to forward the survey to the staff member at the court who has the “greatest familiarity with the court’s use of batterer programs.” We recognize that at different courts, it is possible that the survey was ultimately completed by someone in any of the following roles: chief clerk for the courthouse, clerk in a domestic violence part, a domestic violence court project coordinator, an administrative judge, a judge assigned to a domestic violence part, or even a prosecutor or probation officer. Individuals in these roles may have significantly varying perceptions regarding the functions of batterer program mandates and significantly varying degrees of knowledge concerning enforcement practices throughout the courthouse. For example, someone in a court administrator role may be familiar with general court-wide policy but have only vague information about actual courtroom practice, whereas a judge who personally hears domestic violence cases may be able to answer accurately as to that judge’s own practices but be unfamiliar with the practices of other judges that hear domestic violence cases.

To assess this bias, we began by coding and then obtaining a simple distribution of the job titles of those answering the court survey. We found that the majority of respondents worked directly in the court, either in some sort of court administrative role (43%) or as judges (40%). The remaining 17% of respondents were probation officers (8%), district attorneys (6%), or persons whose job titles did not fall into a category that could clearly understood and coded (only 3%). We then investigated whether responses to key questions systematically varied based on job title. We examined responses on the three enforcement-related questions asked on the court survey: how often the court imposes sanctions, how consistently it responds, and how often the court imposes a jail sanction. We again did not detect significant differences in any of the court responses based on who in the court completed the survey.

### ***Summary***

Non-response did not comprise an important threat to the validity of our results. The survey response rates of 75%, 53%, and 62% respectively on the batterer program, court, and victim assistance agency surveys are relatively high for national surveys of this nature. Further, we

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court survey answers where the victim assistance agency responded and 41 answers on the court survey where the victim assistance agency did not respond.

detected minimal evidence of response bias across an extensive series of tests involving multiple variables at each stage. In particular, our greatest concern about non-response had to do with the court survey; we were concerned that non-responding courts might be weaker in their enforcement practices. Perhaps, we speculated, their lesser interest and engagement in enforcement would lead such courts to be similarly uninterested in completing our survey on the subject. This did not, however, appear to be the case, based on analyses comparing responses on the two other surveys from communities where the court respectively did and did not respond.

## **State Laws, Regulations and Standards**

Among our hypotheses was that where more stringent state guidelines are in effect, batterer programs and courts may be more likely to communicate, and in turn, the courts may be more likely to impose consequences in response to noncompliance. We undertook two types of analyses to examine this possible relationship. First, we included two relevant questions on both the batterer program and court surveys: (1) are there state laws, binding regulations, or standards that govern how the court uses batterer programs (with three separate response options allowing respondents to check any combination of laws, regulations, or standards); and (2) does the respondent's state certify batterer programs (see Appendices B and C for exact question wording). Second, we undertook a thorough objective review of relevant state laws, regulations, and standards in all 50 states. The results of this review are in Appendix H.

Having taken both of these steps, we ultimately decided only to analyze results based upon the former: the information obtained directly from our survey respondents. As for the second step, as the information in Appendix H makes clear, our attempted review of state policies was not as fruitful as we had hoped. We built explicitly on earlier publications (Austin and Dankwort 1999; Healey et al. 1998; Batterer Intervention Services of Michigan 2002); and performed updated phone and internet contacts with state domestic violence coalitions and court administrative offices in all 50 states. This effort yielded information on the existence of at least some statewide standards, regulations, or laws in 44 of the 50 states. However, it became clear from our review that the various state policies we identified came with a vast array of different labels (see Appendix H, 2<sup>nd</sup> column) and characteristics (see Appendix H, other columns). The large degree of incommensurability across different states made it difficult to create simple summary variables, such as: batterer programs mandated for certain categories of criminal offenders (y/n); mandatory state regulations pertaining to program content (y/n); mandatory state regulations pertaining to compliance reporting or judicial oversight (y/n); optional state standards pertaining to program content (y/n); and optional standards pertaining to compliance reporting and oversight (y/n). Although we do believe that some states could be correctly classified in this fashion, we do not believe that the information made available to us facilitated an accurate and reliable classification of *most* states. Furthermore, whatever each state's policies were called and whatever their details, it became clear to us in our research that following them was voluntary in more states than not. These developments made it untenable to develop a statistical test of our hypothesis that where state policies objectively existed, their presence might have a tangible impact on accountability practices.

Strengthening the wisdom of not attempting an objective classification of each state, we noticed that in most states, different survey respondents from the same state checked different answers pertaining to their own state's policies; such a finding suggested that policies that might perhaps exist on a statewide bureaucratic level had not necessarily or consistently filtered down

to practitioners on the ground. However, it may still be interesting to test whether respondent *perceptions* related to state policies and oversight influence their practices. For this reason, we did analyze the results of our survey questions on that subject.

## **Chapter Four**

### **Results: Policies and Operations**

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This chapter presents information about the policies and operations of the surveyed batterer programs and criminal courts. This chapter does not touch upon our primary research focus – the court response when offenders are noncompliant with program policies. Rather, the following provides necessary background information to understand the circumstances under which criminal courts mandate offenders to batterer programs in the first place and the range of policies and behavioral expectations at the programs. We received relevant survey responses from 179 batterer programs, 124 courts, and 162 victim assistance agencies. These numbers are slightly lower than the respondent totals, due to skip patterns at the beginning of each survey, leading some not to answer this chapter's questions.

#### **Background Respondent Characteristics**

All respondents were asked to define the geographic area served by their agency as primarily urban, suburban, or rural. Also, the court was asked about the extent of its legal jurisdiction over criminal matters (violations, misdemeanors, and/or felonies); and whether it sees domestic violence cases in a specialized court part and, if so, how many additional staff work in that part (resource coordinators, defendant monitors, dedicated probation officers, etc.). These results are in Table 4.1.

In addition, several background questions were asked just of the batterer programs or victim assistance agencies. Both were asked to characterize their institutional relationship with each other (same or different agency); and the victim assistance agency was asked to rate its relationship with the local criminal court and to indicate the extent to which the courthouse accommodates victim advocacy services. On these latter questions (see Table 4.2), we found that a large percent of the victim assistance agencies have a relationship with a criminal court in their community (95%). Of those, 57% of the victim assistance agencies indicated that the relationship is very or somewhat cooperative, 4% indicated that the relationship is neither cooperative nor oppositional, only 2% that the relationship is somewhat oppositional. (However, due either to a formatting issue or, speculatively, a feeling that this particular question was incidental to the focus of the survey, 38% of the victim assistance agencies did not answer this question.) We also found that 77% of the responding victim assistance agencies perceived that the court encourages victims to seek advocacy services; and 62% of the victim assistance agencies reported that the court provides office space to advocates. These answers suggest that most of the courts support victim services and advocacy.

**Table 4.1. Background Characteristics**

	<b>Courts</b> (n=124)	<b>Batterer Programs</b> (n=179)	<b>Victim Assistance Agencies</b> (n=162)
<b>Geographic area</b>			
Rural	32%	41%	46%
Urban	44%	38%	38%
Suburban	23%	21%	16%
<b>Geographic region <sup>1</sup></b>			
Northeast	11%	17%	13%
South	25%	30%	27%
Midwest	27%	23%	28%
West	38%	30%	32%
<b>Jurisdiction</b>			
Town/village/city/municipal	24%		
County	45%		
State	18%		
Other	12%		
<b>Hold trials or hearings for</b>			
Violations	45%		
Misdemeanors	99%		
Felonies	63%		
<b>Specialized domestic violence</b>			
Court/part/calendar	60%		
Additional staff	31% (mean=5.5 of those answering "yes")		

<sup>1</sup> Northeast Region: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania. South Region: Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas. Midwest Region: Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas. West Region: Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, Alaska, Hawaii.

**Table 4.2. Characteristics of Batterer Programs and Victim Assistance**

	<b>Batterer Programs (n=179)</b>	<b>Victim Assistance Agencies (n=162)</b>
<b>Relationship between batterer program and victim agency in community</b>		
Relationship/same agency	35%	40%
Relationship/different agency	62%	50%
No relationship	3%	10%
<b>Batterer program acts in response to victim assistance agency guidance and feedback</b>		
Yes	70%	65%
Sometimes	23%	18%
No	8%	16%
<b>Court accomodates victim advocacy</b>		
Encourages victims to seek advocacy services		77%
Provides office space		62%
Facilitates contact between advocates and victims		57%
Allows advocates to participate in court proceedings		53%
Encourages advocates to sit in court		47%
Other		20%

## **Court Mandate Policies: How Courts Use Batterer Programs**

This section explains what types of charges lead to batterer program mandates; when these mandates are imposed in the criminal process (pre- and/or post-disposition); whether and how probation is involved; approximately how many defendants are mandated per month; and whether the court is aware of the specific program in which each defendant enrolls. For courts that use pre-disposition mandates (prior to a conviction or dismissal), additional questions concern the legal status of the mandate (e.g., condition of bail, condition of release, condition of restraining order, or pre-trial diversion program); and whether batterer program completion leads to a legal benefit (e.g., charge dismissal, charge reduction, change in sentence, or no benefit). A final question concerns which, if any, other types of program mandates the court sometimes imposes, such as alcohol treatment, substance abuse treatment, mental health treatment, or parenting classes.

On average, the responding courts mandate 44 defendants to a batterer program per month (range 0-300). When asked if they know which specific batterer program the defendant attends, 16% indicated that they do not; the remainder either answered that they know (59%) or sometimes know (25%).

We found that probation frequently plays a key role in overseeing batterer program mandates. Almost half of the courts indicated that the mandate is part of a sentence to probation, 47% indicated that probation may or may not be involved depending on the individual case, and only 6% indicated it comes without the involvement of probation.

Most courts (83%) mandate certain domestic violence offenders to at least one other “type” of programs instead of batterer programs. A large percent mandates some offenders to alcohol treatment (74%), substance abuse treatment (70%), mental health treatment (67%), anger

management (61%) and parenting classes (52%). Less than 10% also indicated that they use couples counseling and mediation instead of batterer program mandates.

### ***Pre-Disposition Mandates***

We asked a series of questions about the use of batterer program mandates in the pre-disposition period. We were particularly interested in whether courts use batterer program mandates during this period as a monitoring tool. In addition, in the absence of research, it may be hypothesized that offenders are more likely to comply with court orders in this period due to the uncertainty and vulnerability of not yet having had their case resolved.

Of those courts that mandate offenders to batterer programs pre-disposition (N = 42, or 34% of all responders), the most common charge severity at arrest is a misdemeanor (90%).<sup>12</sup> The most common reason for the mandate is as a pre-trial diversion program (68%). In addition, 40% of the courts responded that batterer programs may be used as a condition of bail, 37% as a condition of release on recognizance (ROR), 41% as a condition of release under supervision (RUS) and 35% as a condition of protection/restraining order. (Courts could check all reasons that may apply in different cases.) The use of a batterer programs as a pretrial diversion is notable. Diversion typically involves keeping a defendant out of the court process altogether; in many scenarios, if a diverted defendant fulfills certain program attendance responsibilities, the defendant may be able to avoid a criminal record or receive other legal benefits. Indeed, when asked what happens upon program completion, 57% of the courts said they will dismiss the criminal charges, 31% will reduce the charges, 30% will leave the charges unchanged but agree to a reduced sentence, and only 24% will not alter the legal outcome of the case based upon pre-disposition program completion. (Again, the court respondents could check as many options that may apply in different cases.)

### ***Post-Disposition Mandates***

We also asked questions specifically to courts that mandate defendants to batterer programs post-disposition, typically as part of the sentence following a conviction (N = 115, or 93% of all responders). The most common arrest charge is a misdemeanor (55%) but there is also a significant percent whose most common arrest charge is at the lower violation level (39%).<sup>13</sup>

To understand the nature of the court's ongoing involvement, we asked whether offenders mandated to batterer programs post-disposition have to report back to court for periodic compliance monitoring and, if so, how often. As shown in Table 4.3, 62% of the courts answered that they have defendants report back periodically; however, many of those courts do not hold the first monitoring appearing until well after the initial sentence is imposed (average elapsed time = 8.1 weeks, range = 1-52 weeks). In fact, the percentage of courts that practice compliance monitoring would shrink to 36% if we excluded courts that do not hold their first appearance

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<sup>12</sup> Note that although only 34% of the courts in our final sample themselves reported using pre-disposition mandates, 69% of the batterer programs linked to those courts *believed* that the courts used such mandates, as indicated by their responses to the preliminary survey. This large discrepancy may merely reveal a misunderstanding of the question on the part of many batterer program respondents. In any case, one should naturally assume that, on a legal question such as this one, the figure arising from the court survey is more accurate. Since we intentionally over-sampled courts reported by the batterer programs to engage in such mandates, even allowing that the batterer programs were not always correct in their assessment, it is likely that the national percentage of criminal courts using pre-disposition batterer program mandates is significantly lower than 34%.

<sup>13</sup> Of those courts that handle both misdemeanors and felonies (n=63), 10% list the most common arrest charge accompanying a batterer program mandate as a felony, 45% as a misdemeanor and 45% as a violation.

**Table 4.3. Frequency of Compliance Monitoring**

<b>Does not practice compliance monitoring</b>	<b>38%</b>
<b>Practice compliance monitoring</b>	<b>62%</b>
First appearance within 1-2 weeks post-disposition	18%
First appearance within 3-4 weeks post-disposition	40%
First appearance within 5-8 weeks post-disposition	16%
First appearance within 9-12 weeks post-disposition	12%
First appearance within 13-24 weeks post-disposition	10%
First appearance within 25-36 weeks post-disposition	0%
First appearance within 37-52 weeks post-disposition	4%
<i>median</i>	4
<i>average</i>	8.1

within eight weeks post-disposition. If we adhered to the more rigorous standard of four weeks – which is actually an outside limit for the frequency of judicial monitoring with other types of offenders – then only 32% courts would qualify based on their responses.

### **Batterer Program Policies: How the Programs Operate**

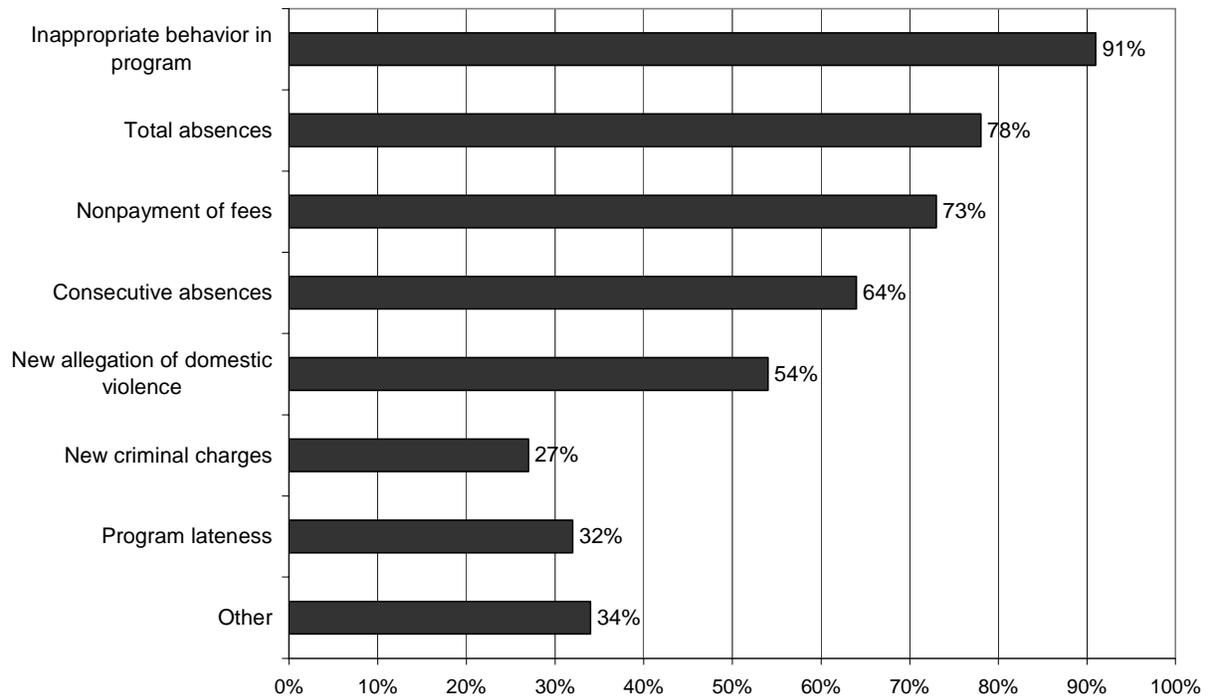
Based on the batterer program survey, this section considers whether the batterer programs accept court-mandated referrals only or voluntary referrals as well; program length and duration; possible reasons for termination; and approximate program completion rates.

We found that the programs vary in length: 17% are less than 20 weeks; 44% are between 20 and 30 weeks (with mostly 26-week programs falling in this range); 13% are between 30 and 40 weeks, and 26% are between 40 and 52 weeks. Over 98% of the programs involve one session per week. The sessions run for one hour in 7% of the programs, 90 minutes in 50%, and two hours in 33%.

Figure 4.1 illustrates the different reasons for termination that the programs reported using (programs could check as many as apply). The termination reason most often indicated is inappropriate behavior at the program (91%). Other frequently checked reasons involve more objective rules, such as violating a program maximum for absences, violating a maximum for consecutive absences, and nonpayment of fees. Interestingly, a new allegation of domestic violence is only cited as a reason for termination by 54% of the programs, although this may simply indicate that many programs do not learn of new arrests when they occur. Further analysis indicated that essentially 10% of the batterer programs do not terminate for any reason; another 10% are only terminating if the offender cannot be managed anymore (i.e., the only reason checked was “inappropriate behavior”); and the remaining 78% have and enforce more specific and objective requirements, for instance related to absence, lateness, fees, or new arrests.

On average, both the batterer programs and the courts believe that 68% of the offenders complete the batterer program. (Although on the high end, these statistics fall within the range of the completion rates detected in recent empirical studies – see Chapter One, page 2.) We then analyzed the dyads composed of courts and batterer programs responding from the same communities; and looked at the phi-statistic to determine cross-agency consistency at the community level. We found that within communities, the two surveyed agencies were indeed consistent in estimating what percent of participants completes the local program ( $p < .05$ ).

**Figure 4.1. Batterer Program Reasons for Terminating a Court-Mandated Participant from Program**



## Chapter Five

### Results: Rationale – Why Use Batterer Programs

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This chapter explores what each of the responding agencies believes is the function of court mandates to batterer programs. We are particularly interested in the degree to which respondents embrace the competing goals of accountability and treatment. The next chapter will turn from theory to practice, examining the extent to which criminal courts report engaging in practices designed to maintain accountability – i.e., imposing sanctions when offenders are noncompliant with the mandate.

#### **The Function of Batterer Programs**

All three agencies were asked to give their perspective on the function of court mandates to batterer programs. As shown in Figure 5.1, the most common court responses were “treatment/rehabilitation” (90%) followed by “accountability” (73%). The most common batterer program and victim assistance agency responses were the reverse: accountability (85% and 74% respectively) followed by treatment/rehabilitation (85% and 70% respectively).

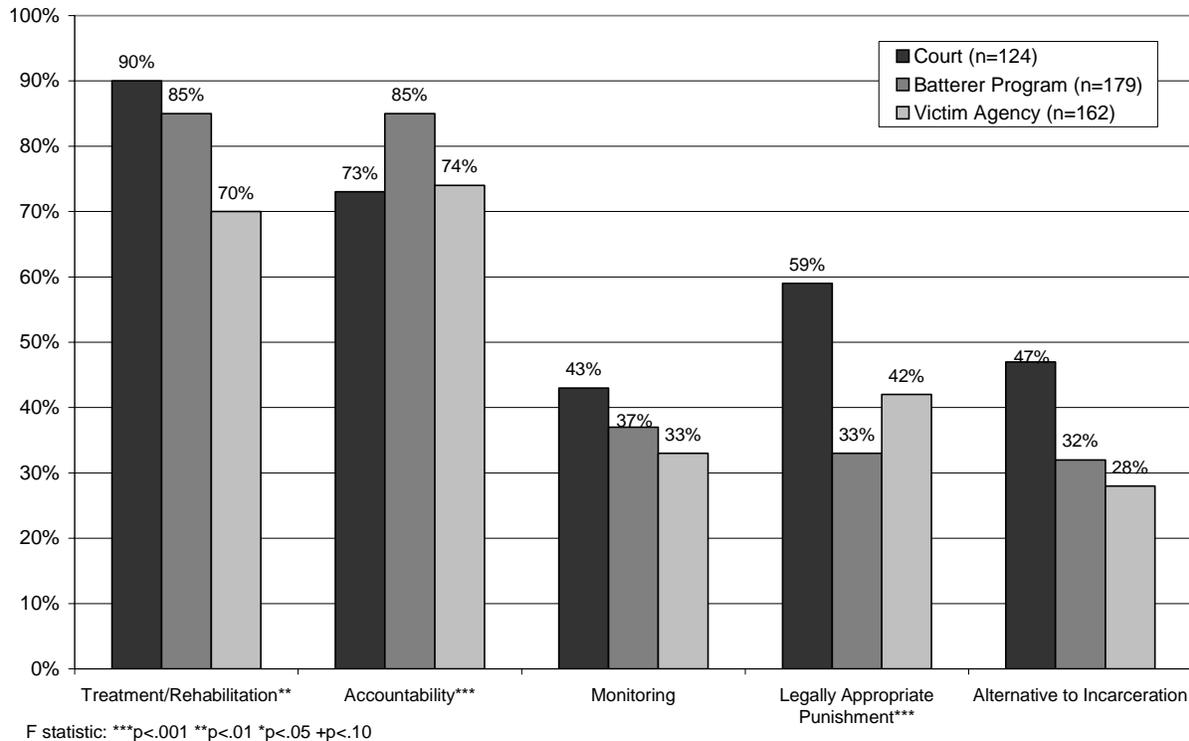
The results signify that when comparing the three agencies, a relatively higher percent of criminal courts nationwide are focused on treatment and a relatively higher percent of batterer programs and victim assistance agencies are focused on accountability. Nonetheless, it bears emphasizing that the most common scenario across all three types of respondents was to check *both* of those answers. Variations in exact percentages notwithstanding, a simple visual inspection of the data in Figure 5.1 reveals a remarkable degree of convergence. Accountability and treatment were selected by all three respondents far more often than other goals. In addition, the percent support for each other goal is also quite similar across the three agencies. One notable exception is that the courts were significantly more likely than the other agencies to favor the goal of “legally appropriate punishment or penalty” ( $p < .01$ ). This preference obviously reflects the court’s institutional role in crafting proportionate penalties to the crimes committed.

Besides asking each agency what *it* believed was the function of court mandates to batterer programs, respondents were also asked for their perception of what the *other* agencies in their community believe. What we found was interesting. Although both the batterer programs and victim assistance agencies were most likely to check accountability as their own understanding of the function of batterer program mandates (per above), they were most likely to perceive treatment as a goal of the courts – and correctly so. On the other hand, both the courts and victim assistance agencies were most likely to ascribe to the batterer programs a belief in the function of treatment, but in this case the average perceptions were inaccurate, since the batterer programs more often embraced accountability. Again, it is notable that all of these differences exit at the margins of the data, since respondents were generally likely to ascribe both of these goals to both themselves and to each of the two other types of respondents.

#### ***Cross-Agency Consistency within Communities***

The general similarity in perspective across all three agencies was again confirmed in an analysis of responses from just the 68 communities in which the triad of court, batterer program, and victim assistance all answered the survey. However, the existence of *national* consistency

**Figure 5.1. What is the Function of Batterer Programs?**

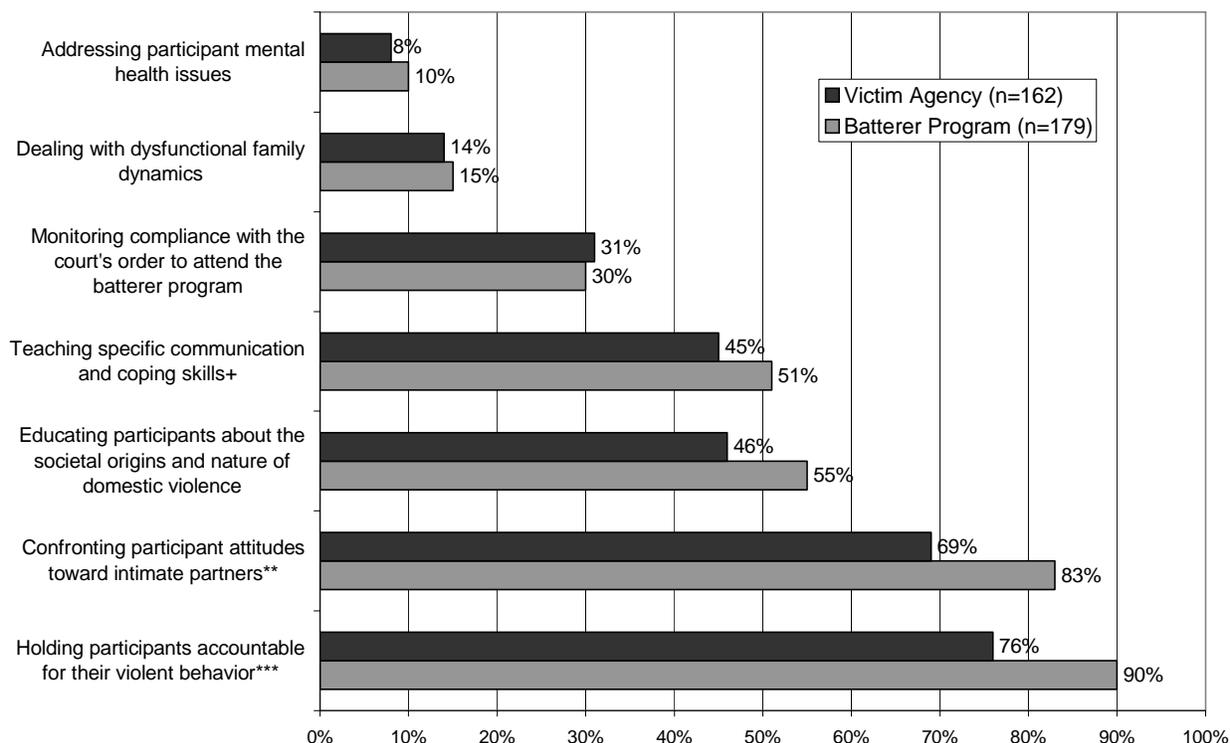


does not answer whether the three types of agencies were consistent at the community level; for example, if the program surveyed within a specific community checked a certain goal, does that make it *extra* likely that the two other agencies surveyed within that same community checked that goal as well? Or putting the question in more general terms: is there evidence of underlying community level coordination and consensus with respect to the goals espoused for batterer programs? Using the phi-statistic, we did not generally detect such evidence. The only significant result was that respondents from the same communities were particularly likely either to check or not to check the goal of accountability ( $p < .05$ ); further inspection of the cross-tabulation table showed that the extra community level consistency on this one goal only existed between the batterer programs and victim assistance agencies, not between them and the courts.

### **Primary Focus of the Batterer Program Curriculum**

We also asked the batterer programs and the victim assistance agencies what is (or for the victim assistance agencies what “should be”) the primary focus of the batterer program curriculum. As shown in Figure 5.2, 90% of the batterer programs indicated that the primary focus was to hold participants accountable for their violent behavior. In the context of a question about the curriculum, this response may have less to do with emphasizing participant accountability to program rules and more with a curricular focus on making participants aware that it is their choice and responsibility whether or not to be abusive. Consistent with this interpretation of “accountability” as a feature of the curriculum, the second most common

**Figure 5.2. The Primary Focus of the Batterer Program Curriculum**



response among the programs was “confronting participant attitudes toward intimate partners” (83%). Among the victim assistance agencies, the same two responses were also given most frequently: confronting attitudes (69%) and holding participants accountable for their behavior (76%).

Visual inspection of the data clearly shows that victim assistance agencies and batterer programs embrace a similar focus. There are just two statistically significant differences between them. One was in the exact degree of support for holding participants accountable for their violent behavior (90% versus 76%,  $p < .05$ ). The other was that the batterer programs were more likely to believe their primary focus is to confront participant attitudes toward intimate partners (83% versus 69%,  $p < .01$ ).

Interestingly, within communities where both the batterer program and victim assistance agency responded (N=126), we found that when one agency responded a certain way on any of the seven curricular focus options, the other agency from the same community was *not* particularly more likely to respond that same way. Therefore, although there is strong cross-agency consistency on the national level – in the aggregate totals – consistency did not significantly increase between pairs of agencies responding from the same specific communities.

To help interpret the descriptive results in Figure 5.2, factor analyses were conducted to see if certain types of responses within agencies cohered along comparable underlying dimensions. Although meaningful results could not be detected when examining the victim assistance agency survey, two distinct factors could be identified on the batterer program survey (see Appendix H):

- *Factor #1: Therapeutic issues* – dealing with dysfunctional family dynamics, addressing mental health issues, and teaching communication and coping skills; and

- *Factor #2: Educational and accountability issues* – holding participants accountable for their violent behavior, confronting attitudes toward intimate partners, educating about the societal origins and nature of domestic violence, and monitoring compliance with the court order to attend the batterer program (the first two of these four items cohered much more strongly than the second two).

The first factor includes the three more therapeutically-oriented answer options and the second includes a mix of accountability-oriented and educational items. Results are suggestive but should not be overemphasized, since the two factors still explain less than 50% of the variation in responses. This caveat notwithstanding, it is interesting that when considering the first, more therapeutic factor, although half of the responding batterer programs (50%) did answer that they seek to teach specific communication and coping skills, the other two items on this factor were rarely endorsed (by less than 15% of respondents).

Viewed in their totality, this chapter's results suggest that "treatment" is widely seen as a goal of batterer programs (Figure 5.1). Yet, on the level of the program content, the "treatment" most often involves purely informational material (educating, confronting) directed at participants' attitudes and beliefs. Only about half the surveyed programs used a cognitive-behavioral approach (reflected in the communication and coping skills item). Other ways of exploring or addressing psychological or mental health issues were used infrequently (Figure 5.2). This constellation of features of batterer programs could be interpreted as suggesting that there should be a greater focus on accountability than treatment measures. Moreover, as the earlier Figure 5.1 indicates, a slightly higher percent of batterer programs and victim assistance agencies, but not courts, endorsed accountability than endorsed treatment. These findings set the stage for the next chapter's test of the degree to which measures to uphold accountability appear to be implemented.

## Chapter Six

### Results: Practice and Enforcement of Batterer Program Mandates

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This chapter begins with a description of the communication between criminal courts and batterer programs. After establishing if and how they communicate, and how frequently probation serves as an intermediary, we explore each agency's responses concerning the enforcement of batterer program mandates: How does the court respond to noncompliance? Are there formal protocols? What types of sanctions are used more or less frequently? Do all three types of agencies agree concerning the extent to which different enforcement practices do or do not take place? Finally, this chapter examines the relationships among different respondent characteristics and answers – for instance, are courts located in certain types of communities particularly likely or unlikely to enforce noncompliance; and do responses on the level of theory (what are the goals of batterer program mandates) predict responses on the level of practice (what happens when offenders do not comply).

#### **Communication: How do Batterer Programs and Courts Interact?**

Questions on the batterer program survey included whether, when, and to whom in the criminal justice system the program reports on the defendant's compliance. Questions on the court survey included whether the court receives progress reports from the batterer program, and if so, when, and who receives it (court staff directly or probation); and the court's level of satisfaction with the timeliness, quality, and accuracy of such reports.

##### ***Batterer Program Reporting***

Ninety-four percent of the responding courts answered that the batterer program they most often use does submit reports on defendant compliance.<sup>14</sup> Of those, 28% said that the program reports directly to the court, 34% said that the program reports to probation, and 32% said that the program reports to both.

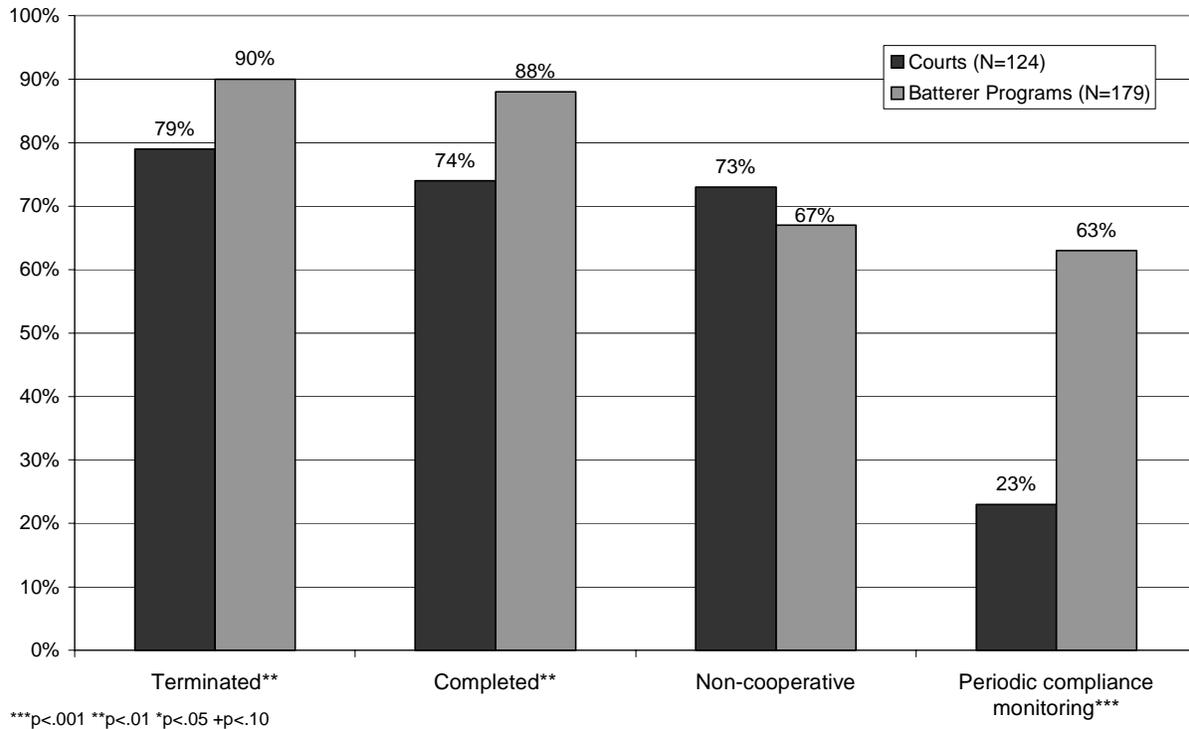
As for the batterer programs, 99% of those responding said that they report to the “court or other monitoring agency (e.g., probation) regarding participant compliance.” Of those, 91% said that they report to probation, 70% to the judge/court personnel, 48% to parole, 34% to the prosecutor, and 19% to the defense attorney (more than one recipient could be checked).

The remaining percentages and results in this chapter are for the 94% of courts answering that their most often used program reports on compliance and for the 99% of batterer programs answering that their program in particular reports on compliance. Hence the degree of enforcement of noncompliance is slightly less prevalent for the entire sample than for the sub-sample that is actually reflected in the results that follow; we conclude as much based on an assumption that those respondents who are excluded from the remaining analyses are incapable of enforcement, given their lack of information sharing in the first place.

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<sup>14</sup> Courts were also asked whether or not they required batterer programs to report on compliance, and 69% indicated that they do. We believe that many courts answered “no” to that question if the reports went directly to probation, but other courts may have answered “yes” in that same situation. Thus we are relying on a different question, in which courts distinguished explicitly whether reports are sent to the court, to probation, or to both.

**Figure 6.1. When do Batterer Programs Report on Compliance?**



Where compliance reporting occurs, we then asked when reports are submitted. As shown in Figure 6.1, we found that a somewhat greater percent of responding batterer programs than courts believe that compliance reports are provided in each of four distinct circumstances. Of the responding programs, 88% indicated that they submit a report upon program completion, 90% upon termination, 67% when participants are not cooperating but not yet terminated, and 63% for periodic compliance monitoring. Of responding courts, 74% indicated receiving reports upon completion, 79% upon termination, 73% when a defendant is not cooperating but not yet terminated, and merely 23% for periodic compliance monitoring. Between the batterer programs and courts, these respective results are significantly different for three of the four circumstances, although by far the sharpest discrepancy concerns perceptions of reporting for (and perhaps the existence in the first place of) compliance monitoring ( $p < .001$ ).

In addition, the responding courts indicated widespread satisfaction with the reports received from the programs. Fifty-three percent were “very satisfied” and an additional 43% “somewhat satisfied” with their timeliness; and 59% were very and 37% somewhat satisfied with their quality and accuracy. For both of those questions, less than 4% of the courts indicated that they were very or somewhat dissatisfied.

## **Mandate Enforcement: How do Courts Respond to Noncompliance?**

How courts respond when they receive a report of noncompliance from the batterer program was our primary research question. We asked the courts and batterer programs a general question concerning “how often” the court imposes sanctions in response to noncompliance; then we asked a series of questions concerning “how often” the court imposes each of eight specific types of sanctions. A concluding question asked whether the court “responds consistently.” The batterer programs were also asked these questions with respect to probation’s enforcement practices – asked only if the program indicated that it sends compliance reports to probation instead of or in addition to the court. The victim assistance agencies received the two general questions concerning the court response; but we did not believe that these agencies would have enough information to offer an estimate on each specific type of sanction.

The preceding questions were designed to tap directly the prevalence and nature of court enforcement activity. In addition, the batterer programs and victim assistance agencies were asked to offer a general perception of how often the court and probation each respond with “appropriate seriousness” to noncompliance with a batterer program mandate. This question required a subjective evaluation, but may be useful to understand the degree to which these agencies nationwide believe that whatever is taking place now comprises an effective or “appropriate” approach. The victim assistance agencies were then asked this same question again, but with respect to how often the batterer program responds with “appropriate seriousness.”

Finally, the court was asked several more clear-cut procedural questions. We asked whether it has official protocol defining which sanctions to impose in response to various forms of noncompliance; and if so, how often it uses this schedule in practice. We believed that the implementation of formal protocols would signal the full development and systematization of an accountability model. We also asked the court how soon after a report of noncompliance is the case calendared. A longstanding body of research indicates that celerity – imposing a sanction soon after an underlying violation – is critical to communicate a meaningful message to an offender population (e.g., see Marlowe and Kirby 1999).

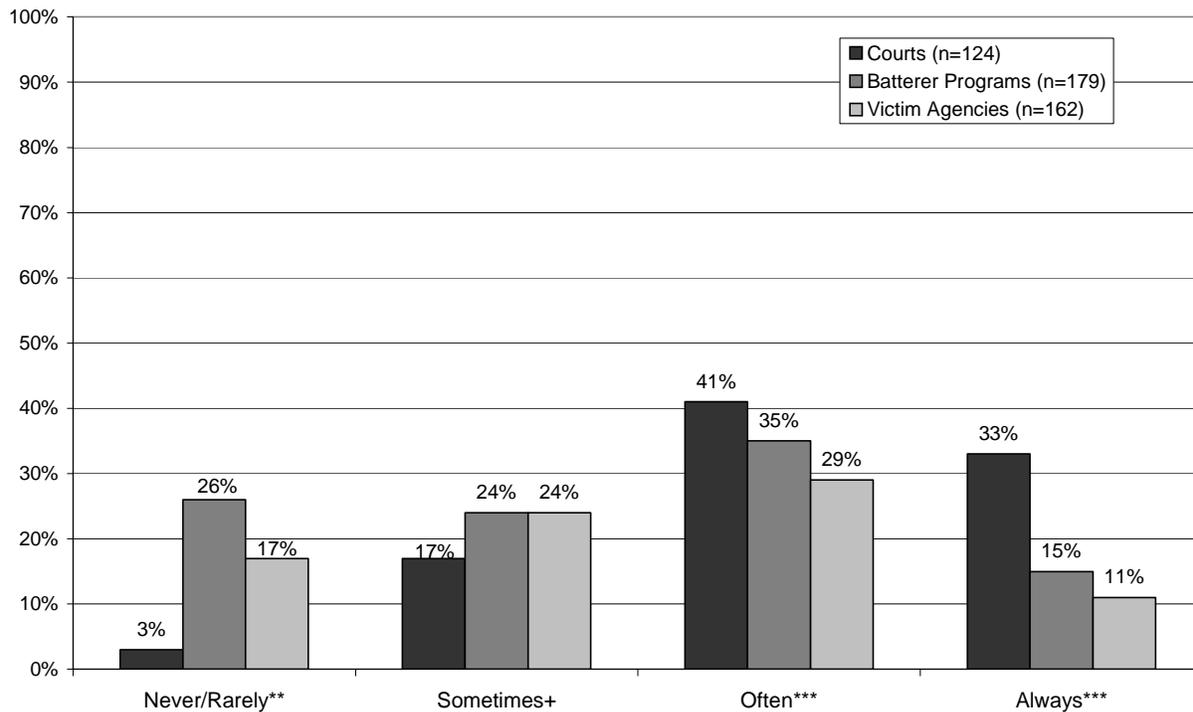
### ***Enforcement Practices: The Court’s Use of Sanctions***

Figure 6.2 indicates how frequently all three agencies believe that the court imposes sanctions in response to a report of noncompliance.<sup>15</sup> The results show that nationwide, courts believe that they impose sanctions more frequently than what is perceived by the batterer programs and victim assistance agencies. For instance, 33% of courts versus 15% and 11% of batterer programs and victim assistance agencies respectively answered that the court “always” imposes sanctions (F statistic:  $p < .001$ ). When combining responses of “always” and “often,” the three percentages rise to 74% according to the courts; and 50%, and 40% respectively for the programs and victim assistance agencies ( $p < .001$ ). Based on the lower of these percentages, it

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<sup>15</sup> In a slight variant of the question with results shown in Figure 6.2, the batterer program was also asked how often the court imposes sanctions in response to a report of “termination.” The results were nearly identical to those obtained with the “noncompliance” terminology. The batterer programs that submit compliance reports to probation were also asked to evaluate the probation response. We found that 17% believe that probation “always” imposes sanctions, and 38% believe that probation “often” does so. These responses are slightly higher than when the batterer programs evaluated the court response, but the differences are not significant.

**Figure 6.2. How often does the court impose sanctions?**



\*\*\*p<.001 \*\*p<.01 \*p<.05 +p<.10

would seem fair to infer that, at minimum, close to half of criminal courts nationwide somewhat regularly impose sanctions in response to batterer program noncompliance.

Interestingly, though differing with the court, the responses given by the batterer programs and victim assistance agencies are remarkably similar to each other. The exception is that the batterer programs were significantly more likely than both of the two other respondents to believe that the court “never” or “rarely” imposes sanction, with 26% of the programs but only 17% of the victim assistance agencies and 3% of the courts answering as such ( $p < .01$ ).

We further tested whether responses across the three agencies became any more consistent at the community level; for example, where the court responded a certain way, did the batterer program or victim assistance agency become particularly likely to respond that way, as distinguished from its average nationwide response. We did not detect evidence of consistency at the community level from examining answers in the 68 triads where all three types of agencies responded.

Table 6.1 then presents results for the frequency with which the courts impose each of eight specific sanctions. (For simplicity, “always” and “often” responses on one hand and “rarely” and “never” responses on the other hand are combined.) The table intentionally orders the responses from top to bottom based on the research team’s perception of what comprises the least to most serious type of sanction on the list. For example, ordering the defendant to return to court is considered the least serious sanction, whereas all of those that follow implicitly assume that the defendant has already been ordered to court and then concern a progressively greater severity of additional response.

**Table 6.1. Criminal Justice Actions to Noncompliance**

<b>Actions</b>	<b>According to:</b>	<b>Always/Often</b>	<b>Sometimes</b>	<b>Rarely/Never</b>
Order defendant to return to court immediately***	Court	75%	14%	11%
	Batterer Program	41%	32%	27%
Verbally admonish defendant***	Court	65%	24%	11%
	Batterer Program	44%	31%	25%
Order back to batterer program with credit***	Court	38%	34%	29%
	Batterer Program	22%	29%	48%
Order to restart same program***	Court	35%	43%	23%
	Batterer Program	69%	43%	25%
Order defendant to start another program***	Court	4%	37%	58%
	Batterer Program	4%	28%	68%
Order defendant to make more frequent court appearances**	Court	25%	35%	40%
	Batterer Program	16%	33%	52%
Revoke or amend probation conditions***	Court	52%	44%	4%
	Batterer Program	21%	53%	26%
Resentence to jail***	Court	27%	66%	7%
	Batterer Program	16%	47%	38%

\*\*\*p<.001 \*\*p<.01 \*p<.05 +p<.10

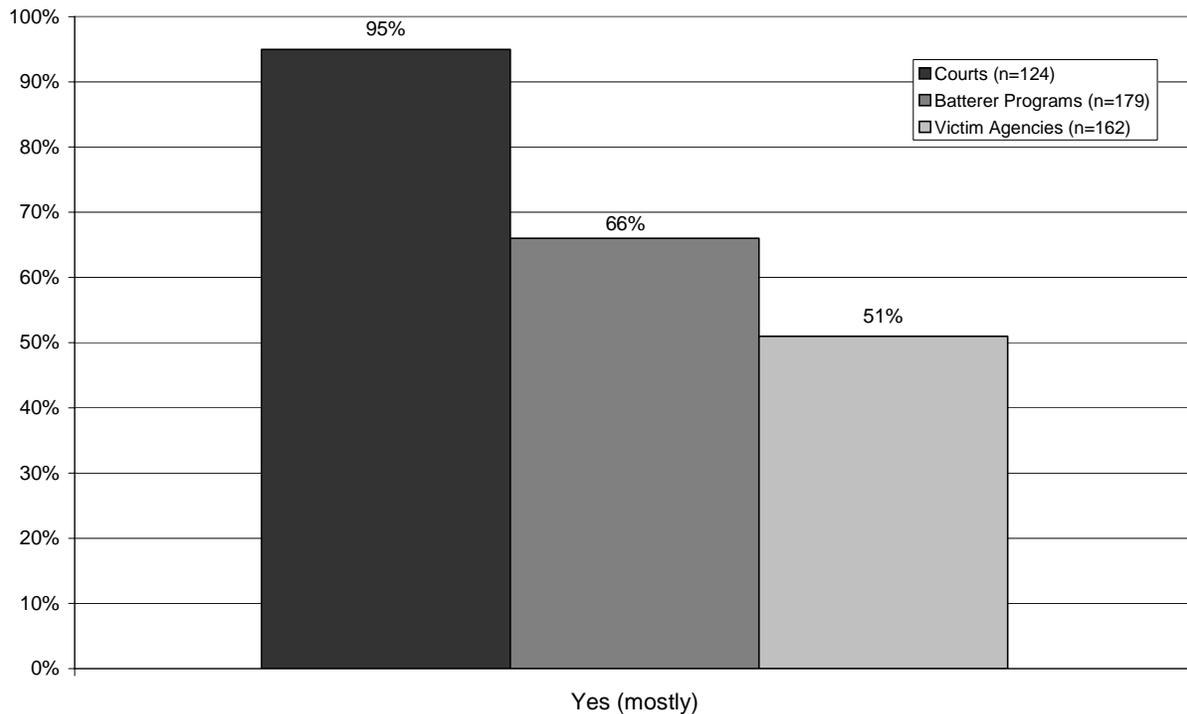
*Note:* For the purpose of determining whether there were significant differences in the responses, we tested the means from the original 5-point Likert scale.

According to the courts themselves, on average, they most often order program participants back to court (75% responded always/often), verbally admonish them (65%) and revoke or amend probation conditions (52%). Lower percentages of responding courts said they always/often impose each of the other sanctions, including the most severe sanction of jail time (27%).

The survey responses given by batterer programs differed significantly from the courts, with the programs consistently less likely than the courts to perceive that each type of sanction is always or often administered. At the upper end of the spectrum, 69% of responding programs believed that the court always/often orders the participant to restart the same batterer program (i.e., theirs). However, concerning the seven other specific sanctions, less than half of the responding programs believed that the court always or often imposed each one of them. Of particular note, whereas 30% of the courts answered that they always or often resentence noncompliant offenders to jail, only 16% of responding programs answered as much – and 38% of the programs answered that the court rarely or never resents the defendants to jail.

In general, the major finding is that the courts and batterer programs do not see eye to eye concerning the enforcement practices that courts implement. In many communities, the batterer programs were particularly doubtful about the extent to which various sanctions are applied. Indeed, there is a statistically significant difference between the courts and

**Figure 6.3. Consistency of the Court's Response to Noncompliance**



\*\*\*p<.001 \*\*p<.01 \*p<.05 +p<.10

batterer programs in their perception of the frequency of use of each one of the eight sanctions listed above in Table 6.1.

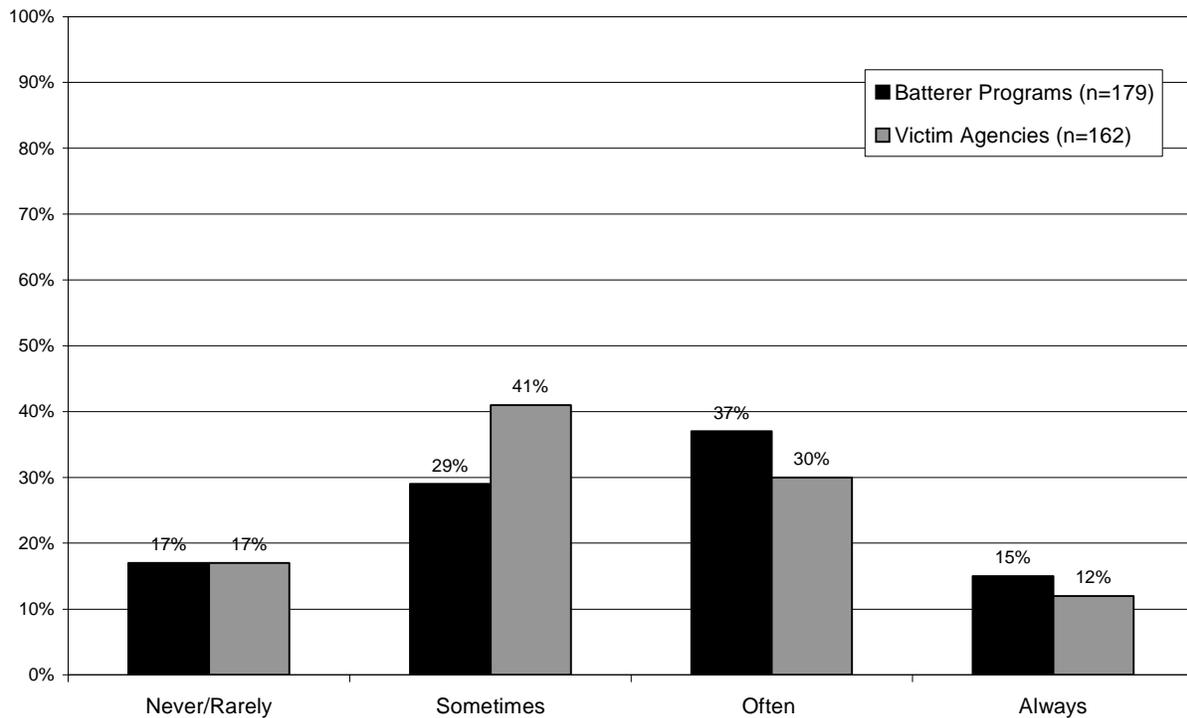
We also wanted to test whether, within those communities where the court and batterer program both responded, there were similarities between the court's and batterer program's perceptions of the court's enforcement efforts. That is, were court and batterer program respondents from the *same* communities particularly likely to have similar perceptions related to enforcement than the national averages for the courts and batterer programs across all surveyed communities? We found that courts and batterer programs from the same communities did tend to give particularly similar answers concerning the court's action of revoking or amending probation conditions ( $p<.05$ ) and resentencing to jail ( $p<.01$ ). However, such similarities in responses from the same communities were not evident on any of the other enforcement items

### ***Consistency of the Court Response to Noncompliance***

Figure 6.3 indicates that the courts believe they are much more consistent in their response to reports of noncompliance than the batterer programs and victim assistance agencies perceive the courts to be ( $p < .001$ ) – although on this question, over half of all three agencies believe the court responds consistently.<sup>16</sup> We also found that (results not shown) the batterer programs and victim assistance agencies responding from the same community may be particularly likely to

<sup>16</sup> We also asked this question in reference to probation when the batterer program indicated that it submits reports directly to probation. We found that 79% of these batterer programs believe that probation responds consistently to reports of noncompliance, but only 38% believe that probation responds “often” and 11% believe probation responds “always” with appropriate seriousness (results not shown).

**Figure 6.4. Seriousness of the Court's Response to Noncompliance**



agree in their perception of the consistency of the court’s response to noncompliance ( $p < .10$ ). We did not detect any other significant tendencies in cross-agency consistency at the community level ( $N = 68$  triads, composed of all three agencies responding from the same community).

***Perceptions of the Seriousness of the Court’s Response to Noncompliance***

Figure 6.4 indicates the perceptions of the batterer programs and victim assistance agencies concerning the “appropriate seriousness” of the court response to noncompliance. The results vary widely across the country, with the middle responses of “sometimes” or “often” given most frequently. When combining the “often” and “always” responses as describing a generally positive impression of what the court does, 52% of batterer programs and 42% of victim assistance agencies answered in this fashion. This finding reveals a national portrait of what the programs and victim assistance agencies believe but, as with most survey items, we did not detect consistency at the community level: of the 126 dyads where the batterer programs and victim assistance agencies both responded from the same communities, they were not especially likely to express identical perceptions of the local court in their community.

***Court Protocols***

We asked those courts indicating that they receive compliance reports how soon after receiving a report of noncompliance the defendant has to return to court. We found that 26% of responding courts said that defendants are returned within two weeks, regardless of the preexisting court appearance schedule, 37% said within a month, 23% said they are returned at the next previously scheduled date, and 13% said that defendants are returned to the court

calendar at some “other” time. The exact meaning of “other” was not included in our questionnaire, but we are assuming that “other” means a period longer than a month but not at the next scheduled court appearance.

Last, we asked the court if there is a written protocol defining which sanctions will be imposed when a defendant is noncompliant with the batterer program. Eighty-eight percent of the courts did not report having a written protocol. Of the 12% of courts that have a written protocol, 55% said that they give the offenders a copy and only 82% said that they “often” or “always” follow it.

## **Predictors of Enforcement**

Analyses in this section examine which other characteristics are associated with survey responses indicating greater enforcement of noncompliance.

### ***Predictor and Outcome Variables***

Variables for the analysis divide into six categories:

1. *Community context*: This category includes region (Northeast, South, Midwest, and West), population size, community type (urban, suburban, or rural), and annual volume of domestic violence cases. We did not have specific hypotheses concerning the impact of region, population size, or community type. However, we considered it to be possible that the cultural or political characteristics of one or another region or community type would influence enforcement practices and wanted to test this possibility in our analysis. We hypothesized that population might have an effect in that large volume courts would be less likely to enforce noncompliance because the time pressures in such courts that might preclude a focus on effective compliance monitoring and enforcement.

2. *Legal context*: This category includes existence of state laws, standards, or certification requirements related to the use of batterer programs. We hypothesized that where such policies exist, they might require or encourage more rigorous reporting requirements between programs and the court and, in turn, foster greater and more consistent enforcement of noncompliance.

3. *Rationale for the use of batterer programs*: This category includes two question items: the functions of court mandates to batterer programs and the primary focus of the batterer program curriculum. We hypothesized that a theoretical focus on batterer programs as a tool to promote accountability and monitoring would be associated with responses indicating stronger enforcement practices.

4. *Other mandate policies and court characteristics*: This category includes the handling of domestic violence cases in a specialized court part (Y/N) and the use, in some cases, of other types of programs as an alternative to batterer programs (alcohol or substance abuse treatment, mental health treatment, etc.). We hypothesized that the implementation of a specialized domestic violence court would be associated with stronger enforcement.

5. *Intervening policies*: We considered several court practices to comprise *intervening variables*, perhaps predicted by the first four kinds of measures listed above and then leading more directly to enforcement outcomes. The practices that we conceived as “intervening”

include: greater frequency of periodic court appearances for compliance monitoring; more circumstances in which the programs submit compliance reports; whether or not compliance reports are sent directly to the court (e.g., versus only to probation); whether the judge explains the consequences of noncompliance at the time of imposing the mandate; and less time from when noncompliance is first reported to when the case is re-calendared for a court appearance. We hypothesized that all of the practices just listed would be associated with a greater frequency, severity, and consistency of imposing sanctions in response to noncompliance.

6. *Outcome variables*: The following outcome measures were used to represent the court's enforcement of noncompliance: frequency of sanctions, frequency of jail sanctions, and consistency of court response to noncompliance.<sup>17</sup>

### ***Bivariate Results***

We first computed bivariate correlations between each combination of predictor and outcome measures. For such analyses, we used the simple Pearson's R correlation.<sup>18</sup> To simplify, Table 6.2 presents the results only for those predictors that were significantly associated with at least one of the four outcome measures at the suggestive .10 level or better. From the court survey, the following factors were significantly associated with *stronger* enforcement of noncompliance:

- Community context: Located in a suburban area; located in the Midwest; and not located in the Northeast;
- Legal context: State has laws governing how the court should use batterer programs;
- Rationale for batterer program mandates: Lists treatment/rehabilitation, and not alternative to incarceration, as rationale for batterer program mandates; and
- Intervening Variables: Less time elapses between a report of noncompliance and the case being re-calendared.

From the batterer program survey, fewer variables were significantly associated with greater enforcement of noncompliance by the local criminal court. They were:

- Community context: Located in the Northeast region; and
- Rationale for batterer program mandates: Lists accountability and treatment/rehabilitation as rationale for batterer program mandates, and lists primary focus of batterer program curriculum as educating about domestic violence.

Finally, from the victim assistance agency survey, only two variables were significantly associated with greater enforcement of noncompliance:

- Rationale for batterer program mandates: Lists educating about domestic violence as the appropriate primary focus of the batterer program curriculum; and
- Community context: population size.

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<sup>17</sup> We addressed a key skip pattern as follows: On the court survey, the 5% of responding courts indicating that their most frequently used batterer program does not submit any compliance reports were recoded as "never" on all Likert scale outcome variables. On the batterer program survey, the 1% of batterer programs indicating that they do not submit compliance reports to any criminal justice agent was similarly recoded.

<sup>18</sup> The alternative Tau-b measure is better suited for non-parametric data, of which we had many. However, we also used many close-to-normally distributed five-point Likert scales as variables, and for this reason, we believed that the statistical assumptions of the Pearson's R were at least approximately met in most cases. Of note, the use of alternative measures would not have meaningfully altered any of the results.

**Table 6.2. Bivariate Correlations**

	Frequency of Sanctions	Frequency of Jail Sanctions	Consistency of the Response to Noncompliance	Frequency of Responding with "Appropriate Seriousness"
<b>Court Survey</b>				
Suburban area	.117+	0.005	0.062	
Midwest region	-.015	.174*	.051	
Northeast region	-.127+	-.188**	-.077	
Court orders to batterer program for treatment	.155*	.151*	.123+	
Court orders to batterer programs for alternative to incarceration	-.175*	-0.073	-.142*	
State laws govern how court uses batterer program	.205**	.183*	.009	
Less time after noncompliance is reported to the re-calendaring of the case	.179**	.215**	.221***	
<b>Batterer Program Survey</b>				
Northeast region	.125	.004	.129	.193*
Function of batterer program is treatment	.033	.075	.152*	.023
Function of batterer program is accountability	.056	.162*	.005	.166*
Primary focus of batterer program curriculum is educating about domestic violence	.145*	.063	.161*	.078
<b>Victim Assistance Agency Survey</b>				
Population size	.063		.162*	.091
Primary focus of batterer program curriculum is educating about domestic violence	.098		.054	.239**

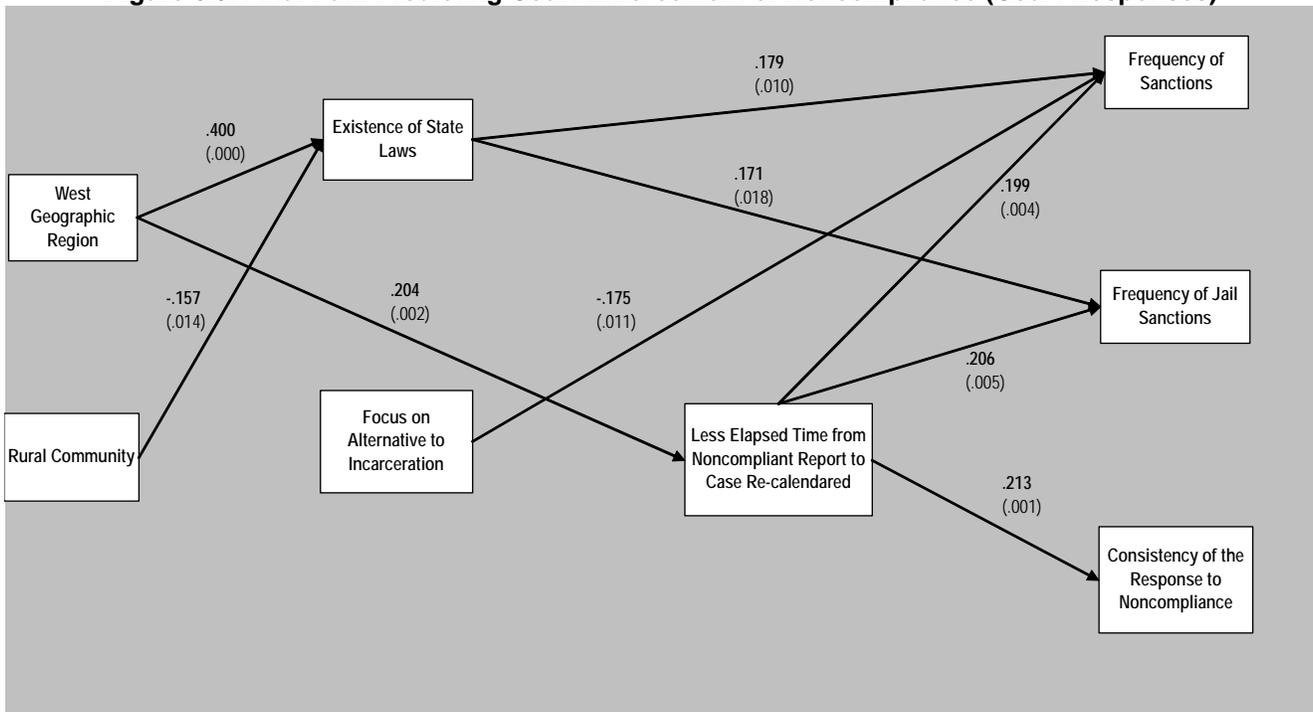
\*\*\*p<.001 \*\*p<.01 \*p<.05 +p<.10

***Path Analysis***

We employed a path analysis in lieu of a standard multivariate model for several reasons. The first had to do with the high inter-correlation among many of the variables of interest – meaning that a standard regression model would be constrained to select only a tiny number of non-collinear predictor variables. Second, a path analysis can reveal the complex causal relationships among independent, intervening, and dependent variables, whereas a traditional regression allows each variable to serve only as one or the other, of predictor or outcome. In the present study, the ability to reveal indirect and intervening effects was desirable, since some of our predictors clearly precede others temporally – for example, the community or legal context may influence a court’s compliance monitoring policies; and those policies, in turn, may directly influence the consistency and severity of court responses to program noncompliance.

In setting up our path: (1) community context variables were ordered first; (2) legal context variables and theoretical rationale for the use of batterer programs were all ordered second; (3) mandate policies such as use of programs other than batterer programs were ordered third; and finally, (4) intervening variables (e.g., program reporting policies, compliance monitoring, speed

**Figure 6.5. Final Path Predicting Court Enforcement of Noncompliance (Court Responses)**



of re-calendaring the cases of noncompliant offenders) were ordered fourth, and directly preceded, (5) outcome measures related to enforcement.<sup>19</sup>

Results are shown in Figure 6.5, which displays the final path for the court respondents. An attempt was made to identify a path for the batterer program respondents, but too few predictive variables emerged at each stage to create a meaningful path.

The court analysis indicates that courts in the western region of the country were more likely to have state laws related to the use of batterer programs, and, as hypothesized, such laws were in turn associated with survey responses indicating greater enforcement of noncompliance (more frequent use of sanctions generally and jail sanctions in particular). In addition, courts in the western region averaged less time from receiving a report of noncompliance to having the case re-calendared for a court appearance; and less time to re-calendaring is, in turn, associated with survey responses indicating greater enforcement (more frequent use of sanctions generally and jail sanctions in particular; and more consistent responses to noncompliance). Finally, court respondents indicating “alternative to incarceration” as a rationale for batterer program mandates averages a *less* frequent use of sanctions in response to noncompliance.

<sup>19</sup> As a result of the restriction on the number of possible variables that may be included in the path analysis, non-arbitrary mathematical criteria were necessary to determine variable selection for the final path. First, each variable included must have had a significant correlation with an outcome variable or a significant correlation with a variable that was significantly correlated with an outcome variable. Each variable included must also improve the overall R-squared of the model (percentage of variance explained by the whole path). If the variable in question is competing with similar inter-correlated variables (i.e., only one of several collinear variables may be included), the selected variable must improve the R-squared more than the other variable.

### ***Summary: Predictors of Enforcement***

As hypothesized, there was a significant connection between the presence of state regulatory laws and survey responses indicating greater enforcement of batterer program noncompliance. Also, as hypothesized, there was a connection between a more rapid court response (less time to re-calendar a noncompliance offender) and a more meaningful response (imposition of sanctions). Finally, courts from the western region of the country appeared to engage in greater enforcement, although as shown in Figure 6.5, this effect was indirect. Interestingly, we hypothesized that listing accountability and monitoring as rationales for batterer program mandates would be associated with greater enforcement of noncompliance. We did find that listing accountability was associated with greater enforcement on the batterer program survey. Additionally, it was interesting that listing “treatment/rehabilitation” was associated with greater enforcement on both the court and batterer program surveys. This last finding suggests that the invocation of “treatment” as motivation for batterer program mandates does not by itself precipitate a dampening of efforts to promote the goal of accountability in practice. Finally, we found that courts listing “alternative to incarceration” as a rationale reported significantly weaker enforcement efforts, suggesting that this particular rationale may be associated with a general hesitance to impose either incarceration or other sanctions on domestic violence offenders. Besides these findings, there were a surprisingly great number of factors that had no evident relationship to enforcement at all (e.g., community population size, batterer program mandate volume, implementation of a specialized domestic violence court, use of periodic court appearances for compliance monitoring, number of circumstances in which the batterer programs submit compliance reports, and extent to which the judge explains the consequences of noncompliance when imposing the mandate). It may be that other unmeasured contextual or cultural factors concerning the community’s view of domestic violence also plays a role. Clearly, while perhaps this analysis providing a starting point, we still have much to learn concerning *why* courts do or do not enforce noncompliance with their batterer program mandates. Fortunately, the earlier descriptive sections of this chapter at least begin to give some indication of the general state of the practice.

## Chapter Seven

### Conclusion and Implications

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This study was an investigation of the extent to which criminal courts use batterer program mandates to hold domestic violence offenders accountable. Offender accountability is often invoked as a goal of such mandates and, more generally, of today's criminal justice response to domestic violence. Yet, surprisingly little research has sought to quantify whether theory and practice coincide.

In fact, what "accountability" truly means for the practice of courts and batterer programs has not been clearly defined in the literature. In this study, the principle of holding offenders accountable was defined as ensuring that the court mandate to a batterer program is followed – and imposing further consequences, up to and including jail time, if the mandate is not followed.

We sought to illuminate the state of theory and practice alike with a national survey of criminal courts, batterer programs, and victim assistance agencies in all 50 states. This chapter reviews the major findings and assesses their significance and limitations. We also discuss possible implications for future policymaking and research.

#### Discussion of Major Findings

In this section, we summarize and discuss the major findings for each of our three categories of research questions: (1) the court's use of mandates to batterer programs; (2) rationales for such mandates; and (3) enforcement practices when offenders are noncompliant.

##### *How and When Do Criminal Courts Use Batterer Programs?*

The typical batterer program mandates were to a 26-week program (plus or minus several weeks) that meets weekly. In addition to batterer programs, the majority of courts (83%) reported mandating some domestic violence offenders to other types of programs instead of a batterer program. Alternative mandates included alcohol treatment, drug treatment, mental health treatment, and anger management, each used by 60% or more of responding courts. This practice suggests some effort by nearly all courts to send offenders to a program deemed most appropriate to their individual needs. It also suggests a rehabilitative orientation.

To monitor compliance with the order to a batterer program, 62% of courts indicated that the offenders have to return to court periodically. However, only 58% of the courts that require convicted offenders to return for monitoring reported that a first compliance monitoring date was held within four weeks of mandate imposition.

Of particular interest in our study was the use of mandates to a batterer program *pre-disposition* (before conviction or dismissal). Despite our attempt to over-sample courts that use pre-disposition mandates, only 34% of courts in our final sample reported such use. In 68% of those courts, completion of the batterer program confers a legal benefit at disposition, including dismissal of charges, reduction of charges, or reduction of the sentence upon conviction. Some observers have argued that a message of accountability is undermined if completion of a batterer program becomes an alternative to a more serious criminal justice outcome. Conversely, one could also argue that if the use of legal incentives increases mandate compliance, the incentives

do serve as an effective mechanism to promote accountability – especially when used in cases where more severe penalties would be unavailable anyway.

### ***Why Use Court Mandates to Batterer Programs?***

*1. General Rationale:* To assess the court’s purpose in mandating domestic violence offenders to batterer programs, we gave five possible reasons and instructed respondents to “check as many as apply.” The five reasons were: treatment/rehabilitation; accountability; monitoring; legally appropriate punishment (i.e., the mandate is proportional to the severity of the offense); and alternative to incarceration.

Interestingly, we found that the majority of respondents checked *both* treatment/rehabilitation and accountability: these functions were by far the most popular answers, checked by at least 70% of courts, batterer programs, and victim assistance agencies alike. (Monitoring was checked less often, by less than 50% of respondents from all three types of agencies.)

We also found that the courts were somewhat more likely than the other two types of respondents to check treatment/rehabilitation – 90% of the courts as compared to 85% of the batterer programs and 70% of the victim assistance agencies. The courts that responded checked “treatment/rehabilitation” more than any other response option, whereas the batterer program and victim assistance agency respondents checked “accountability” slightly more often than any other response options.

A surprising finding was that almost 30% of all three types of respondents listed “alternative to incarceration” as a function of batterer programs, with the courts most likely (47%) and the victim assistance agencies least likely (28%) to check this reason. Arguably, the provision of an alternative to incarceration undermines a message of accountability and of the social unacceptability of domestic violence. For this reason, some batterer programs (including the program developed by this study’s practitioner co-principal investigator) have as one of their main tenets that a batterer program mandate should be used only when a more serious penalty is not feasible – that a program mandate should *not* be used as an alternative to incarceration.

Given the seeming tension between using batterer programs to hold offenders accountable and as an alternative to incarceration, it is notable that survey respondents listing accountability were neither less nor more likely than other respondents also to list alternative to incarceration. One critical interpretation would suggest that many respondents who checked “accountability” as a purpose of batterer program mandates had perhaps not thought through the implications of this intent. Alternatively, they may have thought of the program *content* as stressing accountability, a very different matter from the criminal justice system holding the offender accountable.

*2. Focus of the Batterer Program:* A second question, asked only of batterer programs and victim assistance agencies, concerned the “primary focus” of the batterer programs, with response options designed to tap the aims of the program’s content. Again, accountability and monitoring were response options, but the other options delved more into the substance of the sessions: educate, confront attitudes towards intimate partners, address mental health issues, address family dynamics, and teach communication skills.

This question elicited a more pronounced emphasis on accountability than the previous one, as the most popular answers from both the batterer programs and victim assistance agencies were “accountability” and “confronting attitudes toward intimate partners,” over and above options that conveyed a more therapeutic focus. An important caveat concerns the meaning of

“accountability” in answer to this question. When a batterer program views its “focus” as “accountability,” it probably means that the program stresses the offender’s responsibility for abuse. For example, a common element of batterer program curricula is an attempt to address batterers’ denial and minimization of physical abuse, and their attempts to blame the partner for their own actions. This meaning of “accountability” is not the same as the operational definition used in this study as an enforceable court order.

*3. Review of Findings Regarding Rationales for Using Batterer Program Mandates:* It is clear that *both* treatment and accountability are widely perceived as goals of court mandates to batterer programs. It is also clear that there is generally a high level of inter-agency agreement nationwide in the prioritization of various goals. Some of our results were unexpected; specifically the widespread dual focus on treatment *and* accountability; and the significant plurality of respondents that perceived alternative to incarceration as a goal. It might be useful for future qualitative research to explore further with representatives of different agencies what *they* perceive to be the logical implications of the goal of accountability as well as the goal of treatment/rehabilitation. Such a study could provide deeper information about how key stakeholders are thinking about these issues.

#### ***Do Courts Enforce their Mandates by Sanctioning Noncompliant Offenders?***

We found that nearly all batterer programs (94% or more according to both the court and batterer program surveys) submit participant compliance reports to the court or other supervising agency (usually probation) under at least some circumstances. Therefore, the basic prerequisite for an effective accountability model, the court or an affiliated criminal justice agent being informed of noncompliance with the court’s mandate, is in place nationwide. Our results also demonstrate the critical role of probation as an intermediary.

Turning from the court’s awareness of noncompliance to their response to this information, our findings were less positive. We found little evidence of formal systems for responding to failure to comply with a mandate to a batterer program, as a mere 12% of responding courts said that they have a written protocol defining which sanctions to draw upon in the event that a mandated offender is terminated from a batterer program (i.e., drops out). Also, most courts indicated that when they receive a report of noncompliance, contrary to standard “best practices” for administering sanctions with offender populations, the response is not swiftly imposed: only 26% of courts reported ordering the defendant back to court within two weeks; an additional 37% of courts reported ordering the defendant back within a month; and 37% apparently took longer to address the problem.

In regard to the nature of the eventual response, there were three patterns evident in the data: (1) in at least 40% of the sites surveyed, the criminal court imposes sanctions “often” or “always”; (2) the courts make substantially less frequent use of serious sanctions (such as probation revocation or jail), and (3) the courts depict their response as far more consistent, proactive, and aggressive than the batterer programs and victim assistance agencies perceive the court response. All of the preceding patterns depart in varying degrees from the responses to the theory questions, where all three types of respondents widely endorsed accountability as a key function of batterer program mandates.

Looking more closely at the responses to questions about court enforcement of mandates, 74% of the courts maintained that the court “always” or “often” imposes sanctions in response to a report of noncompliance, but less than half the batterer programs and victim assistance

agencies believed that the court imposed sanctions that frequently. The same pattern is evident when batterer programs and victim assistance agencies were asked how frequently the court responds with “appropriate seriousness” to noncompliance with a batterer program mandate: less than half the batterer programs (52%) and victim assistance agencies (42%) rated the courts as always or often responding appropriately.

The victim assistance agencies’ perceptions are important both in terms of their advising victims to use and trust the criminal justice system to enhance their safety, and in terms of the coordinated community response, which requires high levels of cooperation among criminal justice agencies, victim assistance programs and communities.

Interestingly, even the courts did not indicate frequent use of the most *serious* sanctions, jail in particular: Only 27% of the courts (and half as many batterer programs) believed that the court often or always imposed a term of jail for failure to comply with a batterer program mandate. Similarly, a minority of court respondents reported that they often or always impose each of several other potentially serious consequences – revoking or amending probation conditions, ordering more frequent court appearances, or requiring the defendant to restart the batterer program. Instead, the most commonly reported responses were the two that appear to be the least punitive: ordering the defendant to return to court after the noncompliance was reported, and verbal admonishment.

In sum, our premise was that an accountability model requires clear and certain consequences to be imposed in the event of noncompliance with a batterer program mandate. Far fewer jurisdictions appeared to implement such a model in practice than indicated its importance in theory as a goal of such mandates. This discrepancy between theory and practice could suggest that the goal is genuine but difficult to implement, or alternatively that “accountability” has become an accepted catchword in the field, whose real implications for practice remain unclear to most courts.

## **Study Strengths and Limitations**

This study illuminates the general state of court practice in using batterer programs to hold domestic violence offenders accountable. The use of a national sampling strategy, involving a relatively large number of respondents across all 50 states; and sampling in rural, suburban and urban communities alike, gives us substantial external validity and avoids two frequent and related criticisms of criminal justice program evaluations: that the results apply only to the few sites selected for analysis and that the policies and experiences of smaller, more rural jurisdictions were ignored. Another key strength of the study was that it included not only the perspective of criminal courts and batterer programs, but also that of victim assistance agencies, which often play an important role in formulating policy responses to intimate partner violence. The response rate was high for a national survey of this nature. Finally, the study was strong conceptually in developing an operational definition of accountability and in using language that was clear and transferable across jurisdictions and programs.

Our methodology, however, could not provide answers with the level of precision that would result from direct observation and measurement. Reliance on self-reported survey answers meant that we depended on our respondents to convey tendencies that closely reflect their actual practice. Out of concern that our response rate would be severely compromised, threatening the validity of the national survey, we made a deliberate decision when writing the survey not to ask for statistical details that the programs and courts probably would not have easily available, and

which would require specifying timeframes that might not match the reporting requirements of respondents. For example, we had respondents rate the court on the frequency that different sanctions were imposed in response to noncompliance, with response options ranging from “never” to “always.” This approach could not quantify the percentage of the cases in which each criminal court imposed no sanction or a “serious” sanction, such as jail or probation revocation. Instead, we had to depend on a common sense reading and interpretation of responses of “always” or “often” as connoting enforcement. Since we lack precision at the individual site level, we obviously lack precision as well in our aggregate totals and nationwide percentages.

In turn, since we relied on loose categorizations of practice rather than empirically validated statistics, the discrepancy between the batterer programs’ perceptions of court practices and the courts’ self-report of their own practices – there was about a 10-30% gap on most of the enforcement questions – raises questions that this study alone cannot answer. One could argue that we should resolve these discrepancies by favoring what the courts reported because they are in the best position to know how they respond to noncompliance, whereas the batterer programs probably have sure knowledge of the court response only when the defendant is ordered back to their program. It is likely, however, that few courts maintain data on their practices regarding batterer program mandates and that, like the programs, the courts are also providing an *estimate*. In that case, the courts’ estimates may be biased in their own favor. We might speculate but cannot assert that actual practice probably falls somewhere in between the two reports.

It was the original intent of this study, and one that we hope to execute in the future, to track the outcomes of noncompliance in a systematic sample of courts nationally. Batterer programs following the “New York Model,” for example, are encouraged to track the court’s final adjudication of cases in which the defendant is terminated from the program. A future study might recruit a national sample of batterer programs (presumably twenty or fewer programs for reasons of study cost) to engage in similar systematic tracking efforts and thereby yield more precise empirical data. Reviewers of this report for NIJ advocated such a step, noting that, in future research, “First and foremost, a study of outcomes (rather than perceptions of outcomes) is needed” (Reviewer B) and “the obvious next step after this piece of work is to do more empirical study with this sort of accountability focus” (Reviewer A).

Nonetheless, the general picture that emerges was consistent across all three types of respondents. For instance, both the court and batterer program respondents ordered the various possible sanctions similarly in terms of how frequently each one is used – both rated a re-sentence to jail as an infrequent penalty, and both rated such lighter sanctions as verbal admonishment as a relatively more frequent penalty. It is this consistency on the level of general patterns and tendencies that enables this study to produce valid generalizations.

A further limitation stems from the role of probation in many sites. We debated but in the end did not survey probation directly because our interest was in the courts’ response to noncompliance with the courts’ own orders. Also, the role that probation plays varies widely across jurisdictions, and it would be difficult to capture through a national survey the different relationships between courts and probation in monitoring court orders. We did ask the batterer programs to evaluate the probation response to noncompliance when probation monitored the court order. Only 57% of the batterer programs responded that probation “often” or “always” informed the court of noncompliance; and only 47% believed that probation often or always files a violation of probation when a defendant is terminated from a program. In many sites, it appeared that the court is still informed about noncompliance, because many of the responding programs reported that they notify both probation and the court when they terminate a

participant. Nonetheless, it is an inescapable finding that in some jurisdictions, the court does not become aware of much of the noncompliance that in fact occurs. A future study should examine both how probation itself responds to noncompliance and exactly when and how probation departments communicate with the court about such noncompliance.

On the level of theory – questions about *why* to use court mandates to batterer programs – in retrospect, we on the project team believe that we should have forced all respondents to indicate one “primary” goal in addition to asking respondents to “check all that apply.” Our approach led many respondents to check many of the response options, particularly the dual goals of treatment/rehabilitation and accountability. Since the percentages of court respondents affirming accountability as a goal was not mirrored by the percentages indicating that they routinely impose sanctions in response to noncompliance, it may be that if forced to choose one goal, more courts would have chosen treatment. The selection of accountability by most court respondents when our questions allowed for checking multiple responses may have reflected a familiarity with this term’s rhetorical importance in the field rather than deeper consideration of the implications for practice of a commitment to accountability. Also, in this survey, without adding open-ended questions, we had no way of ascertaining exactly what different respondents meant by “accountability.”

Moreover, the somewhat higher rating of accountability than treatment by batterer programs and victim assistance agencies versus the consistently higher rating of treatment by the courts indicates some discrepancy in how the three types of agencies each view the appropriate use of batterer programs; and perhaps some discrepancy in what each agency would define as the meaning of accountability. We might also have added an open-ended question asking *how* the court mandate to a program might enact the accountability principle. In a subsequent domestic violence court study involving a site visit component, we plan to revisit some of these issues and would encourage other researchers to do the same.

We see the preceding issues as presenting the most important limitations, but there are others of less import. One concern stems from our sample size and statistical power. We ultimately surveyed 260 communities. Since not all responded, and since our skip patterns removed some respondents from certain analyses, actual sample sizes were generally in the 100’s, and sometimes the low 100’s. The smaller N’s on certain questions created substantial confidence intervals for descriptive analyses (although the methodology precluded statistical precision, anyway), and limited statistical power for correlation and regression analysis. Had we opted to survey every one of the 543 sites for which we had contact information instead of selecting sites that matched specific target characteristics, however, we would have merely replaced one threat to validity with another more important threat – our site selection process sought to avoid an excessive concentration of respondents in certain states, areas of the country, and types of jurisdictions, and sought to achieve a site distribution according to other preference rules that were informed by our research questions, such as the use of pre-disposition mandates. Therefore, we still believe that our process was preferable to a pure convenience sample dictated by the selection of all sites that we could contact.

Also in regard to sampling issues, we obtained our initial pool of 543 communities based on a preliminary survey sent to 2,265 batterer programs. It is possible that non-response to that initial survey compromised the appropriateness of our sample. We consider that unlikely, however. It seems implausible that non-responders at this stage – to a one-page survey with a narrow and innocuous set of questions focused mainly on case volume and contact information – should have systematically differed from responders on our questions of interest. It is more likely

that non-response to the preliminary survey was attributable to time management or organizational factors specific to the staff at each batterer program.

We are similarly skeptical that we encountered meaningful response bias on the final surveys, although this possibility bears mention. We achieved a relatively high rate of responses from batterer programs, at 75%, and a 62% response rate from the victim assistance agencies. The court response rate of 53%, though high for surveys of this nature, still suggests a potential for bias. As a result, we conducted an extensive series of analyses designed to detect different types of response bias (see Chapter Three). The only unmistakable finding was that non-responders to court survey were significantly more likely than responders to be from communities located in the Northeast. The Northeast region variable also turned out to be a significant predictor of some, though not all, enforcement outcomes. However, additional analyses failed to detect evidence of systematic bias related to our substantive research questions.

## **Implications for Research, Policy and Practice**

Among our most pronounced findings were the dual endorsements of both treatment/rehabilitation and accountability as important functions of batterer programs. Also notable was the lack of clarity among respondents in the facts concerning the court's enforcement of its mandates to batterer programs; there was disagreement among courts, batterer programs, and victim assistance agencies in regard to the consistency and severity of the court response. Also, the evidence across all three types of survey respondents yielded a general indication that when a sanction *was* imposed, it was typically among the least severe of all possible sanctions. Finally, we identified extremely few measures across our survey on which the three types of respondents gave *particularly* consistent answers within the same community, suggesting that there is much work to be done in the community coordination arena. On the more positive side, we also found that nearly all courts receive directly from the batterer program, or could receive via probation, reports about offender noncompliance. Although there are problems with the consistency with which probation reports noncompliance to the court, as shown not only by our survey but by a system audit in California (Howle, 2006), reporting of noncompliance to the court is an essential prerequisite for more robust accountability protocols. Our recommendations for further research and policy development focus on these points.

### ***Need for Further Research***

The previous section discussing the major findings presented several suggestions for future research. This section reviews a few suggestions that we consider particularly important. Most obvious would be further investigation, through in-depth empirical study of select sites, of the reality of whether and how criminal courts enforce their court mandates to batterer programs. Since probation appears to be a critical intermediate agent in many jurisdictions, future research should also document the role of probation in enforcing batterer program mandates, and should document variations in the nature of probation monitoring and enforcement across jurisdictions.

Pre-disposition use of batterer program mandates is also a topic ripe for follow-up research. Such research could examine the kinds of “deals” that are made with defendants conditional upon completion of a pre-disposition mandate to a batterer program. Also useful would be an examination of outcomes: do conditional arrangements pre-disposition improve compliance with mandates to batterer programs? In practice, what sanctions are legally available, and commonly used, at this stage to respond to noncompliance? And what are the perspectives of different

stakeholders on the state of the practice, including courts, prosecutors, defense bar, batterer programs themselves, and victim assistance agencies?

To overcome the limitation of our current study resulting from a failure to anticipate the different meanings that respondents might have attached to “accountability” and, to a lesser extent, “monitoring,” more research is needed on the understandings among representatives of courts, batterer programs, and victim assistance agencies of these commonly-used terms. Research should then follow up to learn how the courts and batterer programs implement their understandings in policies and practices.

Finally, the use of treatment programs in place of batterer programs, including substance abuse, mental health treatment, and anger management raises questions.<sup>20</sup> Under what circumstances are these programs ordered, and what is their rationale?

### ***Implications for Policy and Practice***

We need to pay more attention to the widespread belief that batterer programs are an effective means of delivering treatment for the majority of offenders. This belief may currently have greater sway over the practice of courts and batterer programs than the goal of accountability. This is indicated not only by the endorsement of the “treatment” function in response to questions about the rationale for mandates to batterer programs, but also by the prevalence of mandates to other types of programs (alcohol treatment, substance abuse treatment, and anger management) as an alternative to a batterer program.

Wider dissemination to judges, court administrators and prosecutors of the research findings showing the likely ineffectiveness of batterer programs as treatment might help ameliorate this tendency to rely on batterer programs to “fix” domestic violence offenders. At the same time, the courts need to be offered an alternative practice for dealing with the large number of cases that come before them for which a more serious sanction is not legally feasible. Using batterer programs to monitor offenders and hold them accountable is one possible response. To make this response realistic, our results suggest that there is a need for formalization of practices regarding *how* to use batterer programs for accountability. Dissemination of best practices from those communities that do engage in consistent and strong enforcement practices – and our results clearly indicate the presence of such communities – would go far towards developing a more consistent and meaningful response nationally.

In summary, the portrait that emerges from this national survey is that when it comes to using batterer programs, there is a tension between treatment, on the one hand, and accountability and monitoring on the other. There are also discrepancies between theory and practice, with a higher percentage of courts expressing support for accountability in principle than the use of concrete actions designed to promote it. We hope that these results can comprise a useful, if modest, first step in stimulating the field to develop clearer and more consistent policies in the use of batterer programs to hold offenders accountable.

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<sup>20</sup> Substance abuse and mental health treatment programs raise empirical questions concerning whether they can be effective as “treatment.” On the other hand, anger management programs have not been found to be effective, and most state standards and guidelines prohibit mandates to anger management for domestic violence offenders.

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## Appendix A

### Genesis of an Accountability Model and a Collaborative Project

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This project was conducted as a true collaboration of practitioners and researchers, and we would like to include a description of the genesis of the project; the roles, challenges and benefits of the collaboration; and the learning curve the partnership engendered. We believe there are some general attributes of this collaboration that made it a positive and productive experience, but there were also serendipitous aspects that will not always generalize to other collaborations. In this section, we will share our observations of both dynamics as “lessons learned” and illuminate important and persistent barriers to mutual appreciation of researchers’ and practitioners’ knowledge base.

One of the coincidental aspects essential to the working of the collaboration was a mutual commitment to the research question. The researchers and practitioners had arrived at the same conclusion about the likely ineffectiveness of batterer programs as treatment: the former through conducting experimental research and reviewing the literature, the latter through hands-on local, state and national experience, consultation with battered women’s advocates, and interpretation of their shared observations. (Chris O’Sullivan, a researcher with an advocacy background, occupied a middle ground between primary reliance on experimental evidence and trust in the observation and analysis of the practitioners.) Having established the dubious prospects of batterer programs as treatment, this led naturally to a shared interest in whether and how batterer programs might achieve other functions, accountability and monitoring in particular.

The researchers might not have framed the fundamental research questions so clearly or in exactly the way it was framed without the conceptual leadership of the practitioners on the project. Specifically, the practitioners had thoroughly defined what an “accountability model” would look like and the implications for the practice of courts and batterer programs. They clarified that the courts, not the batterer program, had the power and responsibility for holding the offenders accountable for their acts of domestic abuse. They had also developed the arguments about how effective courts should be contributing to changing the social climate in regard to domestic violence and sending the “zero tolerance” message, as well as the drunk-driving and traffic ticket analogies.

#### **How Did the Practitioners Come to the Accountability Model?**

Phyllis B. Frank has been directing a batterer program for 28 years, as founder and director of one of the first batterer programs in the U.S. The program was first developed as a demonstration project in 1978 with the purpose of giving the courts an alternative to ordering battered women to counseling. This alternative was conceived of as a program to which courts could rightly order perpetrators, with the goal of getting them to stop their abuse. The program was named the “Spouse Abuse Educational Workshop.” The program’s name was designed to avoid labeling the problem as men’s violence against women. That rationale was soon abandoned and the program was renamed the “Batterer Rehabilitation Program.”

Over time the realization dawned that a program would not get domestic violence offenders to stop their abuse. The issue was not just that a minuscule percentage of offenders would ever be seen in courts, let alone be ordered to batterer programs. Rather, that the mere presence of

batterer programs deflected community attention away from dealing with the root causes of domestic violence; the social norms, laws and history that condoned men's entitlement to control the lives of women and children – not individual pathology or mental health disorder. At the same time, domestic violence was being nationally recognized as an important social issue, and laws were being changed. As part of this zeitgeist, the program's name was changed to "Batterer Intervention Program," and the focus was shifted to recognizing the significance of the courts orders to the programs. In response, only orders for 26 or 52 sessions were accepted.

There was much resistance in the community to letting go of the belief that batterer programs could rehabilitate abusers. The battered women's movement constructed domestic violence as a social justice issue, not a social work issue, but the attachment to batterer programs as rehabilitation, out of step with this analysis, remained. At the same time, batterer programs were growing in popularity, especially as a disposition for cases that frustrated the courts: there was a growing awareness of domestic assault cases that the courts were reluctant to penalize the same way they might handle stranger assaults (e.g., with jail), but for which some response (albeit rehabilitation) was still desired. Batterer programs filled this need for a sentencing option. However, the problem remained that by constructing the problem as one of individual pathology (to be remedied by a batterer treatment program) or, at best, ignorance (to be remedied by an educational program), batterer intervention offered false hope to victims, courts, and society that the program participants would be rehabilitated. This use of batterer programs to attempt to effect rehabilitation and education also became an obstruction to social change efforts.

VCS (Ms. Frank's agency) needed to figure out what programs could actually accomplish and that would not undermine social justice efforts in constructing the problem as an individual issue in need of treatment. VCS needed to develop an alternative to the message that when a batterer program "works," it means that the offender was not abusive, his victim was safe, he was a safe parent who could get custody, and so forth. Their position is that a batterer program cannot know anything about what a participant is doing in the privacy of his intimate relationship based on anything that is observable or assessable through his participation in the batterer program. What the program does know and can assess is the full range of his behavior in abiding with the programs policies and procedure when in the program itself, for example if he is attending or not, is punctual, pays required fees, and participates considerately. It is those behaviors that the court order specifies by ordering a perpetrator to a batterer program – compliance with the program's rules and policies – and it is those behaviors that the program can monitor and report to the court. The program "works" through its commitment to holding all participants accountable to abide by *achievable* program policies – or to be terminated from the program when he does not. In this way the program takes a position of serving the courts and becomes part of a routine criminal justice response to domestic violence offenses. It "works" by sending the message that the courts and society take domestic violence seriously as a criminal offense – especially when courts penalize those who do not abide by the order to attend the batterer program. Therefore, the goal of VCS's batterer program, like other criminal justice and domestic violence programs, *is* stopping abuse, but through contributing to community and cultural shifts affecting more than the few men in the program.

VCS began a complete revamping of the program, developing the foundation of the New York Model for Batterer Programs. An initial step was that the program stopped accepting voluntary or self-referred participants, who often gained benefits from their partners or the courts for signing up for the program. Too frequently, the voluntary participant would leave the

program when these benefits were conferred and his status quo at home had been reestablished, without facing any penalty or consequence.

An overarching change was to shift from providing a service to the individual participants to a service to the courts: providing a mechanism for offender accountability and judicial monitoring. The program was re-titled “The Domestic Violence Penalty Program.” Funding and referral sources reacted very negatively to this name, not yet ready to embrace a dramatic shift which seemed too focused on punishment rather than treatment, and in compromise, it was changed to the “Domestic Violence Program for Men.” For a period, terms such as “Domestic Violence Classes,” and “Education Program” were adopted. It seemed, however, that the educational terminology implied that participants would change through learning, and therefore that education was another form of rehabilitation.

VCS no longer accepts referrals from the court unless the referring court agrees that there will be a sanction for non-compliance. This stipulation requires establishing a feedback loop with the court, such that the court is informed when a court-mandated participant is terminated from the program for violating program policies. Another proposal is that the court should not order a defendant to a batterer program if, based on the crime committed, a more serious legal sanction is available. What the program did not know was how the courts that VCS served (in Rockland, Orange and Westchester Counties, NY) responded when informed a participant had been terminated. It became Jim McDowell’s responsibility to collect this information through assiduous efforts, beginning data collection for what VCS called the “Outcome Study.”

## **Genesis of the Research Project**

Ms. Frank began looking for a research partner to investigate the issue nationally. Chris O’Sullivan, who had served as evaluator and research consultant for Ms. Frank for projects in Rockland County, introduced her to Michael Rempel and Melissa Labriola of the Center for Court Innovation. As noted above, all members of the project team shared an interest in the research question originally posed by Ms. Frank: how the court responds when an offender mandated to a batterer program is noncompliant. Therefore, a fundamental obstacle to researcher-practitioner partnerships was moot: the researchers and practitioners had the same research question in mind.

### ***The Context of Interdisciplinary Partnership on Domestic Violence– Potential Tensions***

Many pioneers of the early battered women’s movement developed an antipathy to research. Research was seen by them to be harmful to battered women in that it often de-contextualized domestic violence and misinterpreted findings conducted in the absence of analysis of the causes and consequences of abuse. Research also seemed to produce distortions stemming from inappropriate methodology – in the sense that the way questions were framed did not take into account important factors in the lives of battered women.<sup>21</sup>

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<sup>21</sup> A common example is the seminal work by Straus and Gelles. This research was regarded as invaluable because it documented the prevalence of domestic violence and helped legitimize the battered women’s movement, increased funding for victim services and supported an increase in penalties for offenders. It was followed, however, by the Straus, Gelles, Steinmetz work which “counted hits.” Many advocates believed that this research failed to capture the real lived experience of battered women and the overall control they experience, putting too much emphasis on physical abuse and failing to document the often more devastating, permanently scarring psychological abuse and social control that offenders exert over victims. Also, by counting hits, the research equalized the violence women

Many advocates were also concerned and dismayed that research was taking many years and millions of dollars to document what they felt they already knew through direct experience. Solutions that might protect victims were forestalled. Particularly frustrating to some practitioners is that so much attention is paid to batterer programs when they affect only a minute percentage of those who abuse intimate partners. Doesn't this emphasis in research and policy keep the focus on one small and possibly inconsequential piece of the problem at the expense of the bigger picture encompassing all perpetration of domestic abuse?

On the other side of the equation, some researchers find that practitioners at times insist on the validity of their individual "experiences" in the absence of evidence or, when the evidence comes in, are slow to change practice. Sometimes, researchers also observe that practitioners fail to see their own disagreements – for example, on the view that batterer programs rehabilitate. Thus different sets of practitioners who each feel passionately about the validity of their experiences may sometimes fail to see a legitimate role for research in resolving their differences through careful empirical study. At the same time, researchers are often more sanguine about relationships with practitioners than the other way around. Researchers routinely seek interaction with practitioners, both from recognizing their skill at raising research questions and potential policy implications and because, once the results are in, researchers would like contact with those practitioners that are in real position to change policy and practice.

### ***The "Outcome" Study as a Case Study in Collaboration***

When research evidence began to accumulate that batterer programs do not effectively rehabilitate perpetrators, Phyllis Frank began to feel vindicated but, with her colleague Jim McDowell, still regretted the continued funding of studies on that point. In response, she designed a different batterer program "outcome study." The researchers on this project, Michael Rempel, Melissa Labriola, and Chris O'Sullivan, all work at interdisciplinary agencies grounded in daily research-practitioner collaboration. Although they did not begin with nearly as urgent or vocal criticisms of the treatment/rehabilitation focus of many batterer programs, they were immediately interested in a project with an alternative accountability focus instead.

In part, the process of conducting the study worked because of the very advantages that accrue from engaging in a researcher-practitioner partnership. The precision of language was all-important. Practitioners had to understand vocabulary and process with which they had no familiarity. The researchers, too, learned that they had to understand new meanings before constructing questions. For example, clarifications that the word "termination" had to be distinguished from "noncompliance" and that noncompliance with the program's rules and policies had to be distinguished from noncompliance with the court order were crucial. It is noncompliance with the court's order that was our primary interest. Also of great importance, the practitioners brought to the study an insistence on including the perspective of victim advocates, which informs their practice in working with offenders. Including the perspective of victim assistance agencies led to important findings in regard to how well these agencies feel the courts use batterer programs to serve justice.

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inflicted on and received from male intimate partners – despite the enormous gender discrepancies in injuries and fatalities due to domestic abuse. Altogether, to many practitioners, this research denied the role of gender-based oppression that the many advocates analyzed to be the underlying cause of domestic violence.

## **Conclusions: Insights into Effective Collaborations in Domestic Violence Research**

Since there developed a cooperative, respectful and trusting relationship between the researchers and practitioners on this project, we were perhaps better able to identify the bridges we could not cross; that is, to appreciate the fundamental differences in perceptions about certain matters. We identified three underlying issues that can undermine collaborations in domestic violence research but did not in this study. Since this was a research project, the practitioners felt these differences keenly.

First, there was the issue of legitimate sources of knowledge. Researchers generally consider empirical data to comprise the primary evidence for facts, and the experience of practitioners a rich source of hypotheses, interpretation of findings, and generation of policy implications. Many practitioners feel, on the contrary, that their hands-on experience, direct observation and sharing of observations provides valid primary data in themselves and superior analysis of issues.

Second, researchers and practitioners begin with different answers to the question of who influences policy. Researchers often feel that practitioners can influence policy – in how they conduct their own practice and sometimes in their influence on systems and lawmakers. Practitioners feel, conversely, that researchers directly influence policy; their concern is that research-based policy changes can have an impact on the real lives of victims, offenders, their children and the practitioners' ability to carry on their work; therefore, research findings should be reported and these effects should be carried out with substantial care.

Third, it emerged that these beliefs about who influences policy are only partly correct. The reality is more complex in that there are more than two categories beyond the researcher-practitioner dichotomy. Service providers at the thousands of small agencies serving victims and offenders are generally the practitioners who experience frustration at their lack of influence over policies. (It is in that position that Ms. Frank sought to ally herself with researchers in order to give her understanding of the role of batterer programs weight and legitimacy with the goal of influencing policy.) When researchers maintain that practitioners influence policy, they are not generally referring to local service providers but to those who operate within larger agencies or in roles that give them greater influence over practice and policy, such as judges, court administrators, technical advisors, state and federal program staff, and lawmakers some state coalitions, etc. People in these roles are more able to translate research into policy and, in our experience, are more informed of and attentive to research. There may, in fact, be four groups not two, with different levels of power and influence: local service providers; grassroots activists; practitioners not in direct service/policy-makers; and researchers. Within each of these groups, there will be individuals with smaller and larger domains of influence.

Awareness of these differences of perception, values and circles of influence can be helpful in informing future collaborations. They can be used to clarify roles and establish understandings at the outset of partnerships, resulting in greater equality. Also, we need to be cognizant of finer distinctions to avoid using a too-limited paradigm that will not apply to all “researcher-practitioner” partnerships.

## **Appendix B**

### **Batterer Program Survey**

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#### **COURT MANDATES TO BATTERER PROGRAMS: A NATIONAL SURVEY**

May 15, 2006

Dear Program Director:

The Center for Court Innovation is conducting a survey for the National Institute of Justice to find out how criminal courts are using batterer programs. Your program is one of 260 from across the country that has been selected to receive our survey.

We expect that the survey will take approximately 30 minutes to complete. We suggest that the staff member respond who has the greatest familiarity with the court's use and enforcement of orders to your batterer program.

Please return the survey as soon as possible in the enclosed envelope. Your input will play a vital role in producing an accurate understanding of how courts nationwide are using batterer programs.

If you have any further questions or would like to complete the survey on the internet instead, please call Melissa Labriola at 212-373-1693 or e-mail at [mlabriol@courts.state.ny.us](mailto:mlabriol@courts.state.ny.us). Thank you for completing our survey!

Sincerely,

Michael Rempel, Principal Investigator  
Center for Court Innovation  
New York, New York  
[rempelm@courtinnovation.org](mailto:rempelm@courtinnovation.org)

Melissa Labriola, Project Director  
Center for Court Innovation  
New York, New York  
[mlabriol@courts.state.ny.us](mailto:mlabriol@courts.state.ny.us)

Phyllis B. Frank, Co-Principal Investigator  
VCS Community Change Project  
Rockland County, New York  
[pbfrank@aol.com](mailto:pbfrank@aol.com)

Chris S. O'Sullivan, Co-Principal Investigator  
Project Consultant  
New York, New York  
[chris.osullivan@verizon.net](mailto:chris.osullivan@verizon.net)

NAME OF PERSON COMPLETING SURVEY: \_\_\_\_\_

TITLE: \_\_\_\_\_

NAME OF BATTERER PROGRAM: \_\_\_\_\_

CONTACT INFORMATION: \_\_\_\_\_

1. Would you consider the geographic area served by your agency to be primarily:

- Urban
- Suburban
- Rural

2. The people that attend your batterer program are (check all that apply):

- Ordered by a criminal court or criminal justice agency (probation or parole)
- Ordered by another type of court (e.g., civil, family, matrimonial, etc.)
- Ordered by child protective services
- Voluntary/not court ordered

**If your program does accept participants ordered by a criminal court or criminal justice agency (you checked the first box for question #1), please proceed. Please answer the remaining questions *only in regard to batterer program participants ordered by a criminal court or criminal justice agency* (i.e., not in regard to family, other civil court, or voluntary referrals).**

**If no participants are ordered by a criminal court, probation or parole:**  **Thank you for your participation. Please return the first page of this survey in the enclosed self-addressed envelope.**

3. How long is your batterer program? (Please answer for the program that is ordered most often by a criminal court or criminal justice agency.)

\_\_\_\_ # Weeks at \_\_\_\_ # Sessions per week: Length of sessions \_\_\_\_\_

Other: Please explain: \_\_\_\_\_

4. Which of the following lead you to terminate a participant from your program? (Check all that apply.)

- Consecutive program absences  
How many consecutive absences lead to termination? \_\_\_\_\_
- Total absences (not necessarily consecutive)  
How many total absences lead to termination? \_\_\_\_\_
- New allegations of domestic violence
- Other new criminal charges
- Nonpayment of program fees
- Program lateness:  
How many late arrivals lead to termination? \_\_\_\_\_
- Inappropriate behavior at the program: Please explain:

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- Other: Please explain:

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5. Approximately what percentage of your participants completes the program? \_\_\_\_%

6. What is the name of the criminal court from which you receive the most referrals?

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**Please answer all of the following questions in regard to the criminal court that most frequently refers defendants to your program.**

7. Does your batterer program report to the court or other monitoring agency (e.g., probation) regarding participant compliance?

- Yes
- No **If your program does not report participant compliance, please skip to question #16 on page 6.**

8. When do you report on the participant's program status? (Check all that apply.)
- When the participant completes the program
  - When the participant is terminated from the program
  - When the participant is not cooperating with program rules but is not yet terminated
  - Whenever the participant returns to court for periodic compliance monitoring
  - On some other schedule - Please specify: \_\_\_\_\_
9. To whom do you directly report the compliance status of the participant? (Check all that apply.)
- Judge/court personnel
  - Prosecutor
  - Defense attorney
  - Probation
  - Parole
  - Other: Please specify \_\_\_\_\_
10. Does your program typically find out the court's response to a participant's noncompliance?
- Yes If yes, from whom? \_\_\_\_\_
  - No If no, do you know with whom you *could* follow up?  Yes  No/unsure
11. How often does the court impose sanctions in response to a report that you have terminated a participant? (Check whichever applies.)
- Never  Rarely  Sometimes  Often  Always  Don't Know
12. How often does the court impose sanctions when you report noncompliance (whether or not the noncompliance involved program termination)? (Check whichever applies.)
- Never  Rarely  Sometimes  Often  Always  Don't Know

13. To the best of your knowledge, when a participant is noncompliant with your batterer program, how often does the court do each of the following? (Put an 'x' in a box for each court action.)

Court Action	Never	Rarely	Sometimes	Often	Always
Order defendant to return to court immediately					
Verbally admonish defendant					
Order defendant back to your batterer program with credit for sessions attended					
Order defendant to restart your batterer program					
Order defendant to start another batterer program					
Order defendant to make more frequent court appearances for compliance monitoring					
Revoke or amend probation conditions					
Resentence defendant to jail					
Other sanction (please specify each sanction and check appropriate box):					
_____					
_____					

14. Do you believe that the court responds consistently to reports of noncompliance with your program?

Yes (mostly)     No

15. In your view, how often does the court respond with appropriate seriousness to participant noncompliance with the batterer program? (Circle whichever number applies.)

1                      2                      3                      4                      5                      6  
 Never              Rarely              Sometimes              Often              Always              Don't Know

16. Does your program submit compliance reports directly to probation?  
 Yes  
 No **If your program does not submit reports directly to probation, please skip to question #22 on page 7.**

17. How often does probation impose sanctions in response to a report that you have terminated a participant? (Check whichever applies.)  
 Never       Rarely       Sometimes       Often       Always       Don't Know

18. How often does probation impose sanctions when you report noncompliance (whether or not the noncompliance involved program termination)? (Check whichever applies.)  
 Never       Rarely       Sometimes       Often       Always       Don't Know

19. To the best of your knowledge, when a participant is noncompliant with your batterer program, how often does probation do each of the following? (Put an 'x' in a box for each court action.)

<b>Court Action</b>	<b>Never</b>	<b>Rarely</b>	<b>Sometimes</b>	<b>Often</b>	<b>Always</b>
Order defendant back to your batterer program with credit for sessions attended					
Order defendant to restart your batterer program					
Order defendant to start another batterer program					
Report the noncompliance to the court					
File a violation of probation					
Other sanction (please specify each sanction and check appropriate box):					
_____					
_____					

20. Do you believe that probation responds consistently to reports of noncompliance with your program?  
 Yes (mostly)  
 No

21. In your view, how often does probation respond with appropriate seriousness to participant noncompliance with the batterer program? (Circle whichever number applies.)

1                      2                      3                      4                      5                      6  
Never              Rarely              Sometimes              Often              Always              Don't Know

**Please answer all of the following questions.**

22. When a court-ordered participant first comes to your batterer program, do you explain?

21a. what the program will do if the participant is noncompliant?     Yes     No

21b. what the court will do if the participant is noncompliant?     Yes     No

23. Why do you believe the court orders defendants to batterer programs? (Check all that apply.)

Treatment/rehabilitation

Monitoring

Accountability

Legally appropriate punishment or penalty

Alternative to incarceration

Other: Please specify: \_\_\_\_\_

24. What do *you* believe is the function of batterer programs? (Check all that apply.)

Treatment/rehabilitation

Monitoring

Accountability

Legally appropriate punishment or penalty

Alternative to incarceration

Other: Please specify: \_\_\_\_\_

25. What is the name of the battered women's or victim assistance agency that serves domestic violence victims in your community?

\_\_\_\_\_  
\_\_\_\_\_

26. What is your relationship with that battered women's or victim assistance agency?

Same agency

Different agency

27. Do you act on guidance and input from this agency?

- Yes
- No
- Sometimes
- Don't Know

28. Are there state laws, binding regulations, or standards that govern how the court uses batterer programs? (Check all that apply.)

- State laws
- Regulations
- State standards
- Other: \_\_\_\_\_
- Don't know
- None

29. Does your state certify batterer programs?

- Yes
- No
- Don't know

30. Which of the following do you see as the primary focus of your batterer program? (Check no more than three.)

- Addressing participant mental health issues
- Confronting participant attitudes toward intimate partners
- Dealing with dysfunctional family dynamics
- Educating participants about the societal origins and nature of domestic violence
- Holding participants accountable for their violent behavior
- Monitoring compliance with the court's order to attend the batterer program
- Teaching specific communication and coping skills
- Other: Please specify: \_\_\_\_\_

31. Do you have any other comments about the court's response when defendants are noncompliant with a batterer program?

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## **Appendix C**

### **Criminal Court Survey**

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#### **COURT MANDATES TO BATTERER PROGRAMS: A NATIONAL SURVEY**

May 15, 2006

Dear Court Administrator:

The Center for Court Innovation is conducting a survey for the National Institute of Justice to find out how criminal courts are using batterer programs. Your court is one of 260 from across the country that has been selected to receive our survey.

We expect that the survey will take approximately 30 minutes to complete. We suggest that the staff member respond who has the greatest familiarity with the court's use and enforcement of orders to batterer programs.

Please return the survey as soon as possible to Center for Court Innovation, 520 8<sup>th</sup> Avenue, 18<sup>th</sup> Floor, New York, NY 10018 or by fax to 212.397.0985. Your input will play a vital role in producing an accurate understanding of how courts nationwide are using batterer programs.

If you have any further questions or would like to complete the survey on the internet instead, please call Melissa Labriola at 212-373-1693 or e-mail at [mlabriol@courts.state.ny.us](mailto:mlabriol@courts.state.ny.us).

Thank you for completing our survey!

Sincerely,

Michael Rempel, Principal Investigator  
Center for Court Innovation  
New York, New York  
[rempelm@courtinnovation.org](mailto:rempelm@courtinnovation.org)

Melissa Labriola, Project Director  
Center for Court Innovation  
New York, New York  
[mlabriol@courts.state.ny.us](mailto:mlabriol@courts.state.ny.us)

Phyllis B. Frank, Co-Principal Investigator  
VCS Community Change Project  
Rockland County, New York  
[pbfrank@aol.com](mailto:pbfrank@aol.com)

Chris S. O'Sullivan, Co-Principal Investigator  
Project Consultant  
New York, New York  
[chris.osullivan@verizon.net](mailto:chris.osullivan@verizon.net)

Name of person completing survey: \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**NAME OF COURT:** \_\_\_\_\_

Contact information: \_\_\_\_\_

1. What is the jurisdiction of your court?

- Town/Village/City/Municipal
- County
- State
- Other: Please specify: \_\_\_\_\_

2. Would you consider the geographic area served by your court to be primarily?

- Urban
- Suburban
- Rural

3. Does your court handle criminal cases?

- Yes **If your court *does* handle criminal cases, please answer the remaining questions only in regard to those cases (e.g., not in regard to family, matrimonial or other civil matters).**

- No **If your court *does not* handle criminal cases:  Thank you for your participation. Please return the survey in the enclosed self-addressed envelope.**

4. Does your court hold trials or hearings for (check all that apply):

- Violations
- Misdemeanors
- Felonies

5. Does your court handle intimate partner domestic violence cases in a specialized domestic violence court, part, or calendar?

- Yes
- No

6. Does your court have any additional staff for handling intimate partner domestic violence cases?  
 Yes → How many additional staff do you have (e.g., resource coordinator, defendant monitor, dedicated probation officer, administrative assistant, etc.) \_\_\_\_\_

No

7. Does your court ever order domestic violence defendants to attend a batterer program?

Yes **If your court does order defendants to batterer programs, please continue.**

No **If your court does not ever order defendants to attend a batterer program: Thank you for your participation. Please return the survey in the enclosed self-addressed envelope.**



8. Where do orders to batterer programs originate?

From the court (part of a sentence to probation)

From the court (without involvement of probation)

From the court (some cases with and some cases without probation involvement)

From probation without a specific directive from the court: **If you checked only this box, please stop here. Please return the survey in the enclosed envelope.**

9. Approximately how many intimate partner domestic violence defendants does your court order to a batterer program each month? \_\_\_\_\_

10. Do you know which batterer program each defendant ends up attending?

Yes

No

Sometimes

10a. If yes, please list the two most frequently used batterer programs:

1. \_\_\_\_\_

Program Name

2. \_\_\_\_\_

Program Name

11. Does your court order defendants to attend a batterer program pre-disposition (before a plea, conviction or dismissal)?
- Yes **Please answer questions #12-14 with respect to defendants ordered to the most frequently used batterer program pre-disposition or pre-trial.**
  - No **If your court does not order any defendants to attend a batterer program pre-disposition, please skip to question #15 on page 5.**
12. When defendants are ordered to a batterer program pre-disposition, what is the *most common* charge at arrest?
- Violation
  - Misdemeanor
  - Felony
13. Defendants are ordered to a batterer program pre-disposition as a (check all that may apply):
- Condition of bail
  - Condition of release on recognizance (ROR)
  - Condition of release under supervision (RUS)
  - Condition of a protection/restraining order
  - Pre-trial diversion program
  - Other: Please specify: \_\_\_\_\_
14. In the majority of cases, completion of the program is intended to result in:
- Dismissal of the charges
  - Reduction of the charges (e.g., from felony to misdemeanor or misdemeanor to violation)
  - Charges unchanged but reduction in sentence, i.e.:
    - Jail sentence eliminated
    - Probation time reduced
    - Probation time eliminated
  - None of the above
  - Other: Please specify: \_\_\_\_\_
- 
15. Does your court order defendants to attend a batterer program post-disposition (after a plea, conviction, or other final disposition)?
- Yes **Please answer questions #16-19 with respect to defendants ordered to the most frequently used batterer program pre-disposition or pre-trial.**
  - No **If your court does not order any defendants to attend a batterer program pre-disposition, please skip to question #20 on page 6.**

16. When defendants are ordered to a batterer program post-disposition, what is the *most common* charge at arrest?

- Violation
- Misdemeanor
- Felony

17. Approximately what percentage of defendants ordered to a batterer program post-disposition is eventually disposed on a (please provide your best estimate):

Violation \_\_\_%

Misdemeanor: \_\_\_%

Felony: \_\_\_%

Other: \_\_\_%

18. Approximately what percentage of these defendants complete the batterer program (please provide your best estimate)? \_\_\_%

19. Do defendants ordered to a batterer program post-disposition have to report to the court periodically for compliance monitoring?

- Yes, they all do
- Yes, some do
- No

19a. If yes to either 'all' or 'some', in the majority of those cases, how many weeks after the disposition is their first return date? \_\_\_\_

**Please answer all of the following questions, considering orders to batterer programs both pre- and post-disposition.**

20. Is it a requirement of the court that the program report on compliance?

- Yes
- No

21. Considering the batterer program used most often by your court, does that program actually report on the defendant's compliance?

- Yes, directly to the court (e.g., to a judge, clerk, case manager, or other court staff)
- Yes, to probation
- Yes, to both the court and probation
- No **If the batterer program does *not* report on compliance to the court or probation, please skip to question #31 on page 8.**

22. When does the program report on compliance? (Check all that apply.)

- When the defendant completes the program
- When the defendant is terminated from the program
- When the defendant is not cooperating with program rules but is not yet terminated
- Whenever the defendant returns to court for periodic compliance monitoring
- On some other schedule - Please specify: \_\_\_\_\_

23. How satisfied is the court with the *timeliness* of reports submitted by the batterer program?

0	1	2	3
Very Dissatisfied	Somewhat Dissatisfied	Somewhat Satisfied	Very Satisfied

24. How satisfied is the court with the *quality and accuracy* of reports submitted by the batterer program?

0	1	2	3
Very Dissatisfied	Somewhat Dissatisfied	Somewhat Satisfied	Very Satisfied

25. How often does the court impose sanctions in response to noncompliance with a batterer program?

- Never
- Rarely
- Sometimes
- Often
- Always

26. When a defendant is noncompliant with a batterer program, how often does the court do each of the following? (Put an 'x' in a box for each court action.)

Court Action	Never	Rarely	Sometimes	Often	Always
Order defendant to return to court immediately					
Verbally admonish defendant					
Order defendant back to batterer program with credit for sessions attended					
Order defendant to restart same batterer program					
Order defendant to start another batterer program					
Order defendant to make more frequent court appearances for compliance monitoring					
Revoke or amend probation conditions					
Resentence defendant to jail					
Other sanction (please specify each sanction and rate frequency): _____ _____					

27. At the time that a defendant is ordered to a batterer program, how often does the judge explain the consequences of noncompliance?

- Never
  Rarely
  Sometimes
  Often
  Always

28. Does the court have a written protocol defining which sanctions will be imposed when a defendant is noncompliant with the batterer program?

- Yes  
 No

28a. If yes, do defendants receive a copy of the protocol?

- Yes  
 No

28b. If yes, how often is the protocol followed?

- Never
  Rarely
  Sometimes
  Often
  Always

29. Do you believe that the court responds consistently to reports of noncompliance with the batterer program?

- Yes (mostly)
- No

30. When the court receives a report of noncompliance, how soon is the defendant returned to the court calendar?

- Within two weeks, regardless of the court appearance schedule
- Within a month, regardless of the court appearance schedule
- At the next scheduled court appearance
- Other: Please specify: \_\_\_\_\_

31. Why does your court order defendants to batterer programs? (Check all that apply.)

- Treatment/rehabilitation
- Monitoring
- Accountability
- Legally appropriate punishment or penalty
- Alternative to incarceration
- Other: Please specify: \_\_\_\_\_

32. What do you believe the batterer program considers its function to be? (Check all that apply.)

- Treatment/rehabilitation
- Monitoring
- Accountability
- Legally appropriate punishment or penalty
- Alternative to incarceration
- Other: Please specify: \_\_\_\_\_

33. Does your court ever order domestic violence defendants to attend another type of program instead of a batterer program?

No

Yes (Check all that apply)

Alcohol treatment

Anger management

Couples counseling

Mediation

Mental health treatment/counseling

Parenting class

Substance abuse treatment (not just for alcohol)

Other: \_\_\_\_\_

34. Are there state laws, binding regulations, or standards that govern how the court uses batterer programs? (Check all that apply.)

State laws       Regulations       State standards       Other: \_\_\_\_\_

Don't know

None

35. Does your state certify batterer programs?     Yes       No

36. Do you have any other comments about the court's response when defendants are noncompliant with a batterer program?

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***Thank you very much for your participation and assistance! If you have any further questions, please call Melissa Labriola, Center for Court Innovation, at 212-373-1693 or email at [mlabriol@courts.state.ny.us](mailto:mlabriol@courts.state.ny.us)***

## **Appendix D**

### **Victim Assistance Agency Survey**

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#### **COURT MANDATES TO BATTERER PROGRAMS: A NATIONAL SURVEY**

May 15, 2006

Dear Program Director:

The Center for Court Innovation is conducting a survey for the National Institute of Justice to find out how criminal courts are using batterer programs. The perspective of victim assistance agencies is obviously critical to gain an adequate understanding these issues. Your program is one of 260 from across the country that has been selected to receive our survey.

We expect that the survey will take approximately 30 minutes to complete. Please return the survey as soon as possible in the enclosed envelope.

If you have any further questions or would like to complete the survey on the internet instead, please call Melissa Labriola at 212-373-1693 or e-mail at [mlabriol@courts.state.ny.us](mailto:mlabriol@courts.state.ny.us).

Thank you for completing our survey!

Sincerely,

Michael Rempel, Principal Investigator  
Center for Court Innovation  
New York, New York  
[rempelm@courtinnovation.org](mailto:rempelm@courtinnovation.org)

Melissa Labriola, Project Director  
Center for Court Innovation  
New York, New York  
[mlabriol@courts.state.ny.us](mailto:mlabriol@courts.state.ny.us)

Phyllis B. Frank, Co-Principal Investigator  
VCS Community Change Project  
Rockland County, New York  
[pbfrank@aol.com](mailto:pbfrank@aol.com)

Chris S. O'Sullivan, Co-Principal Investigator  
Project Consultant  
New York, New York  
[chris.osullivan@verizon.net](mailto:chris.osullivan@verizon.net)

Name of person completing survey: \_\_\_\_\_

Title: \_\_\_\_\_

Name of Agency: \_\_\_\_\_

Contact information: \_\_\_\_\_

1. Would you consider the geographic area served by your agency to be primarily?
  - Urban
  - Suburban
  - Rural
  
2. Approximately how many batterer programs are there in your community? \_\_\_\_\_
  
3. Approximately how many of these batterer programs serve participants ordered to attend by a local criminal court? \_\_\_\_\_

**Please answer the remaining questions only in regard to batterer programs that serve participants ordered to attend by a local criminal court.**

4. Do you have a relationship with a batterer program in your community?
  - Yes
  - No → **If you do not have a relationship with a local batterer program, please skip to question #12.**

5. What is the name of the batterer program with which you interact the most?  
\_\_\_\_\_  
\_\_\_\_\_

6. What is your relationship with that batterer program?
  - Same agency
  - Different agency

7. Do you find that the batterer program acts in response to in your guidance and feedback?

- Yes
- No
- Sometimes
- Don't Know

8. To your knowledge, does the batterer program know when participants in their program re-offend?

- |       |        |           |            |        |            |
|-------|--------|-----------|------------|--------|------------|
| 1     | 2      | 3         | 4          | 5      | 6          |
| Never | Rarely | Sometimes | Very Often | Always | Don't Know |

9. In your view, does the batterer program respond with appropriate seriousness to participant noncompliance with the program's policies?

- |       |        |           |            |        |            |
|-------|--------|-----------|------------|--------|------------|
| 1     | 2      | 3         | 4          | 5      | 6          |
| Never | Rarely | Sometimes | Very Often | Always | Don't Know |

10. Does the batterer program inform the court when a defendant is not in compliance with program policies?

- Yes
- No
- Sometimes
- Don't Know

11. Do you believe that there is less funding available for victim assistance services due to the existence of batterer programs?

- Yes
- No
- Don't Know

12. Do you have a relationship with a criminal court in your community?

- Yes
- No → **If you do not have a relationship with a local criminal court, please skip to question #16.**

13. What is the name of the criminal court with which you interact the most?

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14. To what extent does the court accommodate victim advocacy? (Check all that apply.)

- The court encourages advocates to sit in court.
- The court provides office space.
- The court allows advocates to participate in court proceedings.
- The court encourages victims to seek advocacy services.
- The court facilitates contact between advocates and victims.
- Other: Please specify: \_\_\_\_\_

15. Please rate the quality of your relationship with this criminal court. (Circle whichever number applies.)

- |                  |                      |                                      |                       |                   |
|------------------|----------------------|--------------------------------------|-----------------------|-------------------|
| 1                | 2                    | 3                                    | 4                     | 5                 |
| Very Cooperative | Somewhat Cooperative | Neither Cooperative Nor Oppositional | Somewhat Oppositional | Very Oppositional |

16. Does this criminal court order defendants to batterer programs?

- Yes
- No → **Please skip to question #22.**
- Don't Know → **Please skip to question #22.**

17. Approximately what percentage of these defendants do you believe completes the batterer program? \_\_\_\_%

18. How often does the court impose sanctions in response to noncompliance with a batterer program?

- |       |        |           |            |        |            |
|-------|--------|-----------|------------|--------|------------|
| 1     | 2      | 3         | 4          | 5      | 6          |
| Never | Rarely | Sometimes | Very Often | Always | Don't Know |

19. Do you believe that the court responds consistently to noncompliance with the batterer program?

- Yes (mostly)
- No
- Don't Know

20. In your view, how often does the court respond with appropriate seriousness to participant noncompliance with the batterer program? (Circle whichever number applies.)

1                      2                      3                      4                      5                      6  
Never      Rarely              Sometimes      Very Often      Always      Don't Know

21. Why does the court order defendants to batterer programs? (Check all that apply.)

- Treatment/rehabilitation
- Monitoring
- Accountability
- Legally appropriate punishment or penalty
- Alternative to incarceration
- Other: Please specify: \_\_\_\_\_

22. What do you believe the batterer program considers its function to be? (Check all that apply.)

- Treatment/rehabilitation
- Monitoring
- Accountability
- Legally appropriate punishment or penalty
- Alternative to incarceration
- Other: Please specify: \_\_\_\_\_

23. What do you believe is the function of batterer programs? (Check all that apply.)

- Treatment/rehabilitation
- Monitoring
- Accountability
- Legally appropriate punishment or penalty
- Alternative to incarceration
- Other: Please specify: \_\_\_\_\_

24. Which of the following do you believe should be the primary focus of the batterer program's curriculum and policies? (Check one.)

- Addressing participant mental health issues
- Confronting participant attitudes toward intimate partners
- Dealing with dysfunctional family dynamics
- Educating participants about the societal origins and nature of domestic violence
- Holding participants accountable for their violent behavior
- Monitoring compliance with the court's order to attend the batterer program
- Teaching specific communication and coping skills
- Other: Please specify: \_\_\_\_\_

25. Do the women that you serve make life or safety decisions based on their partner's participation in a batterer program?

- Yes
- No
- Sometimes
- Don't Know

26. Do you have any other comments about the court's response when defendants are noncompliant with a batterer program?

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## Appendix E

### Preliminary Letter and Survey

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March 22, 2005

Dear Batterer Program Director:

We are conducting a study funded by the National Institute of Justice of the U.S. Department of Justice. The purpose of the study is to obtain answers to two questions: To what extent are courts using batterer programs to hold offenders accountable pre- and post-disposition? And are courts enforcing their mandates when offenders are noncompliant?

As a first step, we are surveying batterer programs in every state. In the second step, we will select three to five communities (including a court, battered women's program and batterer program in each community) in your state for a more in-depth national survey. We greatly appreciate your assistance by completing our initial questions. Please have the staff member with the most experience with your batterer program complete the survey and return the second page of this letter in the enclosed envelope.

By answering our questions, you are agreeing to allow us to use the information in the study. All identifying information, such as your name and organization, will remain confidential. That information is for research purposes only and will not be included in any project reports. The information will not be disclosed to anyone outside of research staff, and all requests for the disclosure of identifying information will be denied. Research staff will use your name and the other contact information exclusively for follow-up correspondence.

The questions in this initial survey are brief and straightforward, including general questions about your program's policies and about the courts or battered women's agencies with which you interact. None of the questions concern information about specific participants enrolled in your program. Your participation will greatly help us to understand how batterer programs are used in communities across the county.

Thank you for completing the survey. If you would like to learn more about the study or if you have any questions, please feel free to contact any of us at the e-mail addresses below or to call Michael Rempel at 212-373-1681.

Sincerely,

Michael Rempel  
Co-Principal Investigator  
Center for Court Innovation  
New York, New York  
[rempelm@courtinnovation.org](mailto:rempelm@courtinnovation.org)

Phyllis B. Frank  
Co-Principal Investigator  
VCS Community Change Project  
Rockland County, New York  
[pbfrank@aol.com](mailto:pbfrank@aol.com)

Chris O'Sullivan, Ph.D.  
Co-Principal Investigator  
Project Consultant  
New York, New York  
[chris.osullivan@verizon.net](mailto:chris.osullivan@verizon.net)

**Preliminary Survey to Batterer Programs**  
(Please return in the enclosed envelope.)

1. Does your batterer program include court-mandated domestic violence offenders?  
 Yes → Please continue.       No → Thank you. *Please return this page in the envelope.*
  
2. *Approximately* how many court-mandated offenders are referred annually to your batterer program by each of the following? Please include your best *estimate* for all that apply.  
Criminal Court \_\_\_\_\_ Family, Divorce, or Other Civil Court \_\_\_\_\_  
Probation \_\_\_\_\_ Parole \_\_\_\_\_  
Other: Please specify \_\_\_\_\_
  
3. If you indicated above that you receive referrals from probation, does a court require the batterer program, or does probation initiate and enforce the mandate?     Court/Judge     Probation     Don't Know
  
4. What is the name and address of the specific criminal court from which you receive the most referrals?  
\_\_\_\_\_  
\_\_\_\_\_
  
5. *Approximately* how many offenders are referred annually by this court to your batterer program? \_\_\_\_\_
  
6. Do criminal courts ever require batterers to attend your program prior to the final disposition of the case or only as part of the sentence after final disposition?  
 Pre-Disposition       Post-Disposition       Both
  
7. Is there a battered women's or victim assistance agency that serves domestic violence victims in your community?     Yes       No  
What is the name, address and phone number of that agency?  
\_\_\_\_\_  
\_\_\_\_\_
  
8. Would you be able to answer an online survey?  
 Yes: e-mail address \_\_\_\_\_  No

May we have your name and telephone number so that we can contact you regarding participation in the national survey?

Name:

Organization:

Address:

Phone Number:

E-mail:

*Thank you again for responding to this survey.*

- I am not interested in participating in this study. Please remove me from your mailing list. → Please return this page in the envelope. Thank you.**

## **Appendix F**

### **Letter to Batterer Program Respondents**

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January 20, 2006

Dear Program Director:

We are conducting a study funded by the National Institute of Justice of the U.S. Department of Justice. The purpose of the study is to find out if courts are using batterer programs to hold domestic violence defendants accountable. We are particularly interested in the court's response when domestic violence defendants in intimate partner cases are noncompliant with batterer program requirements.

We are surveying three to five communities in each of the fifty states; within each, we are seeking the perspective of a court, batterer program, and domestic violence victim assistance agency.

Since your program is one of those selected from across the country, we would greatly appreciate it if you could ensure that the survey is completed at your earliest convenience. Most of the questions concern your program's policies and practices and interactions with criminal courts. A few questions also pertain to your perceptions of the court's use and enforcement of batterer program orders. Therefore, we suggest that the staff member respond who has the greatest familiarity with these issues. The survey does not ask for any information about specific defendants in your program, nor are we asking for personal information other than the name, organizational affiliation, and contact information of the person completing the survey.

We provide details on how to complete the online survey below. Please let us know if completing a hard copy would be easier, and we will mail one to you right away.

To complete the online survey:

1. Go to the Internet address listed below.
2. Enter the unique password that has been assigned to your court.

Internet address: <http://websurveyor.net/wsb.dll/28263/battererprogram.htm>

Password: **bpxxx**

Confidentiality: By completing our survey, you are agreeing to allow us to use the information you provide in the study. All identifying information such as your name and contact information will remain strictly confidential. That information is for research purposes only and will not be included in any project reports. The information will not be disclosed to anyone outside of research staff, and all requests for the disclosure of identifying information will be denied.

The surveys are hosted by WebSurveyor, a company which provides online survey services. They will only access your surveys for purposes of backup or troubleshooting. In addition, research staff will use your name and contact information exclusively for follow-up correspondence. Surveys have been encrypted with Secure Sockets Layer (SSL), a network protocol that secures your survey and connection to the hosting service to ensure that the data you provide is only viewable by project research staff, not by anyone else on the internet.

Additionally, please note that no one else answering the survey has the same password, which guarantees that no other respondent can view your answers. Further, your answers will be stored in a database protected from unauthorized access by network firewalls.

Benefits: Your participation in this study will help to produce a national portrait of how courts are using batterer programs. The information will assist courts, batterer programs, and victim assistance agencies throughout the country in constructing more effective responses to domestic violence.

Questions? If you would like to learn more about the study or if you have any questions, including technical questions related to completing the web-based survey, please feel free to contact any of us at the e-mail addresses below, or call Melissa Labriola at (212) 373-1693.

**Thank you very much for completing this survey!**

Sincerely,

Michael Rempel, Principal Investigator  
Center for Court Innovation  
New York, New York  
rempelm@courtinnovation.org

Melissa Labriola, Project Director  
Center for Court Innovation  
New York, New York  
mlabriol@courts.state.ny.us

Phyllis B. Frank, Co-Principal Investigator  
VCS Community Change Project  
Rockland County, New York  
pbfrank@aol.com

Chris S. O'Sullivan, Ph.D., Co-Principal Investigator  
Project Consultant  
New York, New York  
chris.osullivan@verizon.net

# Appendix G

## Results for Additional Response Bias Analyses

Survey	Did the Batterer Program Respond?	Did the Criminal Court Respond?	Did the Victim Agency Respond?
Survey Response Status	Responders N = 189	Responders N = 132	Responders N = 160
Sample Size	Non-Responders N = 71	Non-Responders N = 128	Non-Responders N = 100
<p><b>1. Comparison of Responses from the Same Community on the Batterer Program Survey</b></p> <p>How often court imposes sanctions in response to termination</p> <p>How often court imposes sanctions in response to noncompliance</p> <p>How often court re-sentences to jail</p> <p>Does court respond consistently to noncompliance (y/n)</p> <p>How often court responds with appropriate seriousness</p>		<p>3.3</p> <p>3.5</p> <p>2.7</p> <p>0.71</p> <p>3.5</p>	<p>3.5</p> <p>3.5</p> <p>2.7</p> <p>0.60</p> <p>3.5</p>
<p><b>2. Comparison of Responses from the Same Community on the Court Survey</b></p> <p>How often court imposes sanctions in response to noncompliance</p> <p>How often court re-sentences to jail</p> <p>Does court respond consistently to noncompliance (y/n)</p> <p>How satisfied is the court with the timeliness of reports</p> <p>How satisfied is the court with the quality and accuracy of reports</p>	<p>4.1</p> <p>3.2</p> <p>0.96</p> <p>2.5</p> <p>2.6</p>		<p>4.1</p> <p>3.2</p> <p>0.92</p> <p>2.3</p> <p>2.4</p>
<p><b>2. Comparison of Responses from the Same Community on the Victim Agency Survey</b></p> <p>How often court imposes sanctions in response to noncompliance</p> <p>Does court respond consistently to noncompliance (y/n)</p> <p>How often court responds with appropriate seriousness</p> <p>Court encourages advocates to sit in court (y/n)</p> <p>Court provides office space for advocates (y/n)</p> <p>Court allows advocates to participate in court proceedings (y/n)</p> <p>Court encourages victims to seek advocacy services (y/n)</p> <p>Court facilitates contact between victims and advocates (y/n)</p>	<p>3.4</p> <p>0.59</p> <p>3.3</p>	<p>3.4</p> <p>0.58</p> <p>3.3</p> <p>0.42</p> <p>0.64</p> <p>0.49</p> <p>0.72</p> <p>0.51</p>	<p>3.4</p> <p>0.60</p> <p>3.4</p> <p>0.55</p> <p>0.58</p> <p>0.61</p> <p>0.83</p> <p>0.64</p>

\* p < .10 \*\* p < .05 \*\*\* p < .01 \*\*\*\* p < .001 (2-tailed test)  
 Note: Sample sizes for certain specific question items are slightly lower than what is indicated at the top of each column, due to missing data.

**Appendix H**  
**State Laws, Regulations and Standards**

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State	Type of Standards	Legislation	Type of Offense Mandated to bp	Mandatory/Voluntary (standards for program)	Mandatory/Voluntary (program for offenders)	Standards	Specified Court/Probation involvement
AZ	Certification	Legislation	Misd	Mandatory	Mandatory for court-ordered offenders	Certification allows programs to receive license	Required to notify court in writing if client has not reported for admission, is ineligible, is admitted, is voluntarily/involuntarily discharged, is noncompliant, or completes treatment.
CO	Certification	Legislation		Mandatory for court-ordered programs	Mandatory for court-ordered offenders	Certification allows programs to be placed on an "approved providers list"	court-ordered referrals; notification to probation department/supervisory authority of termination/completion of program
ME	Certification	Legislation	Up to judge	Mandatory for court-ordered programs	Mandatory for court-ordered offenders	Only certified programs are able to provide services to court ordered batterers according to law. The Maine DOC handles certification of programs as well as monitoring of compliance.	Referred to programs by the courts; program involvement w/ local law enforcement, judicial system, health & human services, schools; programs report status of participant to court/probation. Probation supervises the condition to attend the program.
MA	Certification	Legislation		Mandatory for court-ordered programs		Certification	Must report noncompliance to court, report SA problem to Probation Officer and court, progress reports made to court to determine probation status.

State	Type of Standards	Legislation	Type of Offense Mandated to bp	Mandatory/Voluntary (standards for program)	Mandatory/Voluntary (program for offenders)	Standards	Specified Court/Probation involvement
NV	Certification	Legislation	No specific	Mandatory for court-ordered programs	Mandatory for all convicted of domestic battery	Created by legislation, a committee created the standards as regulations and as a way to monitor program compliance. Standards are used to certify programs which can then used by the court, but programs that are not certified can still exist, they just won't be used by the court.	Standards specify that programs must maintain open communication with appropriate agencies, and documentation must be provided to prove that ongoing communication is occurring. Contact with court officials is also required and requires documentation as proof that this is going on.
OK	Certification	Legislation	No specific	Mandatory for all programs	Mandatory for court-ordered offenders	Certification standards which focus on victim safety like notification of termination of program	Varies by county
TX	Certification	Legislation		Mandatory for funded programs		Standards by which program must operate in order to receive funding	develop collaborative relationships w/ criminal justice, judicial system – increase court referrals, refer persons eliminated from program
FL	Certification/ minimum standards	Legislation	Individual basis	Mandatory	Individual basis, not mandatory	Certification procedures and minimum standards for batterer programs	court, self, and employer referral
WA	Minimum standards, Certification, Accountability guidelines	Legislation		Mandatory for all programs		Minimum standards, Certification, purpose is to hold perpetrators accountable	court orders for perpetrator treatment
ID	Requirements and General Ethical Standards	Legislation	Up to judge	Mandatory for court-ordered and funded programs	Up to judge, not mandatory	Requirements for staff and treatment providers, General Ethical Standards, Programs that follow standards are certified, some receive funding, those that are certified are placed on list given to courts	Not specified within standards, but person within court deals with programs

State	Type of Standards	Legislation	Type of Offense Mandated to bp	Mandatory/Voluntary (standards for program)	Mandatory/Voluntary (program for offenders)	Standards	Specified Court/Probation involvement
UT	Treatment Guidelines	Legislation		Mandatory for all programs		Treatment Guidelines	court-ordered into treatment or volunteer; those who do not pass screening referred back to court for alternative disposition; written procedures for notifying courts
CA	Certification (by county)	Legislation (by county)	Misd, Felony	Differs by county	Mandatory for court-ordered offenders	Certification (by county)	LA County: written referrals from probation, courts permitting enrollment; provide to probation/courts progress reports every 3 mos. or as ordered; immediate reports if program finds defendant unsuitable; proof of enrollment w/in 30 days of conviction/ San Diego County: if probation granted, or execution or imposition of sentence is suspended, defendant must complete program; notification of disposition/plan to referral source - Probation Officer, Prosecuting District Attorney, Prosecuting City Attorney
IL	Best practices	No legislation	No specific	Mandatory for court-ordered programs	Depends on judicial district	Criteria for staff of program, and Illinois Dept. of Human Services: Best Practices for Domestic Violence and Substance Abuse Services	expected that providers accept majority of court referrals (as conditions of sentencing rather than diversion)
AL	Certification	No legislation		Mandatory for court-ordered programs		Programs that are approved by the committee are placed on a list of certified programs that is sent to all Circuit, District, Municipal and Juvenile Court Judges for their use in sentencing.	Written notice to courts of perpetrator noncompliance; whenever action to limit/deny admission to program, or revoke/refuse certification renewal, written notice made to referring courts, probation officers and Alabama Coalition Against Domestic Violence. Program needs to contact the court to establish a procedure for prompt reporting to the program.

State	Type of Standards	Legislation	Type of Offense Mandated to bp	Mandatory/Voluntary (standards for program)	Mandatory/Voluntary (program for offenders)	Standards	Specified Court/Probation involvement
AK	Certification	No legislation		Mandatory for funded programs	Mandatory for court-ordered offenders	Programs that fit standards can be either certified or both certified and funded.	open communication & working relationships w/ court system, probation, law enforcement
DE	Certification	No legislation	No specific	Voluntary	Diversion program mandatory for first offenders, otherwise Voluntary	Programs apply to become certified and the application is reviewed by a panel appointed by the Domestic Violence Coordinating Council (a state agency). BIPs do not need to be certified in order to operate.	Program mandated as a condition of supervision and as a condition of an Order of Protection, unless the court makes written factual findings in its judgment or order finding that domestic violence intervention would be inappropriate in that particular case. Court must order a psychosocial assessment upon a second conviction for a domestic violence crime. A minimum probation term of one year should be ordered by the court so as to allow the offender to complete the program.
KY	Certification	No legislation		Mandatory for funded programs		Certification	
MI	Certification, Ethics and accountability guidelines, minimum levels of intervention	No legislation		Voluntary		Purposes of Standards: Ethical and accountable intervention systems, framework for use of batterer intervention as part of coordinated community response to behavior, establish minimum level of intervention, enhance public awareness, assist in helping judges and others identify batterer intervention programs that are reliable, provide public and court with realistic expectations of service.	referred as condition of probation

State	Type of Standards	Legislation	Type of Offense Mandated to bp	Mandatory/Voluntary (standards for program)	Mandatory/Voluntary (program for offenders)	Standards	Specified Court/Probation involvement
IA	Ethics and Accountability Guidelines, Guidelines for program structure	No legislation		Mandatory for funded programs		Ethics and Accountability Guidelines, Guidelines for program structure	courts, correctional institutions or Judicial District Dept. of Correctional Services; institutional counselors; voluntary participants or from other referral source
HI	Guideline for intervention	No legislation		Voluntary		Guideline for intervention	establish working relationship w/ courts, esp. probation and family service departments, and local police departments
OR	Intervention strategy practices guidelines	No legislation		Voluntary		Purpose – Ensure victim safety and use of appropriate intervention strategy	
LA	Minimum Standards	No legislation	No specific	Voluntary	Up to judge, not mandatory	The state of Louisiana has no BIP standards, but the Louisiana Coalition Against Domestic Violence has minimum standards that are used by its member programs to assess local BIPs for referrals.	
NE	Model for intervention, Accountability guidelines, minimum standards	No legislation		Voluntary		Purposes of standards: promote consistency of services statewide and provide process for evaluation of services, provide model for intervention, challenge beliefs of offenders so they can see they are accountable, establish minimum level of responsibility, enhance public's awareness of dv, remind providers that intervention services are a small but important part of community strategies.	

State	Type of Standards	Legislation	Type of Offense Mandated to bp	Mandatory/Voluntary (standards for program)	Mandatory/Voluntary (program for offenders)	Standards	Specified Court/Probation involvement
PA	Model Program	No legislation		Voluntary		Model Program	program responsible to justice system - report status of participant, warn of risks to victim, provide training/technical assistance to justice system; court-mandated participants are subject to formal contract w/ court
GA	Model Protocol	No legislation		Voluntary		Model Protocol	program should not be in lieu of criminal punishment
MD	Recommended Guidelines	No legislation	No specific	Voluntary	Up to judge, not mandatory	Maryland has recommended guidelines.	Required to be accountable to courts by notifying court of participants' program status and report potential problems in timely manner
OH	Suggested Guidelines and practices	No legislation	No specific	Voluntary	Some judges require BIP for DV offender, some do not	Ohio Domestic Violence Network developed standards for BIPs, the purposes of which include a basis for evaluation of programs, and guidelines for the creation of a written philosophy, policies, procedures and protocol for programs.	BIPs have to be accountable to criminal justice system by actively communicating w/ probation, courts
RI	Suggested Guidelines, Minimum Standards of practices	No legislation		Voluntary		Suggested Guidelines, Minimum Standards of practices	court/probation referrals must receive progress reports, must be notified of batterer dismissal immediately
WI	Treatment and practices guidelines	No legislation		Mandatory for funded programs		Standards for state-funded programs, addresses treatment approaches and practices	report recurrence, threats, violations
NY	Model program	No legislation					
VA	Certification					Certification	

State	Type of Standards	Legislation	Type of Offense Mandated to bp	Mandatory/Voluntary (standards for program)	Mandatory/Voluntary (program for offenders)	Standards	Specified Court/Probation involvement
TN	Certification, Minimum Standards, Monitoring Criteria, Help Judges find appropriate programs, provide guidelines for programs					Certification, Minimum Standards, Monitoring Criteria, Help Judges find appropriate programs, provide guidelines for programs, encourage community and state-wide efforts	
ND	Ethical Guidelines					Ethical Guidelines	provide courts, probation/parole, other referral agencies w/ information; obtain court orders & treatment records; submit participant progress reports; document incidents
IN	Ethics and Accountability Guidelines					Ethics and Accountability Guidelines	referrals made by Prosecutor's Office as "last resort" - full prosecution more appropriate in other cases; diversion coordinator acts as liaison between court and service providers for purpose of reporting defendants' participation in batterer groups
MN	Ethics and accountability guidelines, Guidelines for best practices					Ethical and accountable behavior guidelines, Guidelines for best practices	
Missouri	Guide for best practices					Guide for best practices	
WV	Intervention Strategies/ practices					Intervention Strategies	
KS	Minimum Standards					Kansas Essential Elements and Standards for Batterer Programs – Minimum Standards	
MT	Minimum Standards					Minimum Standards	
DC	Minimum standards					Minimum standards	

State	Type of Standards	Legislation	Type of Offense Mandated to bp	Mandatory/Voluntary (standards for program)	Mandatory/Voluntary (program for offenders)	Standards	Specified Court/Probation involvement
NC	Minimum standards of practice					Minimum standards of practice	
AK	No Standards						
CT	No Standards						
MS	No Standards						
NF	No Standards						
SD	No Standards						
WY	No Standards						
NM	Overall quality standards, accountability					Intent of standards is to ensure overall quality and consistency for service providers, makes victim safety first priority, establishes accountability for offenders and promotes coordinated community response	
VT	Quality guidelines, accountability guidelines		Misd			Guidelines for effectiveness, consistency, and quality in order to hold perpetrators accountable	refer first-time misdemeanor offenders, allow certain offenders in as part of bail release condition, voluntary participants included (but held accountable as ordered offenders)
SC	Quality standards					Quality standards	
NH	Standards					Standards	

## Appendix I

### Means and Factor Loadings of Scale Items

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#### Means and Factor Loadings of Scale Items

Item Description	Mean	Standard Deviation	Factor Loading
<b>Factor #1: Therapeutic Issues</b>			
Addressing participant mental health issues	0.09	0.288	0.719
Dealing with dysfunctional family dynamics	0.14	0.347	0.749
Teaching specific communication and coping skills	0.5	0.501	0.608
<b>Factor #2: Educational and Monitoring Issues</b>			
Confronting participant attitudes toward intimate partners	0.78	0.415	0.705
Educating participants about the societal origins and nature of domestic violence	0.51	0.501	0.489
Holding participants accountable for their violent behavior	0.86	0.347	0.766
Monitoring compliance with the court's order to attend the batterer program	0.26	0.438	0.311