Trying to Keep Abusive Teens from Becoming Abusive Adults

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Monday, March 02, 2009 12:00 AM - Last Updated Wednesday, May 22, 2013 02:49 PM

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A serial number and then a name was called. One by one the young men walked through the short swinging door and stood on that imaginary X to the right of their lawyer. Many chose a familiar stance for arrestees: hands behind back, but with fingers, not steel cuffing their wrists. Some looked barely out of high school.

Each defendant, ranging in age from 16 to 19, was charged with what traditionally is thought of as a grown-up crime: intimate partner domestic violence. Rather than going to a traditional court, however, the defendants appear in Brooklyn's Youthful Offender Domestic Violence court. There, many had a choice beyond pleading guilty or innocent: They could admit to the crime and do the time, not in a jail cell, but in a classroom learning about healthy relationships.

Advocates of the project laud the court's attempt to change the dynamics of the social and criminal problem of domestic violence. They look at the court as a way to stop patterns of abuse and victimization.

But the same advocates concede they don't know how well the system works. "You hope," said Judge Miriam Cyrulnik who presides over the Brooklyn Youthful Offender Domestic Violence

court. "While I've got them in that window I hope this will be the instant turnaround."

A Unique Court in New York

A photo of badly beaten pop star Rihanna, 20, has toured the media in the last week. The attack on her, allegedly by boyfriend Chris Brown, 19, has refocused the nation's eyes on the increased reports of teen dating violence.

In New York City, a 2007 Youth Risk Behavior Survey found that about one in 10 high schoolers said that a boyfriend or girlfriend hit or had physically hurt them on purpose during the past year. The city hotline for reporting and tracking domestic violence had a more than 50 percent increase in calls from teens between 2006 and 2007. Calls by teens to the Domestic Violence Hotline jumped from 9,462 calls to 16,871 calls, according to the Mayor's Office to Combat Domestic Violence. In a report by clothing company Liz Claiborne, Inc., one in three teenagers surveyed said they knew another teen who had been physically abused by a partner, including being slapped, choked or kicked.

To curb the violence, New York State has added Youthful Offender Domestic Violence courts to its problem-solving courts system . Others include drug treatment courts and mental health courts. The first Youthful Offender Domestic Violence court opened in Brooklyn in 2003, and courts in the Bronx and Yonkers followed.

The three courts are the only courts in the country that exclusively handle misdemeanor dating violence cases involving teens. The offenses include harassment and the threat of or actual physical harm, such as pushing or hitting.

"It's the question of can a court look at these cases and intervene and can the courts decrease the chances of these defendants becoming adult offenders," said Rebecca Thomforde Hauser, associate director of domestic violence programs at the Center for Court Innovation , which helped found the Youthful Offender Domestic Violence court.

Taking STEPS

Cases are assigned to the court once police establish the crime took place between people involved in a relationship and that the defendant is between the ages of 16 and 19. Many of the

teens are dating, but they can be married or have children together. From July 1, 2008 to Dec. 31, 2008, the Brooklyn court heard 115 new cases. Most of the defendants were male, according to the Office of Court Administration, and 74 percent of the top charges were for assault. Since 2003, the average age of the Brooklyn court's arrestees is 19.

Once the case has gone to the judge, the prosecution may offer the defendant the option of attending a batterers program as part of a negotiated plea deal. The defendant pleads guilty to the crime, but if he completes the program, complies with restraining orders and keeps his scheduled court appearances, the offense can be expunged from his record.

One batterers program the court uses is STEPS to End Family Violence. The free, 12-week program teaches male defendants about healthy relationships.

Those who take the plea deal with STEPS must attend a weekly 90-minute class. From July 1, 2008 to Dec. 31, 2008, 19 defendants were in STEPS, according to the Office of Court Administration. Confidential STEPS classes include group discussions and videos. The class does not offer counseling but attempts to educate the young men and hold them accountable for their actions, said Carol Grannum, a STEPS co-facilitator.

Grannum said she often uses imaginative stories to help participants understand domestic violence. Recently the class discussed the breakfast a wife cooked for her husband, Grannum said. Along with juice and toast, the husband asked for boiled eggs and scrambled eggs. He specified which eggs in the carton to be scrambled and which to be boiled. When she brought him his food, he complained that she scrambled and boiled the wrong eggs. He punched her in her face.

"'Why not just beat her, why use the eggs as an excuse.' Someone said something like that," Grannum recounted.

That was almost the point. "The moral of the story wasn't the egg," said Grannum, "because he would have found something to assault her for."

The participants were supposed to learn that unreasonable expectations coupled with controlling attitudes and temperamental behavior can lead to a violent relationship.

STEPS addresses social norms that reflect patriarchy and play a role in aggressive male behavior, according to Grannum. The presence of male co-facilitator Joe Samalin adds balance to that theory. It also confronts him each class.

"There's an extra level of responsibility to be as aware as possible that I'm going to slip up as a male in a sexist city, country, planet," Samalin said. "[I'm] challenging myself to know what accountability means in a much deeper way."

The batterers program marks how problem-solving courts differentiate themselves from other courts. They partner with community organizations and emphasize behavior change instead of simple incarceration. For defendants, the court provides an opportunity to start anew. But there are strings attached.

Keeping with the Program

"If you miscalculate the time you're going to jail for 15 days," warned Judge Cyrulnik. "If you miss class, you might as well bring your toothbrush along." If a defendant arrives to STEPS late, he is not allowed into class.

Cyrulnik stared down the defendant from her perch, masking the amicable personality she has when she steps down from the bench. This defendant had missed two STEPS classes. Cyrulnik offers him another chance to go to STEPS instead of jail.

For defendants in compliance with their batterers program and court orders, she gives encouragement. When Cyrulnik asked another defendant about his relationship with his probation officer, the defendant said the officer lacked faith in him. The man had completed six weeks of the STEPS program thus far.

"You're going to show her what I know you're capable of doing," Cyrulnik said about him staying out of trouble. "I have every confidence you're going to do that."

Not all defendants have confidence they can complete a batterers program or want to complete one, said Deirdre Bialo-Padin, domestic violence bureau chief at the Brooklyn district attorney's office.

"They may say, 'I'm not looking at this as a good thing or bad thing,'" Bialo-Padin said. "But they may be saying to themselves, 'There's a risk of failure I'm setting myself up for.'"

Effectiveness

For the district attorney's office, "the goal is not necessarily looking to put someone in jail," Bialo-Padin said. "It's making sure they don't come back."

How effective are STEPS and similar efforts at accomplishing that?

"The research is inconclusive on whether batterers programs work, but if you're going to have a condition as part of his plea, let's have a condition that's particular to his offense," Bialo-Padin said. "I rather him go into a specific program that's going to address his behavior in an intimate relationship than cleaning graffiti in the subway."

The Center for Court Innovation has yet to complete any studies that show how well the court and batterers program work in curtailing domestic violence recidivism, said Thomforde Hauser.

Neither Grannum nor Samalin could say whether STEPS actually causes participants to stop abusing their partners.

"Domestic violence advocates, some, may say it's putting victims at risk," Grannum said. "[Participants] might learn to be more emotionally abusive instead of physically, which landed them here."

"How to be a better batterer," Samalin added.

But both hope that the program teaches participants that battering and abuse constitute crimes with consequences.

Helping Victims

Few victims appear in the courtroom. They don't have to go to the session unless they are testifying. They can ask for orders of protection through the prosecuting attorney.

The Brooklyn district attorney's office caters to victims' needs through the city's Family Justice Center in Brooklyn. Analogous to STEPS for defendants, the center offers counseling and referrals to local organizations for job training and education. Although the center reaches out to all victims police notify them of, not all choose to respond, said Bialo-Padin. In 2008, 105 victims met with advocates, she said.

"It's important to intervene and let victims know you don't have to take it now and you don't have to take it later," said Thomforde Hauser. "And the same with defendants, that we do take it seriously and there are other ways to be a man in the world."

Wanda Lucibello, chief of the special victims division for the Brooklyn district attorney's office, recalled the story of a teenage Mexican girl who traveled to New York to live with her father. But when the girl, about 16-years-old, arrived, her father lived on a cot in a room with other immigrant workers. She had no suitable place to stay, said Lucibello.

The girl later moved in with a boyfriend, who became abusive. He was arrested, and she needed safe housing. The Family Justice Center stepped in.

"We were able to quickly address many different needs that not only she had but in turn her dad had, and we were able to cobble together safety for her, appropriate living circumstances for her and even to engage the help of immigration lawyers," said Lucibello. "Had we not been able to do that she probably would've remained for a much, much longer period of time [with the

boyfriend] and quite possibly been exposed to greater and greater danger."

Many of the defendants were themselves once victims of abuse, watched battering or are dealing with some personal crisis, advocates say.

Cyrulnik recalled one defendant who missed his court date because he said he needed to watch over his baby brother. Their mother neglected them. She was addicted to crack, he told the judge.

Recounting these circumstances, Cyrulnik acknowledges that the court does not have the power to change the circumstances that can lead to a cycle of domestic violence. She said, "There comes a point where we can't do anymore."