

SPECIAL REPORT

How Effective are Domestic Violence Programs in Stopping Partner Abuse?



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Domestic violence is an important social problem in our country. Two milestones in the national effort to combat intimate partner assault were the enactment of the Family Violence Prevention and Service Act in 1984 and the Violence Against Women Act in 1994. Now, the federal government expends over \$1 billion annually to curb partner abuse.¹

But a broad range of groups – policymakers, service providers, victims’ rights organizations, taxpayers, and others – are now asking, Are these programs having their intended effect? Are they working to curb domestic violence?

A range of opinions has been expressed. Representatives of domestic violence shelters often point to an increase in requests for assistance as evidence the problem of intimate partner violence has deteriorated. One Department of Justice official expressed this less-than-sanguine view:

“We have no evidence to date that VAWA has led to a decrease in the overall levels of violence against women.” -- Angela Moore Parmley, PhD²

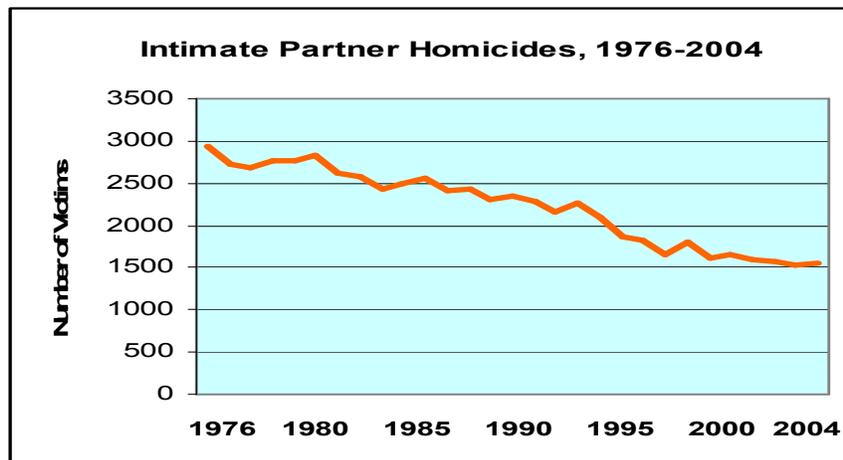
So the question needs to be posed: Are domestic violence levels currently increasing, remaining steady, or decreasing?

Community surveys, homicide statistics, and reports of non-fatal victimizations all point to the same conclusion: domestic violence rates have followed a pronounced downward trend since the mid-1970s.

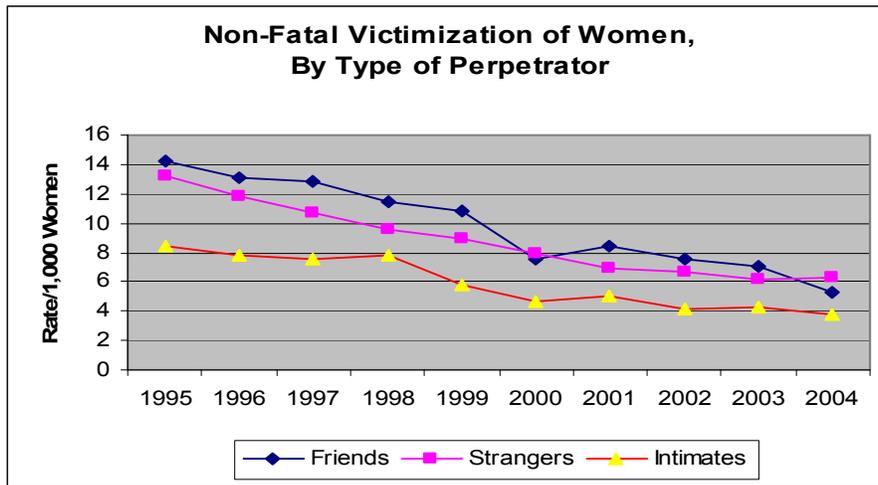
Community surveys conducted in 1975 to 1992 reveal a decrease in annual partner aggression rate over that period of time:³

- Male victims: From 11.6% to 9.5% of couples
- Female victims: From 12.1% to 9.1% of couples

FBI statistics of intimate partner homicides reveal a substantial decline:⁴



And reports of *non-fatal* victimization paint a similar picture:



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

- Stranger – 52%
- Intimate partner – 55%
- Friend or acquaintance – 63%*

This chart illustrates the broader reality that in the United States, *all* types of violent crime—robberies, simple assaults, and aggravated assaults—have been on the decline since the early 1980s.

Within that context, this Special Report reviews the evidence regarding the impact of domestic violence programs. Specifically, the Report analyzes the effectiveness of four key violence-reduction strategies widely employed by domestic violence programs:

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

* 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>

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, and childhood abuse experiences.⁵ Treatment services should be based on a careful client needs assessment, 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 initiated by males and females at similar rates.^{6,7,8} For example, one Centers for Disease Control survey of adults 18–28 years old found that half of all partner violence was reciprocal.⁹ Another survey of dating couples reported that 70% of all physical abuse was mutual.¹⁰ Logic dictates that counseling for both partners would be essential for a successful resolution of the conflict.

But ironically, domestic violence treatment standards often discourage family therapy.¹¹ In 30 states that have implemented standards for offender treatment programs, 42% of those states prohibit couples counseling.¹²

These restrictions have become a point of contention between traditional mental health providers and abuse intervention providers.¹³ 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.”¹⁴

Couples therapy has been shown to be effective in treating violent partners.^{15,16} But by policy or by law, domestic violence programs often bar the use of such services.

Services for Female Victims: Women’s Shelters

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

Feminist therapists advocate that women in shelters should be counseled to view their predicament as a consequence of patriarchy.¹⁷ 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.¹⁸

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 control variables.¹⁹

One early study suggested that shelter residence could trigger new incidents of abuse.²⁰ But overall, we do not know whether shelter services are effective, benign, or might make the situation worse.

Services for Female Abusers

Women are as likely as men to engage in partner aggression. Fewer than one in five cases of female violence are justified by the need for women to act in self-defense.^{21,22} Female-initiated violence is a cause for concern not only because of the physical and psychological effects on her partner,²³ but also because it raises the specter of retaliatory aggression.²⁴

So when abusive women request help from domestic violence agencies, they may discover that requests for treatment are dismissed (“He must have done something to provoke you”) or that female-specific services are simply non-existent.

For example, one evaluation revealed that among New York City intervention programs, there are “very few that accept female batterers.”²⁵ As attorney Linda Kelly explains, “Today’s treatment denies the possibility that women can be violent.”²⁶

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.”²⁷
- 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.”²⁸

*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.*²⁹

Services for Male Victims

The lack of services for male victims of domestic violence is well documented.^{30,31} One survey of 26 domestic violence shelters in California confirmed the fact that, “Most shelters do not admit males.”³²

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.”³³ In 2002, Ray Blumhorst contacted 10 shelters in southern California to request help. All 10 shelters turned him down.³⁴

*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.*³⁵

Services for Male Abusers

Male offenders are often ordered to attend a Batterer's Intervention Program (BIP) as an alternative to incarceration. These group programs are typically based methods on formulated by the Duluth Domestic Abuse Intervention Project.³⁶

The Duluth approach does not ascribe to traditional counseling methodologies.³⁷ Duluth interventionists do not try to develop a therapeutic relationship with the clients, even though that bond is an important predictor of psychological improvement.³⁸ Nor do interventionists make a clinical diagnosis because that could provide a "rationalization for behavior that may not be accurate."³⁹

Psychologist James Kline believes Duluth 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.⁴⁰

The 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.⁴¹

The National Research Council has deplored the fact that these programs are "driven by ideology and stakeholder interests rather than by plausible theories and scientific evidence of cause."⁴²

Thus, evaluations have shown the Duluth model to have no measureable impact.⁴³ Psychologist Julia Babcock once asked the rhetorical question, "Is the Duluth model set up to fail?"⁴⁴ As researcher Donald Dutton concludes, "Research shows that Duluth-oriented treatments are absolutely ineffective, and have no discernible impact on rates of recidivism."⁴⁵

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 often prohibited.
- For female victims, the effectiveness of abuse shelters remains to be demonstrated.
- For female abusers, domestic violence services are generally unavailable.
- For male victims, domestic violence programs are virtually non-existent.
- For male abusers, Duluth model treatment programs are ineffective.

Restraining Orders

Restraining orders are a widely employed strategy 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 or her 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.⁴⁶ Less than 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 vague criteria such as “fear,” “apprehension,” and “emotional distress.”⁴⁷

In theory, restraining orders appear to be a straight-forward solution to a potentially dangerous situation. The parties can be separated and the violence prevented with a minimum of legal intervention. But research and experience suggest otherwise.

One early report stated, “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.”⁴⁸ 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.”⁴⁹ The Independent Women’s Forum has noted that restraining orders seem to only “lull women into a false sense of security.”⁵⁰

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.”⁵¹
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.⁵²

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.⁵³

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.”⁵⁴

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 increase future violence.

Restraining orders are not panacea for partner violence, and may work only for couples at low risk of abuse.

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 failed to confirm the Minneapolis results. In Colorado Springs, researchers concluded, “An arrest can sometimes make things worse.”⁵⁵ 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.”⁵⁶

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. That possibility was examined by Harvard economist Radha Iyengar, who 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.”⁵⁷

The evidence consistently shows mandatory arrest policies cause more harm than good. Furthermore, if a state has mandatory arrest, the likelihood of subsequent conviction drops by more than half.⁵⁸ Lawrence Sherman, director of the Milwaukee study, has termed mandatory arrest policies a “failure”⁵⁹ and recommended that such policies be repealed.⁶⁰

Mandatory Arrest for Restraining Order Violations

In 33 states, violation of a restraining order is cause for mandatory arrest.⁶¹ Breaches of such orders appear to be common, with studies reporting violation rates ranging from 35% over a 12-month period⁶² to 44% over an 18-month period.⁶³

Violations of such 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 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.⁶⁴

Summary

In a well-intentioned effort to “get tough” on domestic violence, the majority of states have enacted laws that mandate arrest for alleged assault or violation of a restraining order.⁶⁵

Victims who summon the police usually want the situation to be stabilized; they don’t want their partner to be arrested.^{66,67} Eventually, victims whose partners are subject to mandatory arrest are less likely to request police assistance.⁶⁸

Mandatory arrest laws have given rise to a range of civil rights abuses, including the undermining of probable cause, disregard of the notion of innocent-until-proven-guilty, and gender-profiling in the name of predominant aggressor assessment.⁶⁹

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 usually believes that these situations can be better handled through counseling or a short “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.⁷⁰

But many jurisdictions have reached the conclusion 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.⁷¹

But no-drop policies can 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 overburdened public defender. In many cases, the accused accepts 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. In one California case, a county prosecutor put a woman in jail for 8 days after she refused to testify against her boyfriend. She later won a \$125,000 settlement for false imprisonment.⁷²

Aggressive prosecution policies dissuade women from seeking future police assistance, as well. One survey of female victims in Quincy, Mass. 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.⁷³

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."⁷⁴ As the Ms. Foundation for Women notes, victims want their voices to be heard, not silenced.⁷⁵

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.⁷⁶ Obviously a no-drop prosecution policy eliminates the opportunity 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."⁷⁷

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.⁷⁸ 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 the Family Violence Prevention and Services Act in 1984 and the Violence Against Women Act in 1994.

This report examined the evidence supporting the effectiveness of four widely used violence-reduction strategies: abuser treatment, restraining orders, mandatory arrest, and no-drop prosecution. This review reveals 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 domestic violence programs are generally ineffective and sometimes harmful. Others have reached a similar conclusion:

- Leading 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.”⁷⁹
- 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.”⁸⁰
- 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.”⁸¹

So why have these 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.⁸²

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