

## **SPECIAL REPORT**

# **Why Have Domestic Violence Programs Failed to Stop Partner Abuse?**

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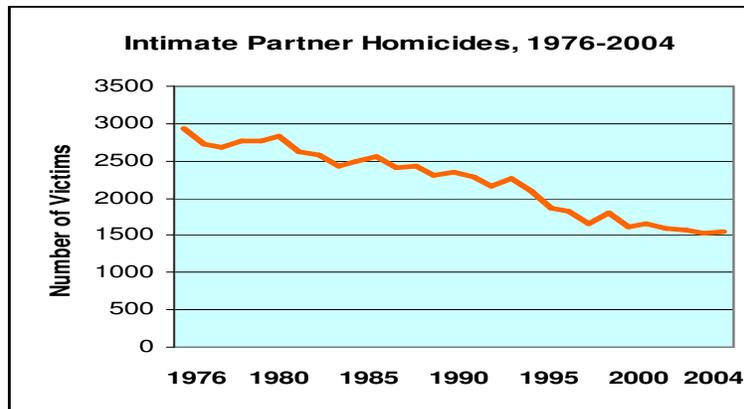
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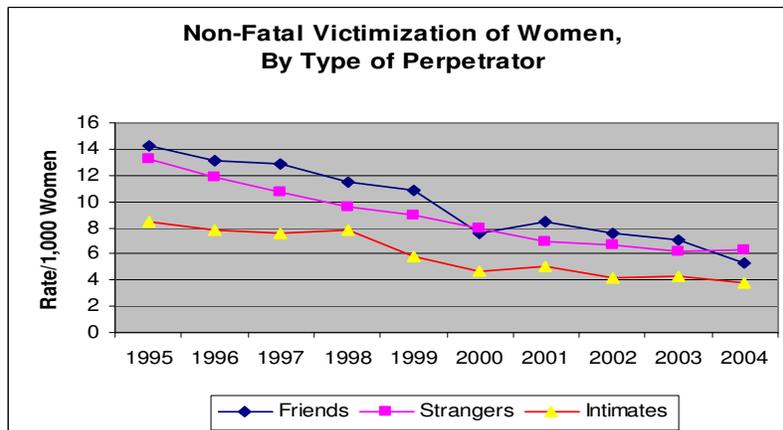
*“We have no evidence to date that VAWA has led to a decrease in the overall levels of violence against women.”* -- Angela Moore Parmley, PhD, U.S. Department of Justice<sup>1</sup>

Domestic violence is an important social problem in our country. A major milestone in our efforts to combat intimate partner assault was the enactment of the Violence Against Women Act in 1994. But more than a decade later, persons are beginning to ask, “Is VAWA having the intended effect?”

Since the early 1980s, all types of violent crime—robberies, simple assaults, and aggravated assaults—have been on the decline. That long-term trend can also be seen for crimes against intimate partners. From 1976 to 1994, the number of partner homicides fell 29%.<sup>2</sup> Following passage of VAWA, the trend followed the same course:



A review of non-fatal victimization paints a similar picture. Since VAWA targets aggression by intimate partners, one would expect victimization rates for that type of abuse to drop more rapidly after VAWA’s adoption than violence perpetrated by a stranger, acquaintance, or friend. But Department of Justice statistics for the period from 1995 to 2004 show that victimization of women fell across the board, regardless of the perpetrator of the crime:



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The graph reveals that over a 10-year period, violent crime against women fell at almost identical rates, regardless of the offender:

- Stranger – 52%
- Intimate partner – 55%
- Friend or acquaintance – 63%<sup>1</sup>

This Special Report probes why domestic violence programs have apparently failed to reduce partner aggression. The Report analyzes the effectiveness of four key violence-reduction strategies currently employed by VAWA-funded programs around the country:

1. Treatment Services
2. Restraining Orders
3. Mandatory Arrest
4. No-Drop Prosecution

### Treatment Services

The dynamics of domestic violence are varied and complex. Partner aggression is influenced by factors such as marital status, age, socio-economic level, drug and alcohol use, psychological disorders, childhood abuse experiences, and conflict resolution skills.

Effective treatment should be based on a careful clinical assessment and tailored to the psychological and social needs of both the abuser and the partner. Above all, treatment services should be based on sound scientific research and the best practices of the counseling profession.

#### *Couples Counseling*

A key factor in the treatment of partner abuse is whether the physical aggression is mutual. Studies typically reveal that at least half of all abuse is reciprocal and is initiated by males and females at similar rates.<sup>3,4,5</sup> For example, one Centers for Disease Control survey of adults 18–28 years old found that half of all partner violence was reciprocal.<sup>6</sup> Another survey of dating couples reported that 70% of all physical abuse was mutual.<sup>7</sup> Logic dictates that counseling for both partners is essential for a successful resolution.

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<sup>1</sup> Non-fatal violence victimization rate per 1,000 females age 12 or older, 1995–2004:

	Perpetrator		
	Stranger	Intimate Partner	Friend/Acquaintance
1995	13.2	8.5	14.2
2004	6.3	3.8	5.3
Percentage decline	52.3%	55.3%	62.7%

Source: <http://www.ojp.usdoj.gov/bjs/intimate/table/vomen.htm>

But under current domestic violence programs, couples counseling rarely happens. Why? Because many of those in the domestic violence industry adhere to the belief that only men are capable of perpetrating domestic violence, and that women are only victims<sup>8</sup>—a view wholly unsupported by scientific research.

As a result of this belief, treatment standards actually discourage family therapy.<sup>9</sup> One analysis of 30 states implementing standards for offender treatment programs found that 42% of those states prohibit couples counseling.<sup>10</sup>

These restrictions on couples therapy have become a point of contention between VAWA-funded batterer intervention providers and mental health providers.<sup>11</sup> As a result, “one is pressed to find anywhere in the family violence literature treatment approaches that are both systemic *and* take seriously violence perpetrated by women.”<sup>12</sup>

Couples therapy has been shown to be effective in treating violent partners.<sup>13,14</sup> But by policy or by law, VAWA-funded programs often prohibit use of such services.

#### *Services for Female Victims: Women’s Shelters*

The more than 1,200 abuse shelters currently in operation in the United States are considered the mainstay of treatment services for female abuse victims. But what happens inside the protective walls of these shelters?

Feminist therapists advocate that women in shelters should be counseled to view their predicament as a consequence of patriarchy,<sup>15</sup> despite a distinct lack of evidence to support that ideological stance. One national survey found that 45% of shelters viewed their main role as promoting feminist political activism, while only 25% focused on providing treatment and support for abused women.<sup>16</sup>

An over-reliance on untrained volunteers is worrisome. One early report admitted, “It is the policy of many shelters to have the majority of their staffs comprised of such [abused] women because they can offer invaluable empathy to victims.”<sup>17</sup> One former shelter director noted, “The volunteers were sometimes more of a problem than they were worth because they were still dealing with their own personal issues.”<sup>18</sup>

Two anecdotal reports raise concerns about the services that shelters provide:

- A former participant in a support group found the real message of the group was to “accept the indoctrination and embrace my victimhood.” “I realized that I never heard a facilitator encourage a woman to heal and move on with her life. They encouraged women to stay stuck in the victim mentality,” she noted.<sup>19</sup>
- A woman who attended group sessions later admitted that the group made her feel worse because “everyone was supposed to hate the men and want to leave them.”<sup>20</sup>

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Although researchers have been studying women's shelters for more than 20 years, the quality of the studies has been poor and the findings inconclusive. Such analyses typically lack pre-intervention data or comparison groups and fail to take into account critical variables.<sup>21</sup>

One early study suggested that shelter residence could trigger new incidents of abuse.<sup>22</sup> But overall, we simply do not know whether shelter services are effective, benign, or make the situation worse.

### *Services for Female Abusers*

Women are at least as likely as men to engage in partner aggression, according to extensive research. Fewer than one in five cases of female violence are justified by the need for women to act in self-defense.<sup>23,24</sup> Female-initiated violence is a cause for concern not only because of the physical and psychological effects on her partner, but also because it raises the concern of retaliatory aggression.<sup>25</sup>

So when abusive women request help from VAWA-funded agencies, they discover, much to their surprise, that requests for treatment are dismissed (often with a comment such as "He must have done something to provoke you") or that female-specific services are simply non-existent.

For example, a recent evaluation revealed that among the intervention programs in New York City, there are "very few that accept female batterers."<sup>26</sup> As attorney Linda Kelly explains, "Today's treatment denies the possibility that women can be violent."<sup>27</sup>

Persons have decried the lack of services for women:

- Researcher Susan Steinmetz tells of receiving letters from violent women who recognized that they needed help, but were "turned away or offered no help when they called a crisis line or shelter."<sup>28</sup>
- Ellen Pence, founder of the Duluth Domestic Abuse Intervention Project, has highlighted the neglect of female abusers: "In many ways, we turned a blind eye to many women's use of violence, their drug use and alcoholism, and their often harsh and violent treatment of their own children."<sup>29</sup>

*Darlene Hilker of Florida assaulted her husband. "I grabbed my husband's genitals—that's what I was arrested for," she later admitted. In 2006, the judge ordered her to attend the Women Who Batter program, one of the first such programs ever established in the United States.*<sup>30</sup>

### *Services for Male Victims*

The lack of services for male victims of domestic violence is well documented.<sup>31,32</sup> One survey of 26 domestic violence shelters in California acknowledged, "Most shelters do not admit males."<sup>33</sup> The former director of a shelter in the mid-Atlantic region likewise

revealed, “The shelter did not provide services to male victims of domestic violence, even when they had suffered physical abuse similar to that experienced by women.”<sup>34</sup>

In 2002, abuse victim Ray Blumhorst contacted 10 shelters in southern California to request help. All 10 shelters turned him down.<sup>35</sup> When the shelters were later sued for discrimination, they chose to ignore the stated intent of Congress that “Men who have suffered these types of violent attacks are eligible ... for services and benefits that are funded under ... the Violence Against Women Act”<sup>36</sup>. The shelters believed that discrimination was their right, and went to court to defend that “right.”

Psychologist David Fontes has observed that “if a male victim happens to show up at a domestic violence center, they may try to help him, but are unlikely to have an active outreach program or services specifically set up with his needs in mind.”<sup>37</sup>

*I am a male survivor and former victim of relationship abuse. I was mentally hijacked, emotionally destroyed, and physically beaten by my girlfriend for almost 3 years. ... I remember being huddled on the floor ... as I watched, not felt, her beat me until she couldn't lift her arms anymore. ... After a year of therapy, I still haven't found a support group for abused men.*<sup>38</sup>

#### *Services for Male Abusers*

Male offenders are often ordered to attend a Batterer Intervention Program (BIP) as an alternative to incarceration. These group programs are typically based on the “Duluth Model” devised by the Duluth Domestic Abuse Intervention Project.<sup>39</sup>

The Duluth approach does not resemble psychological counseling in the usual sense of the word.<sup>40</sup> Duluth interventionists do not try to develop a therapeutic relationship with the clients, even though that relationship is the single most important predictor of psychological improvement.<sup>41</sup> Interventionists do not even make a clinical diagnosis because that could provide a “rationalization for behavior that may not be accurate.”<sup>42</sup>

Rather, the Duluth model is better viewed as a penal intervention that emphasizes monitoring and group shaming over treatment and rehabilitation. Psychologist James Kline believes its interventionists act as quasi-probation officers, noting that such individuals “have such narrow training and such indoctrination into the batterer model” of inter-partner violence, that it leaves them “inadequate” as diagnosticians and counselors.<sup>43</sup>

The decidedly ideological flavor of such efforts is revealed by one program in New York state: “The Domestic Violence Program for Men provides important, serious analysis and topics that explore the roots of sexism, racism and the other oppressions which contribute to the systemic problems leading to much of the violence men commit against their intimate partners.”<sup>44</sup>

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No surprise that such programs often have high drop-out rates. And no wonder the National Research Council deplored the fact that these programs are “driven by ideology and stakeholder interests rather than by plausible theories and scientific evidence of cause.”<sup>45</sup>

Thus, evaluations have consistently shown the Duluth model to have no positive impact.<sup>46</sup> As psychologist Donald Dutton notes, “Research shows that Duluth-oriented treatments are absolutely ineffective, and have no discernible impact on rates of recidivism.”<sup>47</sup>

Even the sponsor of one such program says they don’t work. The New York Model for Batterer Programs admits that “Decades of anecdotal reports from partners of men in programs and millions of dollars of research provide the answer: inconclusive, insignificant results.”<sup>48</sup>

### *Summary*

This review of research and policy reveals an ironic pattern of *available* services that are *ineffective*, along with a general *unavailability* of services that *are* effective:

- For partners engaged in mutual violence, couples counseling is usually discouraged and often prohibited.
- For female victims, no good evidence supports the effectiveness of abuse shelters.
- For female abusers, VAWA services are generally unavailable.
- For male victims, VAWA-funded programs are virtually non-existent.
- For male abusers, Duluth model treatment programs are flatly ineffective.

With regard to treatment of male abusers, psychologist Julia Babcock once asked, “Is the Duluth model set up to fail?”<sup>49</sup> In light of these research findings, one might conclude that the entire spectrum of VAWA-funded treatment programs has been set up for failure.

### **Restraining Orders**

Restraining orders are a widely employed strategy used to combat domestic violence. Sometimes known as “orders for protection,” restraining orders are a legal directive that orders an individual to avoid contact and communication with his partner for a specified period of time.

It has been estimated that 2–3 million domestic restraining orders are issued each year in the United States.<sup>50</sup> Only half of all restraining orders involve any allegation of physical violence—the reason being that most state statutes now employ a broad definition of domestic “violence,” relying on ill-defined criteria such as “fear,” “apprehension,” “emotional distress,” and “harassment.”<sup>51</sup>

In theory, restraining orders appear to be the easy solution to a difficult problem. The parties can be separated and the violence prevented with a minimum of legal intervention. But experience suggests otherwise.

One early report stated flatly, “All observers agree that—at least until they are violated—a civil protection order is useless with the ‘hard core’ batterer ... Any abuser who is determined to batter—or kill—his [or her] partner will not be deterred by a piece of paper.”<sup>52</sup> Front-line prosecutors have reached a similar conclusion: “Many stakeholders do not believe that orders of protection are an effective means of securing the safety of the complainant.”<sup>53</sup>

What light does research cast on this thorny question? Four studies address this issue:

1. One early study interviewed recipients of restraining orders in Pennsylvania. Although the orders appeared to be helpful in reducing the abuse of some women with less serious histories of family violence, the authors concluded that the restraining orders were generally “ineffective in stopping physical violence.”<sup>54</sup>
2. A project interviewed 212 women with permanent restraining orders and compared the results of the interviews with those for 143 women not having such orders. Although having an order reduced psychological abuse, it was found to have no impact on threats of property damage, severe violence, or other forms of physical violence.<sup>55</sup>
3. A third study followed 150 women in Houston, Texas, who met initial screening criteria for a permanent restraining order. Of these women, 81 were actually granted the order and 69 were not. The two groups of women were interviewed five times during an 18-month period. The women reported the same levels of threats, physical abuse, and stalking, regardless of whether they had received a restraining order or not.<sup>56</sup>
4. An analysis of the availability of domestic violence resources in 48 major cities and the impact of those resources on partner violence concluded, “The adoption of certain types of protection order statutes is associated with both *decreases* in black married female victimization and *increases* in the number of black women killed by their unmarried partners.”<sup>57</sup>

The research can be summarized as follows:

- Restraining orders may reduce psychological abuse.
- Restraining orders are generally *ineffective* in preventing future physical violence.
- Among unmarried partners, such orders may actually *increase* future violence.

It is now clear that restraining orders are hardly the panacea that its advocates once envisioned, and may work only for couples at low risk of abuse. As the Independent Women’s Forum has concluded, restraining orders seem to only “lull women into a false sense of security.”<sup>58</sup>

## **Mandatory Arrest**

### *Arrest for Assault*

Mandatory arrest for partner assault has been a hotly debated topic over the past 25 years, and the focus of a number of evaluation studies as well. The first study, the Minneapolis Domestic Violence Experiment, found that arrest led to substantial reductions in subsequent violence. But the Minneapolis study was hampered by a short follow-up period and small sample size.

Follow-up studies have failed to confirm the Minneapolis results. In Colorado Springs, researchers concluded, “An arrest can sometimes make things worse.”<sup>59</sup> And in Milwaukee, arrests were found to cause an overall *increase* in partner violence among Black women, noting that “an across-the-board policy of mandatory arrest prevents 2,504 acts of violence against primarily white women, at the price of 5,409 acts of violence against primarily Black women.”<sup>60</sup>

Furthermore, these studies did not account for the fact that mandatory arrest might discourage victims from seeking police assistance in the event of future abuse.

Recently Harvard economist Radha Iyengar analyzed the impact of the passage of mandatory arrest laws in 15 states. Her surprising conclusion: “Intimate partner homicides increased by about 60% in states with mandatory arrest laws.”<sup>61</sup>

Clearly, mandatory arrest policies, with their one-size-fits-all approach, cause more harm than good. Furthermore, if a state has mandatory arrest, the likelihood of subsequent conviction drops by more than half.<sup>62</sup> Lawrence Sherman, director of the Milwaukee study, has termed mandatory arrest policies a “failure”<sup>63</sup> and recommended that such policies be repealed.<sup>64</sup>

### *Mandatory Arrest for Restraining Order Violations*

In 33 states, violation of a restraining order is cause for mandatory arrest.<sup>65</sup> Breaches of such orders appear to be fairly common. Studies have reported violation rates ranging from 35% over a 12-month period<sup>66</sup> to 44% over an 18-month period.<sup>67</sup>

Violations of orders occur for a variety of reasons. In some cases the offender continues to harass the victim. Sometimes the couple decides to re-unite but forgets to have the order rescinded.

There is no evidence that prosecution of restraining order violations reduces subsequent abuse, and one Department of Justice-funded study found that such policies actually place victims at greater risk. “Increases in the willingness of prosecutors’ offices to take cases of protection order violation were associated with *increases in the homicide* of

White married intimates, Black unmarried intimates, and White unmarried females,” the study concluded.<sup>68</sup>

### *Summary*

In our determined effort to “get tough” on domestic violence, the majority of states have enacted laws that mandate or promote arrest for assault.<sup>69</sup> These efforts are promoted by the Violence Against Women Act, which authorizes \$75 million each year for grants to encourage arrests and enforce protection orders.<sup>70</sup>

These intrusive laws have given rise to a broad range of civil rights abuses, including the undermining of probable cause, disregard of the innocent-until-proven-guilty principle, gender-profiling in the name of primary aggressor assessment, and police reluctance to arrest female batterers.<sup>71</sup>

In addition, women who summon the police often just want the situation to be stabilized, they don’t want their partner to be arrested.<sup>72,73</sup> Victims whose partners are subject to mandatory arrest are less likely to request police assistance in the future.<sup>74</sup>

Mandatory arrest policies may be an effective sound-bite for persons running for political office. But as a law enforcement tool, they have proven to be a failure.

### **No-Drop Prosecution**

The majority of abuse cases involve disputes in which the conflict is a minor, mutual, and/or one-time occurrence. The victim often believes that these situations can be better handled through counseling or a brief “cooling-off” period rather than legal intervention. So, in about 80% of cases, the person who requests police assistance later recants or drops the charges.<sup>75</sup>

But many jurisdictions have come to believe that persons charged with abuse should be prosecuted regardless of the claimant’s request, so they have instituted so-called “no-drop” policies, which require continued prosecution of the case. One survey revealed that 66% of prosecutors’ offices have implemented such policies.<sup>76</sup>

But no-drop policies do a disservice to both alleged abusers and victims. They eliminate prosecutorial discretion, thus increasing the likelihood of frivolous legal action. If the defendant is poor, he or she will have to rely on the counsel of an already over-burdened public defender. In many cases, the accused is eventually compelled to accept a plea bargain arrangement that requires admitting to having committed a lesser crime, even if no violence had occurred.

If the alleged victim refuses to testify, the prosecutor may charge obstruction of justice and threaten to take away the children.<sup>77</sup> In one California case, a county prosecutor put a

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woman in jail for 8 days after she refused to testify against her boyfriend. She later won a \$125,000 settlement for false imprisonment.<sup>78</sup>

Overly aggressive prosecution policies dissuade women from seeking future police assistance as well. One survey of female victims in Quincy, Massachusetts, found that among women who did not report a subsequent incident of abuse, 56% believed that the victim has no say or rights in the criminal justice system. In contrast, among women who did report such incidents, only 12% shared that belief.<sup>79</sup>

Echoing these findings, law professor Kimberle Crenshaw has argued that “many women of color are reluctant to seek intervention from the police, fearing that contact with law enforcement will exacerbate the system’s assault on their public and personal lives.”<sup>80</sup> As the Ms. Foundation for Women notes, victims want their voices to be heard, not silenced.<sup>81</sup>

Only one randomized study has evaluated the effectiveness of varying levels of prosecution on subsequent aggression. The research found that only one factor reduced abuser recidivism—allowing the victim to select whether and how aggressively the prosecutor would pursue the case.<sup>82</sup> Obviously a no-drop prosecution policy eliminates the chance for the victim to make that choice.

One analysis reached this sobering conclusion: “We do not know whether no-drop increases victim safety or places the victims in greater jeopardy.”<sup>83</sup>

### *Summary*

The Violence Against Women Act authorizes \$225 million for STOP (Services, Training, Officers, and Prosecutors) grants, of which at least 25%—about \$56 million—is allocated to prosecutorial activities.<sup>84</sup> In two-thirds of jurisdictions, prosecutors are bound by domestic violence no-drop policies.

But we do not know whether such policies are helpful, harmful, or have no effect at all.

### **Symbols Over Substance**

Declines in intimate partner homicides began in the mid-1970s, and trend lines continued on the same course following passage of VAWA in 1994. For non-fatal abuse of women, trend lines over the past decade have followed a similar trajectory, regardless of whether the perpetrator was a friend, stranger, or intimate. Hence, there is no evidence that the Violence Against Women Act has reduced partner violence.

This report examined the reasons for that failure by analyzing four widely used violence-reduction strategies: abuser treatment, restraining orders, mandatory arrest, and no-drop prosecution. Scientific studies reveal that:

- Abuser treatment services are either ineffective, or those known to be effective are generally unavailable.
- Restraining orders generally have no impact on subsequent physical abuse.
- Mandatory arrest laws substantially increase homicides, discourage future requests for police assistance, and reduce conviction rates.
- We do not know whether no-drop prosecution increases, reduces, or has no impact on future violence.

In sum, we conclude that VAWA-funded programs are generally ineffective and sometimes harmful. Whether viewed at the level of aggregate crime statistics or specific abuse reduction strategies, our nation’s approach to curbing partner violence has been a failure.

Others have reached a similar conclusion:

- Noted family violence researcher Richard Gelles stated, “Policy and practice based on these factoids and theory might actually be harmful to women, men, children, and the institution of the family.”<sup>85</sup>
- New York University vice provost Linda Mills concluded: “At worst, the criminal justice system increases violence against women. At best, it has little or no effect.”<sup>86</sup>
- Researcher John Hamel wrote, “Current policy toward domestic violence, including criminal justice and mental health responses ... has proven to be shortsighted and limited in its effectiveness.”<sup>87</sup>

So why have ineffective, and possibly harmful, policies been allowed to persist?

University of Hawaii law professor Virginia Hench has noted that these policies are “a classic example of a ‘get tough’ policy that has symbolic value with the electorate, but which can lead to a host of problems.” Hench concludes that if we “choose symbols over substance, that is a true failure to support those victims” of violence.<sup>88</sup>

It is time that we implement effective solutions to partner abuse—solutions based on the sound foundation of valid science and well-tested professional practice.

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