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## **Battered Justice, part 4: Colorado called resistant to change**

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Photos by Linda McConnell

They didn't start out as radicals.

Hard-nosed Amy Dixon, a former probation officer, and soft-spoken Traci Johnson, once an advocate for domestic violence victims, just wanted to make a living doing what they were trained to do: counsel those who abuse their partners.

But eight years after they began, the two Lakewood women sit alone in their coffee-colored therapy room contemplating the equivalent of burning their draft cards.

Dixon already has taken the plunge: She has torn up the state-issued certificate that allows her to offer court-ordered group treatment to domestic violence offenders. Johnson is considering the same step but hasn't committed yet.

They say they've had it.

The state, they complain, sees everything in simple terms: offender and victim, right and wrong, black and white.

But the world Johnson and Dixon say they see every day — the one where grown men break down and cry in front of other grown men — is gray, turbulent and seeded darkly in the human psyche.

To get at that, to dig it out, is what it will take to meet Colorado's goal of reducing domestic violence, they say. But Dixon and Johnson contend that state officials have so rigidly defined what must happen in treatment that getting to the root of the problem is almost impossible.



**Fed up:** Lakewood counselors Amy Dixon, left, and Traci Johnson disagree so much with state standards for offender treatment that Dixon gave up taking state court referrals, and Johnson is mulling a similar move.

"Therapy is the last thing on the list," Dixon said. "It's not valued. It's not seen as important."

Instead, the state typically requires 36 weekly sessions in a tightly constructed curriculum aimed heavily at educating offenders on how society leads men to believe they can and should control women. It's one of the longer mandated treatment periods in the country.

Only when a batterer accepts responsibility and is held accountable will he stop abusing his partner, according to the treatment approach, which is required for offenses handled by state courts. Municipalities are not subject to the standards, but some follow them voluntarily.

State officials say the standards offer plenty of flexibility as long as the basics are covered. Treatment can always be extended.

They say clear, specific statewide standards are necessary to avoid inconsistencies that plagued Colorado's treatment programs before 2000. The standards were so loose and sporadically monitored then that watching a movie could pass for group counseling — and did, according to news reports in the late 1990s.

But today's system doesn't work, Dixon and Johnson argue.

One reason, they say, is that violence is frequently tied up in a complex web of dynamics in couples' relationships, where each side may play a role.

And a large volume of research now supports a surprising but controversial finding: Women initiate violence in intimate relationships nearly as often or more often than men, even though women tend to end up with the most severe and most frequent injuries.

## Saturday

### An overview

Two decades of fighting domestic violence have not produced the hoped-for results, and many victims advocates say it's time to rethink the criminal justice system's strategies.

- [Anti-domestic violence efforts stall despite aggressive tactics »](#)
- [Compassion's high price »](#)

## Monday

### Arrests

Mandatory-arrest laws are putting more women in jail and raising concerns that victims aren't calling police for fear of losing control in the system.

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- [Mom struggles to stand up for self »](#)

Since most couples involved in domestic violence stay together, working with both of them may be more effective, Dixon and Johnson say.

Don't go there, they say they were warned. Couples counseling is the third rail of domestic violence — touch it and get burned.

Many advocates cringe at the thought of putting a crime victim into counseling with her abuser. They fear she won't be safe. And they see it as a step backward in the hard-fought battle against treating abuse as just a family matter, against blaming the victim for "provoking" her partner.

As for the research on women's violence, many advocates, including the administrator of the board that sets Colorado's treatment standards, say it is inappropriate to apply it to domestic violence.

Most of the studies measure only physical acts of violence, not the kind of intimidation or psychological torment typical of abusers, critics of the research point out. Most women who hit, kick or slap are defending themselves or lashing out against abuse, say those advocates.

The relationship studies "don't capture any of that," said Cheryl Davis, administrator for Colorado's Domestic Violence Offender Management Board. "There is conflict in a lot of relationships. Domestic violence is not about conflict."

Studies bolster concern over traditional treatment

Johnson and Dixon thought they were pretty much alone in their views.

Now they know their concerns are shared by a wide spectrum of others: treatment providers, judges and researchers who think traditional models of domestic violence treatment are often ineffective.

Scientific studies bolster that concern:

A study in the late 1990s concluded that domestic violence offenders who received no treatment "were significantly less likely to continue physical aggression" than those who were treated. Traditional treatment did not change the "prevalence, severity or frequency of battering."

A scientific study of 404 offenders in Florida's Broward County examined a group of men entering traditional treatment and a control group receiving no treatment. The 2003 report by the National Institute of Justice concluded that counseling produced "no clear and demonstrable effect on offenders' attitudes, beliefs or behavior."

Paradoxically, the study found that, other things being equal, offenders in treatment were 2.8 times more likely to violate probation than those who weren't treated.

In a review of four studies published on treatment success between 1992 and 2001, researchers Oliver Williams and Larry Bennett concluded that

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»

[When to arrest perplexes cops](#) »

[Officers discount self-defense claim in stabbing](#) »

## Tuesday

### Prosecution

Aggressive prosecution and "fast-track" courts are designed to give offenders swift, sure justice, but some worry the system is snagging the wrong people.

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[Making life a memorial](#) »

[Ruling ties prosecutors' hands](#) »

[Aftermath overwhelming](#) »

## Wednesday

### Treatment

Court-ordered treatment for batterers has not proved effective in studies, but critics say the state won't consider changing its approach. Coloradans and others are looking for solutions.

[Colorado called resistant to change](#) »

[State standard seen as lengthy, costly](#) »

[Success story ends in question](#) »

[Domestic violence experts speak out](#) »

[Focus on high-risk](#)

the programs played a "modest, but nevertheless significant" role in treating domestic violence. They quickly added, however, that "by significant, we do not necessarily mean statistically significant, but practically significant."

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▫ ['I'm looking at this as my last hump' »](#)

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Video stories

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[Day four: Keeping the](#)

Davis does not agree with research showing that treatment programs have fallen short. She calls the studies "very preliminary."

"When research comes out that is inconclusive, often people jump to the conclusion that therefore it means it doesn't work," Davis said. "And that's really an inaccurate conclusion to draw."

Colorado lawmakers made clear in a law that went into effect in 1988 that mandatory treatment was intended to ensure that "offenders will be less likely to offend again."

But looking at treatment alone, as most research studies have done, isn't a fair way to assess whether the criminal justice system is reducing violence, Davis said. An accurate measure must examine all the parts of the system, including police, judges, probation officers, she said.

Yet even the founder of the treatment model that has been copied around the country says most criminal justice systems, including Colorado's, are getting it wrong.

Ellen Pence, who created the Duluth model named for the Minnesota city where it was first used, says that by treating all cases of domestic violence the same, Colorado and other states are letting the predatory abusers squeak by, often

unscathed.

At the same time, many men and women in mandatory treatment don't belong there, she says.

"I know that there is this thing called battering where men use their historical privileges in marriage to beat the hell out of women. And there's a lot of it that's still going on," Pence said. "And that needs a very different intervention than two people where somebody slaps someone."

"We didn't want them arresting for every slap or every push or every hit."



Not as

**envisioned:** Minnesotan Ellen Pence, who was a pioneer in fighting domestic abuse, speaks in September to a conference of counselors and law enforcement personnel in Colorado Springs. She says Colorado's one-size-fits-all approach to treating offenders is the wrong way to go.

Focus on centralized, regulated approach

Dixon and Johnson, both with master's degrees in counseling-related fields, began working together at a Wheat Ridge counseling center in the mid-1990s.

Colorado had a reputation as a leading center for progressive thinking on domestic violence. In 1984, the Denver Domestic Violence Task Force pushed programs mandating arrests when police found injuries or evidence of a crime, along with aggressive prosecution and treatment for offenders.

In 1988, the state set up a commission to set treatment standards statewide.

In general, the commission held that the presumed treatment consisted of 36 weekly group sessions.

An appointed board replaced the commission in 2000 and instituted more centralized, regulated standards for treatment in 2001, incorporating many elements of the Duluth model.

Pence considers the Duluth model a comprehensive approach to fighting domestic violence, including services, arrests, prosecution and treatment.

[victim safe »](#)



[Domestic violence experts are answering questions about the mindset of offenders, the judicial system and which types of therapy work best.](#)  
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Commentary

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In terms of treatment strategies, the Duluth model generally connotes what professionals call "psycho-education."

An instructor lectures on sexist roles in a male-dominated society. Men are seen as the power brokers, often exercising dominance through intimidation and violence. Women are at the bottom of this power-and-control pyramid.

Pence still holds to much of the model but says other systems can also work, as long as all social and legal components work together.

Dixon and Johnson say they followed Pence's model for much of the 1990s but also used more traditional psychotherapy.

Both women are convinced that violence comes mostly from emotions and learning early in life. Both try to help abusers understand those roots and confront them.

As long as state rules were paid only lip service, Dixon, Johnson and others say they got along fine.

But state administrators say the old system, controlled by locally appointed boards, was too lenient and inconsistent.

Davis said offenders, often "manipulative and secretive," began shopping for providers who wouldn't hold them accountable.

Dixon and Johnson, who left the Wheat Ridge clinic in the late 1990s to start one of their own, agree that the old system had problems.

"Everyone got lazy. And we just did what we wanted to do in our agencies," said Dixon.

Now, however, the regulations are so restrictive that there is little room for methods that diverge from the education model, they complain.

The lecture format requires teaching such concepts as "the socio-cultural basis for violence" and "issues of gender role socialization" — subjects that often seem abstract and fail to resonate, they say.

The standards place a premium on the offender accepting responsibility for the abuse. But offenders may have no real remorse.

"Anyone can write a letter saying, 'I'm sorry I hit you.' And then they hand it to you and say, 'B-----,' " Dixon said. "They haven't fixed anything. They've written you the perfect letter so they can get out of classes."

And all the emphasis on oppressor vs. the oppressed avoids one reality: Those in treatment often don't view themselves as having unique privileges.

"When I go into groups, all of them sound like victims. It doesn't matter how much money they make or what class they're in," Dixon said. "Everybody comes in feeling very victimized. By the system. By their partners. By their families."

Another problem is more ethical, Johnson and Dixon say.

"It puts you in a bind in terms of being an educator vs. a therapist," said Johnson.

Davis rejects the contention that state standards are inflexible.

Counselors are free to pursue an offender's background and life history as long as they follow the other requirements, she said. She contends that Colorado's approach goes far beyond the Duluth model and incorporates the kind of cognitive behavior therapy some providers advocate.

"I think one of the misperceptions is that the standards are one-size- fits-all, which they really are not," Davis said. "I think if you read the standards, it's clear that it is meant to be individualized treatment. If they are saying it is all educational, then that conflicts with what the standards actually say."

The regulations do, indeed, specify that treatment should be adapted to the individual, said provider Marcela Paiz. But the rules dictate the courses of action so specifically that customization is difficult, she said.

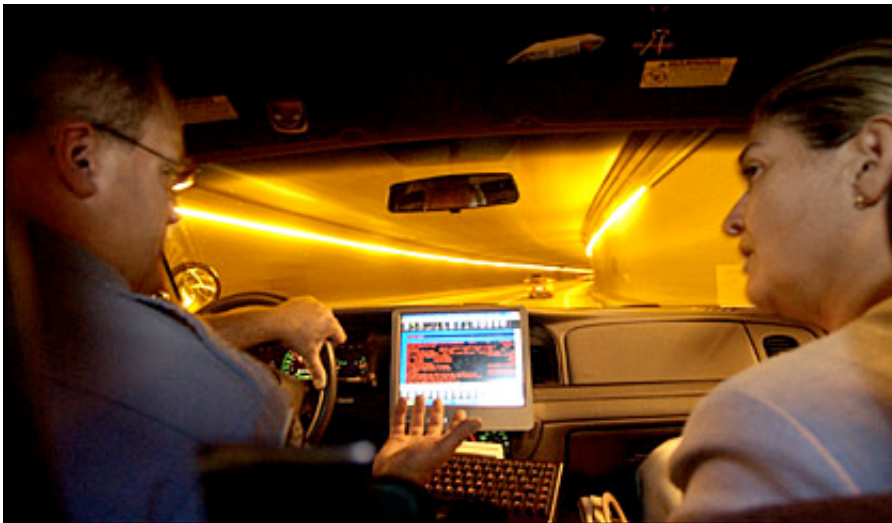
Paiz is less critical than Dixon and Johnson, however. She hasn't given up on the system.

"For me there's nothing more satisfying than, at some point during treatment, to see a man's face light up and have him say, 'Ah ha, I get it, I see,' " Paiz said.

But she worries that Colorado's system is too standardized, too routinized, too negative.

"It's all those don'ts," she said. "To me, that's a lot of what the educational process is about. No one has ever said, 'Here's how you do it.' "

A more therapeutic, positive approach is needed "so you are not further tearing down these individuals," Paiz said. "That's when you do more harm than good. Suddenly the 36 weeks are over and they haven't been put back together."



**Joining forces:** The Tubman Family Alliance in Minneapolis is experimenting with a variety of innovative programs to fight domestic violence. Police Sgt. Dean Christiansen and Tubman psychologist Mary Jo Ayendaño de Bealka respond to a call as part of the alliance's Child Development Policing Program, which helps children deal with violence.

Couples' dynamics can't be ignored

At first, Dixon and Johnson kept their opinions to themselves.

Then they saw Resmaa Menakem on Oprah Winfrey's TV talk show. Menakem is a researcher at the Tubman

Family Alliance in Minneapolis, a pioneer in domestic violence research. He was pointing out that the education model ignores couples' dynamics.

He was speaking their mind.

Colorado allows couples to meet jointly for resolving specific issues such as child support and visitation. The standards also permit couples counseling — but only if 21 conditions are met. In both cases, a victims advocate must be present.

"The board is going to err on the side of safety," Davis said. "These are court-ordered offenders. They've been charged. They've been convicted. And victim safety has to be the board's priority."

But critics say the resistance goes beyond concerns about safety.

"Most domestic violence organizations don't know how and don't want to deal with couple dynamics," Menakem told the Rocky Mountain News. "Their line of thinking is that when you begin to do that, you have to blame the victim."

He insists that's not the case.

"You don't give (the offender) a pass for his violence," Menakem said.

The response needs to be therapeutic, not just legalistic, he said.

"We can't keep doing the same stuff and think it's going to give us a different result. It's not."

Pence agrees that some offenders need alternative approaches, including couples counseling.

But Davis is skeptical.

"Couples counseling implies that both people are having an impact on what's happening," Davis said. "And our philosophy and theory is that the victim is not responsible for what is happening."

Steve Carter, who retired as a Garfield County judge last year, said he saw couples' relationships as a key part of what brought them to court.

"There's a dynamic," he said. The state's rules assume that violence is "entirely done by one party. I've never seen it."





**Weighing policies:** Cheryl Davis, the top administrator of Colorado's Domestic Violence Offender Management Board, goes over the agenda at a meeting last month. Davis says more than treatment must be considered when assessing whether the criminal justice system is reducing domestic abuse.

#### Offender management board 'didn't want to listen'

At the core of the complaints by Dixon, Johnson and others is that the offender management board is resistant to ideas that challenge the current model.

Jonathan L. Walker, a deputy public defender who served on the board, laughed when asked how often the board discussed new research and ideas.

"There's really none of that soul-searching," Walker said. "I thought oftentimes it was as if the standards were the Ten Commandments, as if they were etched from upon high there at the legislature. I have the utmost respect for the people who are on the committee, but damn it, they didn't want to listen."

Nancy Lantz, who has been counseling domestic violence offenders since the 1980s, agrees that the board has hit a few glitches. But she thinks some who complain have not tried to work within the system.

"I keep saying, 'If you don't like it, you have to be a part of making the change. Work with them so the standards can be the best they can be,' " Lantz said.

Dixon and Johnson, who had expressed their views widely, say they met with Davis and Ray Slaughter, executive director of the Colorado Division of Criminal Justice, at a bagel shop to discuss why an employee's certification was taking so long.

"It felt intimidating," Dixon said. Johnson came away despondent.

Both counselors said they didn't think the state officials understood or were open to their point of view.

Davis said she tried to emphasize the importance of the providers' input and offered them the chance to volunteer for a board committee to share their views.

Trish Thibodo, a board member who also heads the Colorado Coalition Against Domestic Violence, said the board has examined research studies.

"There is a strong willingness to have conversations and bring in different viewpoints," she said.

"If there is this general perspective that the board is heavy-handed and doesn't care about what's happening to people in communities, we really have to look at that," Thibodo said. "But I also think there's going to be some people, no matter what we do, that are going to totally disagree with the board."



**Building skills:** Arapahoe County jail inmates serving time for domestic violence-related offenses learn communication skills in a class taught by counselor Nancy Lantz last month. Participation is voluntary; the topic of this session is fair fighting. Lantz also offers court-mandated treatment.

Standards based on research, but more studies are needed

The debate over which approach to use with offenders and how to interpret research studies takes on strong ideological tones.

Researchers say the traditional advocates are suppressing or ignoring scientific evidence in favor of entrenched dogma.

Advocates counter that researchers are studying the issue without context or real-life experience, relying on numbers that can be used to roll back gains in protecting women.

Deborah Capaldi of the Oregon Social Learning Center is one of the researchers who has found that women initiate half or more of the violence in relationships. She says she's been hammered by some feminist advocates.

But scientists must face facts, she said, and treatment programs should be based on evidence.

"The study of couples aggression didn't start from research. It started from a political movement, a feminist movement to protect women. And so they gained a huge amount of ground without adequate research to back it up," Capaldi said.

In Colorado, Greeley District Judge Gilbert A. Gutierrez, a member of the management board, acknowledged he has had difficulty seeing how the research supports the state's treatment approach.

So does Judge Carter.

"It was sort of like the Wizard of Oz. When you pulled back the green curtain, there wasn't anything there that you could see that said, 'This approach works better than that approach,' " Carter said.

Davis said the standards are based on voluminous research reviewed by the 1988 commission and the current board created in 2000.

But she agrees there is a need for more data. The board has been working for two years on a one-page form for the state's 230 treatment providers to fill out to create a database of information about offenders.

No research can be designed until that baseline information is collected and money is allocated, Davis said. And she's not sure that Colorado can offer a fix to a system that hasn't been proved to be broken.

Davis said she holds out hope that more treatment along the lines already established is the key.

"There are things anecdotally that we believe have an impact," she said. Among them are "holding offenders accountable and not looking at treatment in isolation."

In the meantime, Johnson continues working with court-ordered offenders. Dixon does private counseling and municipal referrals.

Dixon said she has no regrets about surrendering her certificate.

"If we just go out and say what we think is true, our agency may even grow," Dixon said. "We're going to lose a lot of people, but we'll also probably get a bunch."

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*Staff writer Sarah Huntley contributed to this report.*

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