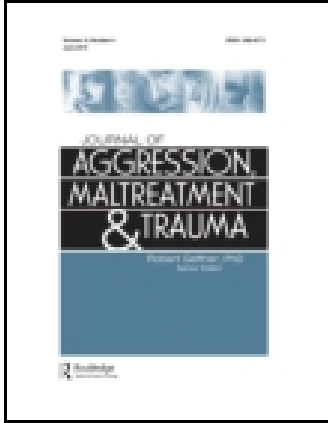


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*IMPLICATIONS
FOR POLICIES AND STANDARDS
IN DOMESTIC VIOLENCE
OFFENDER INTERVENTION*

An Ecological Analysis
of Batterer Intervention Program Standards

Richard M. Tolman

SUMMARY. Many states and local jurisdictions have drafted and implemented standards for batterer intervention programs. This article first presents a review of the arguments for and against the current standards. The author argues that the extant empirical research on batterer intervention is, at best, a limited source of knowledge for setting standards. The author then uses Bronfenbrenner's (1972, 1975) ecological framework to analyze existing standards, and to guide recommendations for future research on batterer intervention. [Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <getinfo@haworthpressinc.com> Website: <<http://www.HaworthPress.com>> © 2001 by The Haworth Press, Inc. All rights reserved.]

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KEYWORDS. Domestic violence, abusers, partner violence, arrest, battered women

THE CONTEXT FOR STANDARDS

The emergence of batterers programs as a component of efforts to end domestic violence is often traced to the day in 1977 when Emerge, a Boston men's collective, first opened its doors. Once the province of a few dedicated male profeminists and some pioneering practitioners of various orientations, the marketplace for batterer intervention programs continues to grow at a pace rivaling coffee franchises and bagel shops. While increasingly seen as a legitimate and important component of community attempts to end domestic violence, concerns about the quality of batterers programs have been raised since the very beginning and continue unabated to the present. The rapid proliferation of programs has only exacerbated the concerns, and made the worries about the potential negative effects of batterer programs more widespread.

Courts across the nation now routinely refer thousands of batterers to treatment as a sanction—often the sole sanction—for conviction or diversion, in lieu of prosecution for the crime of domestic violence. The possibility of a steady stream of clients and profit, in an era of managed care and a shrinking private client base, has no doubt encouraged at least some practitioners, with no real background in domestic violence intervention, to enter the market and hang up their shingles as batterer intervention programs. Beyond concerns about untrained, or unscrupulous practitioners entering the batterer intervention field, there remain numerous concerns about batterer intervention, including the core concerns of the battered women's movement about batterer programs: Do batterer programs share a similar philosophy with providers of service to survivors? Will batterer programs blame battered women for the violence they experience or somehow put them at risk? Will batterer programs collude with male batterers, out of ignorance, or worse, out of shared misogynist values? (See Pence, 1989.)

Out of these concerns, a movement toward establishment of state standards emerged. Some form of standards has now been adopted in numerous states. According to Austin and Dankwort (1999), as of September 1997, 29 jurisdictions, including the District of Columbia, had completed standards. Eight others had drafts of standards, and 11 states were in the process of developing standards. A report by the National Institute of Justice (Healy, Smith, & O'Sullivan, 1998) put the total at 28 states with standards or guidelines, and 13 states in the process of development. Whether compliance with standards is

mandatory, and the degree to which compliance with standards is enforced, varies widely from state to state.

WHY STANDARDS HAVE BEEN DRAFTED

One primary function of standards is to promote safety and a coordinated response to domestic violence (Bennett & Piet, 1999). Austin and Dankwort (1999) report that 81% of standards documents identify victim safety as an essential primary focus of batterer programs, and 92% identify a coordinated community effort as necessary to end domestic violence. Standards purport to ensure that programs offered to men who batter address safety issues for battered women and use methods consistent with other components of coordinated community responses. Related to the coordinated response, collaboration has increased among programs, not only because they share some minimal common expectations about philosophy and overall approach, but also because standards themselves can clarify roles and expectations among the collaborating agencies. For example, standards may spell out the role of programs in reporting abuse to the court system, and what response can be expected. With the rapid pace of proliferation of batterer programs, standards provide a starting point for new programs. To the extent that they simplify the development process, clear guidelines will bring programs to a greater level of competence more quickly.

Another major purpose of standards is to promote accountability of programs (Austin & Dankwort, 1999; Bennett & Piet, 1999). This can be accomplished in a number of ways. Standards may formalize consultation or reporting procedures. For example, Illinois standards require programs to consult with shelters concerning issues of safety to survivors. While it may not yet be clear what specific practices are most effective, standards can make it more difficult for those using potentially dangerous or capricious approaches. Standards define a range of practice that is minimally acceptable to a community. Most standards define some practices as unsafe and proscribe their use (e.g., conjoint counseling).

Standards can be viewed as an attempt to legitimize the specialized knowledge and skills required to effectively implement a program for abusers. Standards, in essence, create a practice specialty by certifying only those programs or practitioners who comply with special requirements and procedures. In addition to the legitimization of professional practice, the formal regulation of programs may promote public confidence in batterer programs. For better or worse, batterer intervention programs are often the primary sanction used by courts for those convicted of domestic violence charges. Failure to regulate

and monitor closely this widely used sanction potentially erodes confidence in the legal process. Of course, the mere drafting of standards does not ensure that programs are worthy of public trust. If adhering to standards does not actually improve practice, then public confidence would be unfounded.

The process of drafting standards itself may help to promote collaboration among diverse stakeholders. Program staff working with perpetrators and survivors, as well as lawyers, judges, police, and political figures, must come together to draft standards. This contact may increase networking of programs and collaboration among others concerned about standards. With some limitations, broader participation in drafting standards should result in standards that are more likely to be adopted, assuming meaningful consensus can be reached. This consensus should also lead to greater compliance with standards by programs.

CRITICISMS OF STANDARDS

Whatever the intended advantages of standards, there are inevitable costs to the endeavor. A number of arguments have been raised against standards. Several authors (Geffner, 1995; Moore, Greenfield, Wilson, & Kok, 1997; Rosenbaum & Stewart, 1994) have noted that premature prescriptions and proscriptions of techniques may inhibit the development of innovative approaches, as well as established approaches that may be effective for some batterers. Nothing in the research literature to date supports unassailable prescriptions of specific techniques and approaches. On the contrary, there is not yet convincing evidence for the effectiveness of any approach to batterer intervention (Saunders, 1996; Tolman & Edleson, 1995). Yet some state standards restrict practice to one model (e.g., Iowa mandates the use of only the Duluth model of intervention) and many proscribe other models entirely (e.g., couples counseling). Even if the research literature did support some specific practices or models as effective, it may be that untried or untested approaches could be more effective. In addition, setting standards without empirical support for the prescriptions may be sending a false message that programs that meet those standards will be effective, when in fact they may not.

Some authors (Geffner, 1995; Goldman, 1991) have charged that some state standards have been drafted by committees lacking diverse viewpoints, with relatively little involvement from professional associations and researchers. While having relatively narrow involvement in drafting standards may lead to a more ready consensus among drafters, the limited process may produce standards that exclude important considerations from being incorporated

into standards. When standards are drafted with insufficient input, practitioners may be less willing to fully comply with the regulations.

While standards that have broad consensual support may be more likely to gain compliance, standards may still be ignored or subverted in everyday practice. Monitoring compliance becomes a critical but potentially costly endeavor. However, without such procedures, standards may become meaningless or misleading, implying quality or conformity of programs that does not exist in practice. Even with monitoring, programs that do not comply with standards may put on a good face during a site visit, or in their submitted written materials. In addition, most states have insufficient funding to support adequate monitoring procedures (Austin & Dankwort, 1999). When standards are low and compliance is relatively easy, irresponsible programs may actually gain stature from the approval process associated with treatment standards.

Because they often obtain the official imprimatur of state governments and agencies, standards hold greater political legitimacy, and may lead to some level of meaningful enforcement of the standards. Successful collaboration may lead to the establishment of meaningful standards that fit the current consensus of stakeholders. However, regulations may be modified by legislatures or administrators in a manner unacceptable to the original drafters.

KNOWLEDGE BASE FOR STANDARDS

As discussed above, some critics of current standards cite the lack of research support for specific interventions as an argument against the setting of rigid state standards, especially those that mandate use of specific models or techniques. Clearly, the research knowledge base about batterers is growing. However, while useful insights can and will be gathered from empirical research, they may be inadequate for the purpose of setting quality control guidelines for batterer intervention projects. First, research on batterer programs is still in its early stages. On the whole, the studies completed to date are methodologically weak (Tolman & Edleson, 1995). Few models have been tested, and even fewer have been subjected to rigorous evaluation in multiple settings. Even as rigor increases, research is likely to be inadequate as a sole source of information for decision-making about standards because of the limitations of evaluation science. As Sherman et al. (1999) pointed out in a report to Congress, "Science is in a constant state of double jeopardy, with repeated trials often reaching contradictory results. Fulfilling the mandate to evaluate will always result in an uneven growth of evaluation results, not permanent guidance" (p. 9).

In regard to the limitations of evaluation research as the sole guideline for setting practice standards, studies of domestic violence arrest policies funded by the National Institute of Justice (NIJ) have provided instructive lessons. In the early 1980s, researchers in Minneapolis evaluated the deterrent effect of arrest using a randomized field experiment design (Sherman & Berk, 1984). Results of the study supported arrest as more effective than ordering the suspect away from the scene of the assault for eight hours, giving advice, or mediating the dispute. In 1986, the NIJ funded six replications of Sherman and Berk's Minneapolis experiment. Police interventions varied somewhat from city to city, but all the experiments essentially replicated the random assignment of subjects to conditions (Sherman, 1992). Results varied, with evidence of a deterrent effect of arrest in some cities, but not in others (Garner, Fagan, & Maxwell, 1995). Arrest also appeared to deter subsequent violence for some groups of offenders (e.g., employed men), but may have increased the risk of subsequent violence by other groups (Berk, Campbell, Klap, & Western, 1992; Pate & Hamilton, 1992; Sherman, Smith, Schmidt, & Rogan, 1992).

The results of the replications highlighted the lack of generalizability of findings from jurisdiction to jurisdiction. The lack of conclusive and broadly generalizable results can be seen as evidence for the need to hold back on setting standards. Given the results of subsequent replications, it appears to have been premature for police departments around the country to mandate the arrest practices of the Minneapolis Police Department following the positive results of Sherman and Berk (1984), although that is exactly what occurred in many jurisdictions (Fagan, 1995; Sherman, 1992). However, as Berk (1994) subsequently argued, the lack of replication of arrest as a superior sanction does not preclude the adoption of proarrest policies for domestic violence. Berk argues that, even if it is shown to be no more effective than non-arrest, justice is among the reasons for adopting proarrest policies. Moral criteria and other values also must inform the selection of approaches.

The NIJ replications also highlighted the local variations and contextual differences in the cities studied. For example, the communities studied differed in key aspects, such as rates of prosecution following arrest, and the time suspects spent in custody following arrest. Local variations in effectiveness support the proposition that decisions about standards may be made best by those with an understanding of the specific contexts, using available evidence, which includes, but is not limited to, research.

Another issue which illustrates the limitations of dependence on empirical data concerns conjoint counseling for batterers and victims. Austin and Dankwort (1999) report that most standards (73%) have proscribed the use of conjoint approaches as an initial intervention for battering. When examining the extant data on conjoint work, one cannot make a conclusive case that cou-

ples counseling is inferior to other forms of intervention for domestic violence (Saunders, 1996; Tolman & Edelson, 1995). However, there are other reasons that standards might proscribe the intervention anyway. One is a moral argument: It is unjust to mandate victims to intervention. Victims of crime in other contexts are not ordered to participate in court-mandated sanctions, however well-meaning such sanctions might be. Imagine burglary victims mandated to attend court-ordered seminars on how to make their homes less inviting to thieves. Few courts could or would mandate victims to participate in counseling. Critics of conjoint work argue that court supported couples counseling may be dangerous, even in seemingly voluntary situations, for example, when a victim has the choice to attend a court-ordered intervention with her abusive partner. In such situations, abusers may explicitly or implicitly coerce the victim to take part in the intervention. While proscribing conjoint work in standards protects victims from this type of coercion, setting this standard could limit a victim who voluntarily desires such an approach. Some standards have addressed this issue by permitting conjoint work in approved programs, not as an initial or primary intervention, but as an adjunctive intervention for use when a batterer has successfully completed other interventions.

Even if research clearly documented the effectiveness of some carefully conceived and implemented couples approaches, there is concern that intervention may not be implemented in the same way in other contexts. As the NIJ arrest replication studies suggest, even if the intervention were faithfully replicated, the specific ecology in a particular area may differ and produce different results. Framed from a scientific standpoint, this analysis emphasizes the need for attention to external validity. Viewed this way, drafters of standards can hardly be faulted for resisting implementation of an intervention they believe to be dangerous. This is true even when that intervention has been shown to be no worse than an alternative treatment in a setting (e.g., military base or university clinic) that may bear little resemblance to the contexts in which most providers in their states operate.

On the other hand, it is important to note that concerns about danger have not been leveled only against couple's treatment. Some authors have argued that approaches which are approved by many current standards may contain elements which are harmful. For example, Murphy and Baxter (1997) caution that highly confrontational approaches may be counterproductive and may lead to increased denial and noncompliance. Most standards do not address this issue, but Michigan's recently adopted standards (Governor's Task Force, 1998) specify that programs which use abusive or hostile confrontation techniques are contraindicated because such techniques may reinforce the use of abusive control in interpersonal relationships.

One potential solution to addressing the limitations of generalizability of studies is to encourage centralized outcome data collection from multiple program sites (Murphy, 1999). If data were gathered on individual programs, within their specific contexts, evidence for positive and negative effects would be available to guide practice.

Although this author firmly believes that research must be a primary source of information for making decisions about policy, there are some problems with dependence on research alone for setting standards for batterer intervention. If we cannot look exclusively to the research literature, what other knowledge bases can we draw upon? There are at least three sources of knowledge that have guided the development of standards to date, and can continue to play a role in the shaping of batterer intervention guidelines: (1) battered women's advocates, (2) best practices of experienced programs, and (3) shared values and community consensus. In addition, theory can be used to inform choices for standards. Theory can also guide practice; specifically, an ecological analysis yields some useful insights into directions for batterer intervention standards.

The shared knowledge of the battered women's movement must be considered a primary source of information for decisions about what should be included in standards for batterer programs. Battered women's advocates have worked most closely and extensively with survivors, and have developed strategies for helping survivors end or cope with violence and abuse in their lives. From this position, advocates have heard accounts from women which shed light on the potential for help and harm in batterer intervention. Advocates have initiated efforts to establish coordinated community responses to domestic violence and, thus, are often in positions of leadership. With the constant task of meeting the needs of battered women, advocates remain in the position of having ongoing information about the strengths and weaknesses of programs in their communities.

Another source of knowledge for standards development are the best practices of existing and experienced programs. While the practices of experienced programs may or may not have been evaluated by empirical research, the systematic gathering of practice knowledge can serve to guide the field. To the extent that standards are based on such systematic efforts, the guidelines derived are more likely to be helpful rather than hindrances to practice. Again this underscores the need for inclusive and comprehensive efforts in drafting standards. On the other hand, existing programs may have their own self-interests that may influence their involvement in setting standards. Programs may advocate for mandating of practices or procedures that promote their programs, and make it more difficult for programs with alternative procedures to thrive.

Standards can be set based on shared values and consensus within a community. For example, as discussed above, placing a strong value on victims' rights may lead a community to proscribe interventions that limit or diminish abused partners' choices, such as mandated conjoint counseling. Many issues covered in standards (e.g., confidentiality) are governed by issues of ethics and values rather than empirical evidence.

AN ECOLOGICAL FRAMEWORK: IMPLICATIONS FOR STANDARDS

Another source of knowledge to guide development of standards is theory. An ecological analysis can shed some light on the issue of standards. Briefly described, the ecological framework focuses on the understanding of human behavior at multiple levels of human ecology. Bronfenbrenner originally described four levels of ecology that influence human behavior: (1) the microsystem, (2) the mesosystem, (3) the exosystem, and (4) the macrosystem (Bronfenbrenner, 1972, 1975). The *microsystem* includes those interactions in a particular setting in which a person directly engages, as well as the subjective meanings assigned to them. For example, a batterer's family, work setting, or contact with the police are all microsystems. The *mesosystem* includes the linkages between microsystems in a person's social environment. When a probation officer contacts a batterer intervention program staff member to inquire about compliance, a mesosystem interaction has occurred. The *exosystem* includes those interactions in which others engage that have some type of impact on an individual. Applied to a domestic violence perpetrator, an example of an exosystem would be the decision-makers responsible for setting police arrest policy in the jurisdiction where he resides. The *macrosystem*, even more indirect than the exosystem, is the set of blueprints at a cultural, ethnic group, or social class level that dictate certain consistencies among similar settings. Macrosystem issues relevant to domestic violence would be the belief that issues within the family are private, or that men should not feel or express vulnerability. The ecological framework has been used by a number of authors in application to domestic violence (D. Dutton; 1995; M. A. Dutton, 1992; Edleson & Tolman, 1992; Rosenbaum, 1986).

Using the lens of the ecological approach draws our attention to aspects of standards that have been overlooked, and can generate questions and, ultimately, research that will better inform the drafting and revision of existing standards. Many standards guide the program microsystem (e.g., content, length, etc.) and most debates about standards center around microsystem issues, that is, what techniques and procedures will be used by batterer interven-

tion programs. However, an ecological framework draws our attention to the other levels. Most importantly, standards may be viewed as mesosystems interventions. In other words, they are an attempt to bring greater coordination among relevant microsystems, generating greater consistency of philosophy and practice among important microsystems. In the case of the domestic violence perpetrator, relevant microsystems that standards might address are the court system, police, victims' intervention services, and probation. An important corollary of the ecological approach is that the greater the mesosystem linkages, and the greater the coordination between microsystems, the more powerful the influence on human behavior (Bronfenbrenner, 1979). By enhancing the coordination between systems addressing domestic violence perpetrators, standards may make those efforts more effective in reducing domestic violence.

An ecological analysis also draws attention to the need for improvement of practice in the ecology surrounding the batterer intervention program. If courts mandate attendance to programs but do not enforce attendance, compliance is likely to be low. Some proponents of batterer intervention standards base certain prescriptions on the assumption that batterer programs are likely to be the sole sanction that will be used by the courts. For example, termination from treatment programs for reoffense has been defended because it gives the message that further abuse will not be tolerated. If batterers were facing other meaningful sanctions from the courts (e.g., jail time, more intensive probation), programs would not need to dismiss participants to communicate such a message.

Having drawn attention to standards from an ecological framework, the next step is to use the framework to generate questions for further examination. Research that will inform the best practices in mesosystem coordination would be especially valuable. Consider the findings of Gondolf (1999) who examined four batterer programs in four different geographic areas. This study allowed for a comparative evaluation of multiple sites, using the same evaluation methods across sites. This permitted an examination of how differences in court referral, program duration, and extent of services impact recidivism. Gondolf (2000) also provided an informative example of how context issues may be examined. That study showed that rapid court review of cases appeared to increase substantially compliance with intakes to a mandated batterer intervention project. The program (a diversion program) had recidivism results comparable to those of programs using post-disposition mandates. The study examined the context of the batterer intervention project, and demonstrated how variations in arrest practices, as well as court review and dispositions, impact who attends and completes the batterer intervention project. Studies evaluating coordinated batterer intervention programs provide

other examples of research examining context and mesosystem impact response (Murphy, Musser, & Maton, 1998; Steinman, 1988; Syers & Edleson, 1992).

CONCLUSIONS

The lack of substantive findings supporting specific intervention strategies suggest that standards that mandate specific program practices without variation are, as some critics have charged, overly prescriptive. Not only does the existing data not provide evidence for mandating a single approach to batterer intervention, it does not provide strong support for doing batterer intervention at all. Given this, we need standards that provide reasonable limitations on irresponsible practice, but also accommodate responsible innovation. For example, standards recently drafted in Michigan contain a clause providing for scientific and other innovation that varies from program standards when those variations are externally reviewed and safety issues are adequately addressed (Governor's Task Force, 1998). Variance from standards must be done under conditions that ensure that the highest standards for victim safety, participant rights, and other ethical concerns are met.

It is clear we need to act in a confusing and inconclusive research environment. If proliferation of potentially harmful and ineffective programs is to be controlled, standards can be one tool used to accomplish that goal. However, the tool cannot be used without some cost. We must also recognize that there is a growing climate of contentiousness about standards, and powerful stakeholders who oppose the current standards will gain credibility if standards appear overly rigid or prematurely prescriptive. The debate about standards is healthy if it pushes us to be clearer about assumptions, leads to proceduralization of best practices, and forces us to work together to form powerful partnerships in ending domestic violence. The debate will be counterproductive if a false dichotomy is strengthened, and critics and supporters of standards dig deeper into positions without acknowledging the legitimate concerns raised by both sides.

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