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To: Jim Greiner
From: Melissa Gayton
RE: Melissa Labriola et al., *Testing the Effectiveness of Batterer Programs and Judicial Monitoring: Results from a Randomized Trial at the Bronx Misdemeanor Domestic Violence Court* (Center for Court Innovation) (2005), <http://www.courtinnovation.org/sites/default/files/battererprogramseffectiveness.pdf> (last visited Jul 18, 2018)
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Title: Testing the Effectiveness of Batterer Programs and Judicial Monitoring: Results from a Randomized Trial at the Bronx Misdemeanor Domestic Violence Court
Authors: Melissa Labriola, Michael Rempel, and Robert C. Davis
Location: Bronx Misdemeanor Domestic Violence Court, New York, NY
Sample: N = 420
Timeline: July 23, 2002 to February 27, 2004
Target group: Offenders convicted of domestic violence misdemeanor
Intervention type: Batterer treatment program and judicial monitoring
Research papers:
<http://www.courtinnovation.org/sites/default/files/battererprogramseffectiveness.pdf>
Partners: Center for Court Innovation, National Institute of Justice

Abstract

A growing number of courts relied on batterer programs and judicial monitoring to protect victims, hold offenders accountable, and deter recidivism. The Center for Court Innovation has designed this experiment to test the effectiveness of batterer programs and judicial monitoring. The results indicate that neither battering programs nor judicial monitoring significantly reduce or delay recidivism.

I. Policy Issue

A growing number of courts relied on batterer programs and judicial monitoring to protect victims, hold offenders accountable, and deter recidivism. Since states began to introduce pro-arrest statutes in the 1980s, they used batterer programs as an alternative to imprisonment when the imposition of jail is not an option. Court-sanctioned batterers comprised 80 percent of all batterer program participants. Victims were often interested

in these programs as sanctions that provide safety without sacrificing their partner's ability to earn a living. Batterer programs generally accompanied judicial monitoring, through which the court can confirm whether or not the offender is complying with the program and impose sanctions for noncompliance. Studies indicating the success of similar monitoring and sanctions in reducing recidivism in drug treatment courts inspired the use of judicial monitoring for domestic violence cases. However, there was a lack of studies evaluating the effectiveness of either batterer programs or judicial monitoring for reducing recidivism among domestic violence offenders. Did batterer programs and judicial monitoring significantly reduce recidivism?

II. Context of Evaluation

The study took place at the Bronx Misdemeanor Domestic Violence Court between July 23, 2002 and February 27, 2004. The Bronx was a large, diverse urban jurisdiction with the highest poverty rate and lowest per capita income among the 5 boroughs of New York City. Approximately 80 percent of cases handled by this court involved intimate partners and the court's caseload was high.

There were two batterer programs offered. Both were typical of batterer programs nationwide and both sought to educate participants about the roots of abuse and to encourage participants to take responsibility for their emotions and actions. Both lasted 26 weeks – about 7 months. Judicial monitoring ran either for the duration of a batterer program for those assigned to one or for seven months. Some judicial monitoring occurred monthly, as opposed to “graduated” monitoring, in which offenders have less frequent court appearances with compliance and more frequent appearances without compliance. However, noncompliance neither consistently nor immediately triggered sanctions. During these appearances, they would receive brief, matter-of-fact feedback, often using legal terminology, from a judicial hearing officer.

The authors were interested in examining the effectiveness of batterer programs and judicial monitoring in reducing recidivism, though some advocates argue that batterer programs were more important as an accountability measure and punitive option.

III. Details

There were two parts to the study – a randomized trial and a quasi-experimental design.

The randomized trial assigned offenders to one of four conditions: (1) batterer program and monthly judicial monitoring (n = 102); (2) battered program and graduated monitoring (n = 100); (3) monthly judicial monitoring (n = 109); (4) graduated monitoring (n = 109). All offenders who had been arraigned on a domestic violence misdemeanor, convicted of a violation, and sentence to a conditional discharge with a one-year protection order for the victim were eligible for the study. Judges could exclude eligible offenders at their discretion and did so in 14 percent of eligible cases. Subsequent analysis detected significant differences in 2 of 76 baseline comparisons between offenders in the randomized trial and those excluded by judges. Researchers contacted and interviewed victims a year after sentencing, with a contact rate of 25 percent.

For the quasi-experimental comparison, the authors compared offenders in the randomized trial with offenders convicted of a domestic violence misdemeanor and sentenced to a conditional discharge with a one-year protection order for the victim but not sentenced to a battering program or judicial monitoring. This approach was only quasi-experimental because assignment to the “nothing” group – those not assigned to a battering program or judicial monitoring – was not random. The “nothing” sample only comprised those offenders whose background characteristics closely matched those in the randomized trial, resulting in a total of 387 offenders in the initial trial matched to 219 offenders in the no-monitoring group, resulting in no significant differences in baseline characteristics.

Researchers tracked offenders in the randomized trial and quasi-experimental comparison one year after sentencing through victim interviews and 18 months through official records. The authors used official criminal records and victim interviews to calculate probabilities of recidivism.

IV. Results and Policy Lessons

No intervention reduced the probability of re-arrest or significantly delayed the onset of recidivism. There were no significant differences between those assigned to a battering program and those not assigned in the probability of re-arrest. There was also no significant difference between monthly and graduated monitoring in the probability of re-arrest. Compared to the group without monitoring in the quasi-experimental design, judicial monitoring in the experimental groups did not produce a significant reduction in re-arrest. There were also no significant effects on victim reports of re-abuse, either in general or specific forms of abuse. The only outcome measure that began to approach statistical significance was a reduction in the total number of domestic violence re-arrest ($p < 0.10$) through judicial monitoring. Despite the lack of impact on recidivism, victim interviews indicated that victims of defendants sentenced to batterer programs were significantly more satisfied with the sentence (77 percent vs 52 percent, $p < 0.01$).

V. Quality of the Study

There are certain limitations to this study. The Bronx is a large urban jurisdiction and most defendants were nonwhite, unmarried, and low in socioeconomic status. Additionally, the sample only evaluated those with less serious charges, meaning the re-arrest rate was already quite low and that one might observe different effects for those with more serious charges. Due to their limited sample size, the researchers were also unable to analyze different effects for different types of offenders, such as those with more or less criminal history. The judicial monitoring program was also not particularly robust or consistently implemented, particularly in the case of graduated monitoring. Because the no monitoring group in the quasi-experimental design was not random, it is also not possible to make strong conclusions about whether judicial monitoring in general impacts recidivism. Finally, only 25 percent of victims interviewed, meaning there could be certain unobserved differences between official reports and victim accounts. Nevertheless, the authors suggest that domestic violence initiatives could benefit from reflecting on current and alternative approaches, because there is no evidence to suggest that current approaches significantly reduce recidivism.