

STOP F.E.A.R. COALITION

• FAMILY ABUSE • ENDANGERING WOMEN AND CHILDREN • ABUSE OF ALL KINDS • RAPE AND SEXUAL ASSAULT

Policy Statement on Couples Counseling & Anger Management in Domestic Violence Cases

Judicial Sub-Committee, Stop F.E.A.R. Coalition of Rockland County

As part of the community response to domestic violence¹ it is necessary for the justice system to look carefully at the programs to which defendants are referred. Anger management programs and couples counseling are sometimes requested or petitioned for in the court. While these methods may be effective for other types of problems, courts should not require couples counseling and/or anger management programs whenever domestic violence is present. These programs focus on therapeutic or treatment models, which disregard the dynamics of domestic violence and do not demand defendant accountability.

Couples Counseling

Couples counseling depends upon an open dialogue between partners. It cannot work without the presence of openness, flexibility and the willingness to listen to one another. These traits are not possible when one person is emotionally or physically abusive to another.

People who are being either hit, intimidated or controlled through threats or other coercive means by their partners are not free to engage in an open dialogue. If placed in couples counseling a person would be encouraged to speak openly about their partner's behavior and address problems in the relationship in the presence of an abusive partner. People who do so are often at risk of retaliatory tactics from the abuser, thereby jeopardizing their safety.

In couples counseling victims often take responsibility for instigating the violence or participating in activities that supposedly precipitate the violence. Accountability is shifted from the batterer to the victim thus sending or reinforcing messages that the victim shares responsibility for the violence and the batterer is justified in the violence.

The justice system should not order or encourage couples counseling in cases where there is an indication that a party is committing physical abuse or employing non-physical coercive or controlling tactics. If the system were to do so, it could be placing victims at risk of experiencing additional abuse and/or control.

Anger Management

Anger management programs as a tool for addressing domestic violence have not been demonstrated to be an effective way to stop the violence. Experts in the field of domestic violence have repeatedly stated that the most effective way to stop domestic violence is through a coordinated community policy of zero tolerance for domestic violence, including coercive and controlling tactics. Since the court is dealing with domestic violence as criminal behavior this policy must include treating it as such. Strong law enforcement measures such as mandatory arrests of aggressors and regular, demanding judicial monitoring of defendants are necessary aspects of an effective policy.

Anger management implies that the party is unable to control his anger and his behavior. In fact, perpetrators of domestic violence almost always control themselves very well. For example, they rarely strike out at their bosses or co-workers. They are often calm with the police and in court. They know how to control themselves when they need to but do not feel the need to do so with their intimate partner. Although they often explain their violence as a result of anger, domestic

¹For the purposes of this policy domestic violence is defined as employing physical abuse or non-physical coercive or controlling tactics by one intimate partner against another.

violence behaviors are almost always the result of a deliberate choice to exert power and control over a partner.

Anger management programs tend to focus on the person being unable to control certain violent or angry tendencies as a result of a triggering factor. Similar to couples counseling, this approach supports two dangerous myths. First, that the victim shares responsibility for the violence since they trigger it. Second, that the batterer is not responsible for the violence since he is unable to control it.

Anger management is a mental health approach to an issue of criminal behavior. It can give victims a false sense of safety because the victim may mistakenly believe that such a program can end the violence. The victim may be placed in grave danger and the likelihood of further violence could increase.

Anger management has not been shown to be efficacious in stopping domestic violence and should not be used by the judicial system as a substitute for either strong law enforcement or thorough judicial oversight of defendants. *It is inappropriate for a court to order anger management for a defendant in a domestic violence case.* To do so would be as inappropriate as ordering mental health therapy for a defendant who commits an assault upon a stranger.

Judicial Response

When presiding over cases involving domestic violence judges are often asked by victims and defendants or their attorneys to either require or permit couples counseling or anger management as part of the resolution of the proceeding. When this type of request is made it is recommended that judges never require participation and respond by informing the parties of this policy statement.²

When victims of domestic violence suggest that the parties participate in couples counseling the court should not encourage this approach. The victim should be advised that although the court cannot prohibit couples counseling the policy of the judicial system is that couples counseling is neither a safe nor appropriate approach to ending domestic violence.

Although courts should not attempt to prohibit individuals who wish to engage in anger management or couples counseling from doing so, it should not be part of a judicial response to domestic violence and consequently should not be encouraged by the court. Victims should be made aware that neither anger management nor couples counseling is a substitute for a strong law enforcement and judicial response to domestic violence. Victims should be cautioned that it may be dangerous to believe that anger management counseling will stop the violence.

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²It is especially common for this request to be made to replace an order requiring attendance at a batterer's program (in Rockland it's the Volunteer Counseling Service (VCS) Domestic Violence Program for Men). VCS Domestic Violence Program for Men is a useful judicial monitoring tool, which provides a program of offender accountability. These classes are not part of any form of mental health treatment and mental health treatment should never be used as a substitute.