



# POSITION STATEMENT AGAINST COUPLES COUNSELING & ANGER MANAGEMENT IN DOMESTIC VIOLENCE CASES

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As part of a comprehensive judicial response to domestic violence<sup>1</sup>, it is necessary for the justice system to vigilantly examine the programs to which domestic violence offenders are referred. Justice system professionals should understand that couples counseling and anger management programs focus on therapeutic or treatment models, which disregard the dynamics of domestic violence, do not demand offender accountability, and seriously compromise the safety of victims of domestic violence. ***Thus, whenever domestic violence is suspected or present, couples counseling and/or anger management programs are never appropriate and should not be ordered or encouraged by the justice system. The justice system should use traditional sanctions for an offender's domestic violence case.***

## COUPLES COUNSELING

***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.*** Abusive behavior is the sole responsibility of the abuser, and the very act of ordering or encouraging couples counseling inappropriately implies that the problem is shared between both parties. Also, if the justice system were to order or encourage couples counseling, it would place victims in significant risk of experiencing additional and/or escalating abuse.

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 conditions are never possible when one person is emotionally or physically abusive to another.

Couples counseling gives a false sense of hope that the relationship can be improved without focusing on holding the offender accountable for his abuse. Better communication between partners does not stop domestic violence. Victims of domestic violence who are being abused, intimidated, controlled, threatened, or coerced by their partners are not free to engage in a candid dialogue. If placed in couples counseling, a victim of domestic violence would be encouraged to speak frankly about their partner's behavior and address problems in the relationship in the presence of an abusive partner. Individuals who do so are at great risk of retaliatory tactics from the abuser, thus, their safety is significantly jeopardized.

In couples counseling, victims are often placed in a position in which they take responsibility for instigating the abuse or participating in activities that supposedly precipitate the abuse. Thus, accountability is improperly shifted from the offender to the victim, sending the message that the victim shares responsibility for the abuse and the offender is justified in his actions.

## ANGER MANAGEMENT

***The justice system should not order or encourage anger management programs as a tool for addressing domestic violence.*** Although domestic violence offenders often explain their violence as a result of anger, domestic violence behaviors are almost always the result of a deliberate choice to exert power and control over a partner.

Anger management programs focus on the premise that the offender is unable to control certain violence or anger 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, and secondly, that the offender is not responsible for the violence since he is unable to control it.

Domestic violence offenders 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 believe they need to be socially appropriate, but do not feel the need to do so with their intimate partner.

Because domestic violence is not the result of an anger control issue, anger management programs are not effective in stopping domestic violence and should never be used by the judicial system as a substitute for strong law enforcement and thorough judicial oversight of domestic violence offenders. If a court were to order anger management for any defendant in a domestic violence case, it would be as inappropriate as ordering mental health therapy for any defendant who commits an assault upon a stranger.

Since the court is dealing with domestic violence as criminal behavior, the policy must require that the behavior be treated as a criminal matter. Strong law enforcement measures such as mandatory arrests of aggressors and regular, demanding judicial monitoring of defendants are necessary and essential aspects of an effective policy.

Anger management programs 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.

## JUDICIAL RESPONSE

***Couples counseling and anger management programs have not been demonstrated to be an effective way to hold domestic violence offenders accountable.*** Domestic violence experts have repeatedly stated that the most effective way to achieve offender accountability is through the existence of a comprehensive coordinated community policy of zero tolerance for domestic violence that includes an understanding of the scope of coercive and controlling tactics that abusers use.

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 or disposition of the court 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.<sup>2</sup>

Although courts may not prohibit individuals who wish to engage in anger management or couples counseling from doing so, it should never be part of a judicial response to domestic violence. Victims should be advised that neither anger management nor couples counseling is a substitute for a strong law enforcement and judicial response to domestic violence. ***Victims should also be made aware that it is dangerous to believe that anger management or couples counseling will stop the abuse.***

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<sup>1</sup> For the purpose of the position statement, domestic violence is defined as physical abuse or non-physical coercive or controlling tactics perpetrated by one intimate partner against another.

<sup>2</sup> It is especially common for this request to be made to replace an order requiring attendance at a batterer program that follows the approach of the New York Model for Batterer Programs. These model programs are a service to the court as well as a useful tool for judicial monitoring, and are used to determine if a domestic violence offender is taking the court's order seriously. These programs are not part of any form of mental health treatment.

Review and input provided by the **New York State Coalition Against Domestic Violence** and the **New York State Office for the Prevention of Domestic Violence**.