
JEFFERSON COUNTY MEDIATION SERVICES

VOLUNTEER COLLOQUIUM MINUTES

November 15, 2016

Volunteers Present: Nelia Achter, Calyn Crow, Anita Gilbertson, Hazel Hanley, Joe Lasky, Elizabeth Reppond, Alexa Sample, Joel Scoville,

Staff Present: Mark Loye, Julie Carter, Helena Jo Goldstein, Rachel Johnson

I. Welcome and Introductions

Mark Loye welcomed everyone, introduced himself and asked those present to introduce themselves. Helena Jo Goldstein introduced speaker Brad Stubbs.

II. Discussion: Domestic Violence Offender Treatment

Speaker: Brad Stubbs, MSW, LCSW

Mr. Stubbs began by sharing a bit about his experience in social work and psychotherapy and described the evolution of the AMEND (Abusive Men Exploring New Directions) Program. The AMEND Program started as a small grass roots organization which eventually non-profit and came about when women's shelters began forming as a result of domestic violence (DV) and partner abuse. The idea was to help women affected by violence by helping the (mostly) men doing the violence. AMEND does not exist as a non-profit program anymore, but Mr. Stubbs operates under the business name Counseling Services of Colorado and AMEND Counseling Services, which provides court-ordered counseling for perpetrators.

In the program's earlier years, most of the clients were voluntary participants. Now fewer voluntary clients are involved, as most clients are court ordered to participate in counseling. This shift is primarily attributed to the change in how police respond to domestic-violence calls. In the past, police officers rarely made arrests for domestic violence. Over time, an increased understanding of the dynamics of domestic violence, and its potential lethality, developed. Educational programs for the police and the courts were instituted. Abusers can now be prosecuted even if the victim says they do not want to press charges. The victim is removed from the role of "putting them (the offender) in jail." The offender is encouraged to shift his understanding from "she put me in jail" to "my behavior put me in jail". This allows the offender to take responsibility for their behavior. Mr. Stubbs's experience is that men often do experience regret for their behavior, and they can accept responsibility for their actions.

There are female domestic-violence perpetrators, and there are treatment groups for women. While women can be violent, the vast majority of domestic-violence offenders are men. Admittedly, male victims may be more reluctant to report DV than women, and there is a lack of resources for such men. Women are also less often arrested when police are called out for DV incidents.

New clients first have an initial evaluation. Each evaluation includes testing and an in-person interview. Some people enter a plea bargain in return for a reduction in criminal charges. When that occurs, the treatment evaluation is based on the police report (what was reported to have occurred) along with the conviction on the court records. Other violent occurrences and mental-health issues are considered when assessing a perpetrator's ability to participate in group therapy. Sometimes counselors will see offenders in individual therapy if it is determined that the person will do too much harm to a group by participating.

Perpetrators are divided into three classifications for purposes of treatment. Level A is for first-time offenders with no previous DV involvement and no lethality flags. There is no alcohol or drug abuse in the situation. Level A's attend group clinical sessions once a week. Level B's are more common and have more risk indicators. The client has been involved in other incidents that raise them on the lethality scale. These situations include more severe incidents where the police were not involved (no charges), incidents of physical harm to another person or use of weapons. Level B's attend group clinical sessions once a week and have at least one monthly clinical meeting to monitor and address resistance, mental health or substance abuse. Clients who have had a previous incident *and* been charged are automatically put at a Level C. Violation of a protection order also automatically puts individuals at a Level C. Level C clients require a more intense level of contact and attention, with at least two contacts a week. There is often a separate weekly contact to address substance abuse. A Level C client can go down to a Level B if they are going through the program and applying behavior strategies appropriately.

The state standards list competencies that clients must meet. The participants' obligations regarding probation, court, restitution and child support must also be fulfilled. The client must meet standards of living in a stable environment, with a steady job and place to live. A large piece of offender participation in the program is taking responsibility for their behavior and the consequences.

A main competency is empathy. A goal of the program is development of the client's empathy for the victim and the impact that the situation has had on them. Most therapy groups use a cognitive model to shift clients' thoughts from trying to control the situation to understanding they can control only their own behavior. The concept of the model is that how a person feels and thinks is how they will behave. Part of the cognitive-model process is identifying what the cognitive distortions are for each client. Cognitive distortions are the thoughts causing the person to act in a particular way; a person may perceive a threat, which causes the thought: "I have to do something to change the way she thinks about that."

Further competencies include increased communication skills. Clients learn how to listen and be assertive rather than aggressive or passive. When applicable, the client also works on parenting

their children, and cooperating and working with the other parent of the child. Clients learn how to take time-outs and to recognize that when a conflict is getting out of hand they need to leave the situation.

To complete the program, the client must not be using drugs or alcohol. Mr. Stubbs discussed how the legalization of marijuana in Colorado has caused some issues for the program. Some clients have permission to use medical marijuana, which is controversial. When someone is convicted of domestic violence, even their use of prescription drugs is reconsidered. Participants are not permitted to use recreational marijuana at this time.

Throughout treatment, a probation officer, victim advocate, and treatment provider create reports to help the team make a decision about a client's completion of the program. Mr. Stubbs explained that no one can say that a client who completes the program will never be violent again. The goal of the program is to ensure that each participant acquires the tools to move on. Before someone completes the program, the assessment team looks at whether the person has those tools, is stable, is accountable for their actions, and has cooperated and actively participated. Upon completion, the client creates a personal change plan that addresses competencies and how they will put them into action in real life.

Tracking recidivism rates has been difficult. Fifteen years ago AMEND collected data that showed 50% of the participants later had re-involvement with the courts. Mr. Stubbs shared that he has 4 or 5 repeat participants a year. Those clients are assessed for what they did not get from the program previously. Domestic-violence offenders take 1-5 years in a volunteer program to make behavioral improvements.

Clients are not allowed to participate in marital counseling while in the program. Mr. Stubbs suggested that individuals in an abusive relationship are also not good candidates for mediation. Both parties may appear to be participating voluntarily, while there may be underlying pressure that a mediator does not see. Mr. Loye pointed out that JCMS works with Family Tree to ensure victims of domestic violence are not re-victimized in mediation. JCMS seldom conducts mediation regarding child support or parenting time if there is a protection order in place. The only cases considered are when the judge who issued the protection order also issues the court order for mediation. Even then JCMS carefully informs clients that mediation is voluntary and they may consider filing with the courts to waive mediation. There are ways to accommodate concerned participants by providing shuttle mediation, phone mediation and/or separate arrival times. Mediators can also schedule mediation at the courthouse, where parties can meet after a security screening. If a situation becomes uncertain, each office door at JCMS locks to anyone on the outside once shut.

JCMS has worked with Family Tree over years to address safety and re-victimization concerns. Rules have been put in place to specify a minimum amount of time between mediation requests, and "frequent requesters" are flagged in the database. Women are often worried that they will look like the bad person for refusing to participate in mediation (in cases of abuse or harassment). JCMS uses a case closure letter that states the situation is not appropriate for mediation, or that JCMS cannot meet the parties' needs. This way it looks like JCMS made the decision for the mediation not to proceed. Mr. Stubbs shared that DV perpetrators are sometimes

arrested for filing too many motions regarding their children. They are using the court system to commit psychological violence (abuse).

Mr. Stubbs excused himself, and mediators continued to discuss domestic-violence issues in mediation. Mediators touched on the importance of recognizing non-physical threats, such as a victim's experience of pressure regarding finances and parenting. Mediators discussed contentiousness of parties in domestic mediations and the possibility of concealed weapons. (Issues about concealed weapons were covered in a panel at the September colloquium as well as in an ethics panel at the ADR conference.)

Mr. Loye thanked everyone who attended and wished them a good evening.

IV. Next Colloquium: Domestic-Violence Awareness for Mediators, Tuesday, January 17, 2017, 6:00 – 8:30 p.m. in the Open Space Hearing Room (Ponderosa Room). RSVP required. The colloquium will be presented by The Family Tree of Denver, a program which has provided services designed to end domestic violence, child abuse and homelessness for four decades.

The meeting was adjourned.

Submitted by: *Rachel A. Johnson*

Rachel A. Johnson, Administrative Assistant

Approved by: *Helena Jo Goldstein*

Helena Jo Goldstein, Program Director