

BATTERER INTERVENTION SYSTEMS IN CALIFORNIA AN EVALUATION

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Batterer Intervention Systems in California: Executive Summary

Domestic violence represents both a serious criminal justice and public health problem. Every year in California over 100,000 arrests are made for misdemeanor and felony domestic violence charges while countless additional cases of intimate-partner violence go unreported. The social, economic, and personal costs of domestic violence make it a critical area for evaluating the effectiveness of the justice system response to this crime.

Since 1994, California law has required defendants who are convicted and granted probation in domestic violence cases to complete a certified batterer intervention program (BIP). In addition, recognizing the severity of the problem of intimate-partner violence and the unique challenges these cases present, many superior courts in California have adopted specialized procedures for handling domestic violence cases such as using dedicated calendars and holding periodic review hearings with offenders.

This study seeks to take advantage of the fact that each jurisdiction in California manages its domestic violence caseload somewhat differently. We begin by documenting the different ways that courts, departments of probation, and BIPs intervene with domestic violence offenders in a sample of five jurisdictions—Los Angeles, Riverside, San Joaquin, Santa Clara and Solano. We then compare the efficacy of the justice system response across jurisdictions, looking primarily at differences in rates of program completion and re-offense by offenders.

Drawing on a sample of over a thousand men enrolled in treatment programs across the five jurisdictions, this study is the largest of its kind ever conducted.¹ It lays the foundation for improving the justice system response to domestic violence and for future research to untangle the complex relationships among the individual characteristics of men who commit domestic violence, the BIPs that are charged with treating these men, and the efforts of courts and departments of probation to hold offenders accountable and ensure victim safety.

Findings

- The men who find their way into the justice system and ultimately enroll in BIPs appear to be non-representative of the larger social problem of domestic violence. The sample of men convicted of domestic violence offenses drawn for this study generally had low levels of educational attainment, were poor, majority Hispanic, and had lengthy criminal records;
- Slightly more than one third of the men convicted of domestic violence in our sample report that they still live with their victim; about one third of the men reported that they live with children;

- BIPs appear to incorporate multiple approaches to intervention with domestic violence offenders into their programs, integrating components of cognitive behavioral therapy, the Duluth model and other methods that they determine are appropriate and effective;
- The educational topics that BIPs identified as important to helping offenders end their abuse appear to be consistent with the legislative requirements for these programs;
- Offenders' rates of program completion varied across different BIPs. The reason for this, however, appears to be in part that the characteristics of men who are enrolled in different BIPs varies systematically across programs. The statistical significance of the differences in program completion across BIPs declines as additional, individual-level variables are added to the model;
- In contrast to the weak correlation between program completion and BIP, there is no statistical association at all between programs and an offender's likelihood of re-offense;
- For offenders who successfully completed the 52-week BIP, attitudes and beliefs showed small, positive, changes along a number of dimensions including taking greater personal responsibility, understanding the effect of abuse on others, and anger management;
- The strongest predictors of whether or not men were re-arrested following intake in a BIP were individual characteristics of the offenders, not the characteristics of jurisdictions or BIPs in which offenders were enrolled.² Men who were more educated, older, had shorter criminal histories, and did not display clear signs of drug or alcohol dependence had a lower likelihood of re-arrest;
- Whether probation or the court is primarily responsible for oversight of the offenders made no difference in the likelihood of re-arrest. This finding is similar to the conclusion of a recent study in which judicial supervision of domestic violence offenders—with comparisons between supervision of different intensity and compared with no supervision at all—was found not to make any significant difference on recidivism 12 months after sentencing;²
- Even after controlling for individual characteristics, two jurisdictions showed statistically significant differences in outcomes for offenders. Using Los Angeles as the base for comparison, offenders in Solano County had a likelihood of re-arrest at 12 months after intake that is one-third the likelihood of offenders in Los Angeles County, while offenders in Santa Clara County were 1.6 times as likely to be arrested as offenders in Los Angeles.

Implications for Policy

- Because of the salience of individual characteristics in predicting program completion and re-offense, enhanced risk and needs assessment at intake may improve offender treatment.

Penal Code §1203.097(b)(1) lays out detailed offender assessment requirements but limits these to offenders who are on formal probation. The collection of information on basic risk and needs factors of offenders who are informally as well as those that are formally supervised by probation would allow BIPs to tailor their treatment more narrowly.

- Drug/alcohol treatment may be essential to help offenders end their abuse.

Indicators of risk for drug and alcohol abuse are strong predictors of non-completion of batterer intervention programs and senior program staff in the BIPs generally agreed that addressing the topic of alcohol and drug abuse is important to helping offenders end their domestic violence. Because many BIPs have limited resources and little leverage over offenders enrolled in their programs, it may be useful for departments of probation and the courts to consider how best to support BIPs in requiring batterers at risk for substance abuse to attend some reasonable form of drug/alcohol treatment in conjunction with their enrollment in the BIP.

- The current BIP fee structure may hinder differentiated case management.

Enhanced risk and needs assessment combined with heightened attention to drug/alcohol abuse suggest that the justice system may need to engage in more differentiated case management with domestic violence offenders. One more piece of the puzzle of differentiated case management has to do with fees.

The current method of assessing and paying fees, all managed at the BIP level, may pose a barrier to a differentiated treatment model because Pen. Code §1203.097 mandates probation departments to evenly allocate referrals of indigent clients among approved programs. Thus, the effort to assign the right socioeconomic balance to different programs may undermine efforts to assign men to programs on the basis of the characteristics that put them most at risk for re-offense.

Moreover, it is not clear that enough higher-income men are available in the system to cross-subsidize the costs of the lower-income men in programs. Creating a more differentiated treatment model might require an exploration of alternative fee distribution and payment plans. This might grant BIPs the financial freedom to accept enrollments on the basis of service need rather than have to consider a client's ability to pay.

Implications for Research

- The effort to understand the impact of the justice system as a whole is hampered by variation *within* jurisdictions.

Differences in court practice from location to location within jurisdictions, as well as large variability in outcomes across BIPs within jurisdictions undercut efforts to evaluate the justice system response. Instead, in some cases we have findings related to different systems within a single jurisdiction that cannot be completely disentangled.

Further integration of the qualitative data will assist with the interpretation of the findings. Once the qualitative differences within jurisdictions are better understood, quantitative analysis that excludes outlying court locations where these introduce too much variability might be a fruitful path for recapturing the system perspective that motivated this study. Given the clustering of large numbers of offenders in specific courts and in some specific BIPs, this may be a near- to medium-term follow-up study with this data set.

- Clearer specification of system intervention measures is needed.

System intervention measures such as “probation contact,” “court review,” or even “attendance” at a BIP are all inherently limited by the variability in how these interventions occur across locations. Consistent with the other observations here, more qualitative information on what these variables really are in practice—whether probation contact is a face-to-face interview at the department of probation as opposed to a check-in by telephone or whether the review at the trial court is in open court in front of a judge or handled by a courtroom clerk—will assist in distinguishing among different systems.

- More information on BIPs is needed to understand and identify promising practices.

The challenge of interpreting outcomes given the variability across jurisdictions is compounded by variability across BIPs. Although this study captured measures of BIP priorities for teaching and training related to different elements of the intervention, the findings did not show sufficient variability to introduce the data into our quantitative models and to begin teasing out the effects that these programs produce on offender outcomes.

In the future, this information will need to be combined with independent measures if we are to clearly understand the approach intervention programs are taking in their work with clients. Further, we need to learn more about BIPs as practitioner groups and/or organizations in terms of their staffing levels and role differentiation, the training and professional experience levels of program staff, the supplementary services BIPs are able to provide clients directly or indirectly, and the resources these organizations have at their disposal to sustain their work with batterers. Such information is essential to our ability to understand BIPs in their various organizational forms, as well as to identify promising program approaches and practices.

Layout of the Report

This report is organized to isolate and describe the variation that is found at different levels of analysis in the five study jurisdictions. After introducing the study in Chapter 1, Chapters 2 through 4 move from the highest level of analysis – the jurisdictional differences across counties – to successively lower levels of analysis – the BIPs, and then the individuals within the programs. In Chapter 5, the variables that are described in the preceding chapters are brought together for the final evaluation of outcomes.

- Chapter 1 outlines the research design and methodology employed. This chapter places the study in the context of previous research on this topic, lays out the logic model for the study, defines the study population, and discusses the various types and sources of data collected;
- Chapter 2 provides an overview of the five jurisdictions in the study including both qualitative description of the coordination of domestic violence cases among justice system partners and quantitative measures of court and probation oversight of offenders;
- Chapter 3 looks more closely at the actual content of BIP curriculum and teaching strategies in the study jurisdictions. This chapter describes the findings of a survey of 45 BIPs in the study jurisdictions on the educational topics and teaching methods employed by BIPs;
- Chapter 4 describes the offenders enrolled in the study, including detailed information on age, race/ethnicity, family living arrangements, educational attainment, income levels, criminal history, and risk of drug/alcohol dependence;
- Chapter 5 brings together all of the variables described in the preceding chapters to evaluate the impact of the jurisdiction on two primary outcome measures: program completion and re-arrest. This chapter also evaluates changes in attitudes and beliefs among a smaller sub-sample of men who completed the BIP during the study period;
- Chapter 6 summarizes the study findings and looks at the implications for both policy and research.

Endnotes Executive Summary

1. This study looks exclusively at men who committed domestic violence offenses against female partners in an effort to understand the justice system response to the largest proportion of the domestic violence caseload and to minimize the variability within the sample.
2. All findings discussed in this Executive Summary are statistically significant at a level of .01 or .05 unless otherwise noted.
3. Melissa Labriola, Michael Rempel, and Robert C. Davis, *Testing the Effectiveness of Batterer Programs and Judicial Monitoring*, Center for Court Innovation (November 2005).