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February 28, 2020

Dr. David B. Muhlhausen
Director, National Institute of Justice
810 7th St. NW
Washington, D.C. 20531

Dear Dr. Muhlhausen:

The Association of Prosecuting Attorneys (APA) is a national non-profit organization made up of elected and appointed prosecuting attorneys throughout the nation. APA provides valuable resources such as training and technical assistance to prosecutors in order to develop proactive and innovative prosecutorial practices that prevent crime, ensure equal justice, and help make our communities safer. APA is committed to the pursuit of justice in whatever form best serves communities. This might include legal proceedings against those who would hurt a child or helping an individual complete a diversion program. We focus on preventing recidivism and providing rehabilitation and successful re-entry. Through multi-disciplinary forums we create an optimal environment to foster justice and affect change in the community.

In 2017, APA formed a Domestic Violence (DV) Committee that brings together the nation's leading working DV prosecutors and victim advocates to advance the field of domestic violence prosecution and address the needs of DV prosecutors, managers and victim advocates. The Committee is comprised of 25 to 30 prosecutors and victim advocates from major jurisdictions experienced in DV prosecution and management. Committee members represent over 30 million community members and are responsible for tens of thousands of felony and misdemeanor cases every year. The work of these practitioners focuses on intimate partner violence (IPV). The Committee's work is informed by the experiences of current working DV prosecutors, national experts, and allied DV partners. ***The Committee is imploring NIJ to use its resources to conduct new research studies to determine the efficacy and model practices of batterer treatment in DV cases.***

Batterer treatment is the foundation of all legal response to DV/IPV. Batterer Intervention Programs (BIPs), if effective, are vital to accomplish many goals of a prosecutor's office: they assist in reducing recidivism rates, which prevents future crime and uses court resources more effectively; they improve victim safety and have the potential to reduce the incidents of future abuse, not just incidents of future arrest; they improve the ability to match the sentence to the offense; and they prevent re-victimizing crime victims.

At present, there is a dearth of evidence as to the effectiveness of BIPs. Current research is limited, as the range of the quality of programs varies from jurisdiction to jurisdiction, and some jurisdictions have little to no programming. Moreover, the programming that does exist is not uniquely tailored to the individual needing treatment. The one-size-fits-all BIP



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sentencing is not an effective way to prevent recidivism or enhance victim safety. What current research is available shows that, taken as a whole, BIPs are not creating significant reductions in recidivism rates. Many programs rely on rigid curriculums delivered the same way each week, sometimes up to 52 weeks. Excessive length of the curriculum can become a barrier to completion, which undermines the programs' effectiveness. Additionally, these programs often use approaches which are not evidence-based, have inconsistently- (and sometimes poorly-) qualified staff, are not manualized, so even successful techniques are not replicated, and are costly and not culturally responsive.

Existing analyses do show that for these current methods of treatment, while certain categories of DV offenders do respond very well, other offenders have been found to continue, or even increase, their future violence and abuse. Worse, in many cases, victims of IPV who are arrested for defending themselves are re-victimized by being ordered to sit in the same classrooms and labeled in the same way as their abusers. DV victims and communities might be better served by interventions that reflect the specific nature of each DV case, and not a one-size-fits-all approach. For example, little or no distinction is made between an abuser who inflicts a small bruise and an abuser who strangles their victim to unconsciousness. Little or no attention is given to the individual issues a perpetrator has that may also affect the potential for recidivism like alcohol and drug abuse, past experience of child abuse, mental health issues, and others.

Typically, DV offenders present with a complex history. BIP focuses on the power and control response model and does not accommodate how additional variables, such as substance abuse, mental health, trauma and other factors complicate the person that is being given treatment. Additional stressors exist that need to be considered, such as unemployment and transience. In BIPs throughout the country, staff are not equipped, and classes are not designed, to manage the power, control and violence of DV offenders let alone their mental health issues, substance abuse or other complicating factors. Moreover, research is needed to determine which among the many complex variables offenders present with should be addressed first. For example, if a person has a substance abuse disorder, should their addiction be treated first to determine if it is a contributing factor of the violence? Should BIP occur before, during, or after substance abuse treatment in order to have success? With respect to unemployment and transience, how does stability affect the long-term outcomes of BIPs? Present research stops short of offering solutions to these problems, and in many cases fails to establish a basic understanding of the effectiveness of the current models of BIPs. *Evidence-based research is needed to close this knowledge gap and to inform a more effective and tailored approach towards DV prosecution.* APA is calling for NIJ to make BIPs and DV-treatment a research priority. In order for BIPs to be an effective tool in a criminal justice response, prosecutors need to know what the model practices are, and the recidivism rates associated with these programs. Additionally, current research is almost exclusively focused on male perpetrators in heterosexual relationships. As a significant number of defendants are female or abuse same-sex partners, it is critical to understand how their



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violence and their treatment needs may differ from our current understanding of heterosexual male perpetrators. Studies also need to include subjects who speak different languages, are unable to read, or have other barriers to participation in traditional research methods, as they too are currently absent from our data. Research also needs to be culturally specific, as there are significant differences across cultures in family and gender dynamics. Studies must include diverse offender and victim pools in order to address the needs of a broader response in treatment. *If prosecutors do not understand what is causing or correcting the violence for individuals in an understudied population, we cannot expect to effectively intervene.* If justice is supposed to apply equally, we must ensure everyone is represented in the research we use to determine the sentencing standards everyone will be held to. Otherwise, we will continue to perpetuate historical injustice that skews against communities of color, lower-socioeconomic groups, women, LGBTQ groups, and other marginalized populations.

New BIP research is needed to better understand the relationship between the provider and their client. In almost every analysis of therapeutic treatment in general, the number one determinant of a client's successful implementation of behavioral change is the relationship between the clinician and patient. However, this is entirely lacking in current literature on BIP treatments—investigators analyze the length of the classes, the size of the groups, the content of the curriculum, etc., but fail to evaluate the single most relevant factor as evidenced by comparable psychological and behavioral research. *We need to evaluate the role of treating trauma (especially childhood trauma and the ACES—Adverse Childhood Experiences) as a component of BIPs.* Most of the current BIP curriculum models were developed decades ago. Recent advances in science have demonstrated a strong correlation between the role of trauma and the use of violence/domestic violence. Yet, BIP treatment models do not incorporate this new understanding. There is mounting evidence that treatments based in trauma-informed interventions (such as eye movement desensitization and reprocessing (EMDR), mindfulness training, and body-work) are having more success than traditional talk-therapies or educational interventions. We need to bring BIP treatment in line with the solutions indicated by current science. Lastly, with respect to children, new research is needed to understand what the programming needs are for children who have been exposed to domestic violence in the home, and if these programs can reduce the likelihood of perpetration of domestic violence and increase the likelihood of success in adult life. Several jurisdictions (e.g. Iowa, Colorado, New York, Alleghany County, and several counties in California) are experimenting with new curricula and treatment approaches. We are seeking NIJ's assistance to determine if these new methods are more effective than standard programming. Prosecutors also need to assess the difference, if any, in outcomes with for-profit and non-profit providers and determine if court-review of all participants is effective, or if it creates new barriers to securing and keeping long-term employment or education.

Prosecutors throughout the county are struggling to balance DV abuser rehabilitation and victim and community safety with BIP tools that are antiquated and inadequate. There is a



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lack of high-quality evaluation of intervention for criminal DV offenders. We need a new culture of innovation to move away from less effective, traditional approaches. With NIJ's help, prosecutors will finally be able to make informed decisions about this critical issue, which has the potential to change behaviors, save lives, and ultimately make our communities safer.

Thank you for your attention to this important matter. Please do not hesitate to contact us should you have any questions.

Respectfully Submitted,

David LaBahn
President and CEO