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**The Role of Drug and Alcohol Abuse in Domestic Violence and Its Treatment:
Dade County's Domestic Violence Court Experiment**

Final Report

by
John S. Goldkamp

with
Doris Weiland
Mark Collins
and
Michael White

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CRIME AND JUSTICE RESEARCH INSTITUTE
520 North Delaware Avenue, Suite 600
Philadelphia, Pennsylvania 19123
(215) 627-3766

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The Role Of Drug And Alcohol Abuse In Domestic Violence And Its Treatment: Dade County's Domestic Violence Court Experiment

Executive Highlights

The Dade County Domestic Violence Court research addressed three main substantive questions about the role of substance abuse in domestic violence, the impact of the domestic violence court approach, and the effect of a specially designed treatment approach which integrated batterer and substance abuse treatment into an innovative hybrid. The study was organized into two phases: a) a baseline study designed to characterize the domestic violence caseload and the impact of the newly formed Domestic Violence Court (Division) and b) an experimental evaluation of the batterer-substance abuse treatment hybrid. Although the main emphasis of the study was on misdemeanor processing and treatment in domestic violence cases, the baseline study examined contemporaneous samples of civil injunction, misdemeanor and felony cases entering the Dade courts in the spring of 1993 (with a one-year observation period) to consider the larger context of domestic violence case processing. The treatment experiment examined the impact of the integrated batterer-substance abuse treatment model on domestic violence by following control and experimental group defendants and probationers into treatment during a period between June 1994 and February 1995 with a seven-month follow-up. (For more in-depth discussion of the research, please refer to *The Role Of Drug And Alcohol Abuse In Domestic Violence And Its Treatment: Dade County's Domestic Violence Court Experiment: Final Report* and to *The Role Of Drug And Alcohol Abuse In Domestic Violence And Its Treatment: Dade County's Domestic Violence Court Experiment: Executive Summary*.)

Domestic Violence in the Courts: Findings from the Baseline Study of Civil Injunction, Misdemeanor and Felony Domestic Violence Cases

- Common Themes in Civil Injunction, Misdemeanor and Felony Caseloads: Common themes were found to characterize the separate samples of civil injunction, misdemeanor and felony cases in the baseline study. This basic finding supports the argument that specific aspects of

judicial processing in domestic violence matters can be most meaningfully understood in the context of knowledge of the overall domestic violence caseload.

- Age, Race, Gender, Employment: The age, gender and racial/ethnic make-up of participants in domestic violence cases varied little by case type (civil injunction, misdemeanor, felony). Domestic violence defendants and respondents were somewhat older than other Dade County defendants (with an average of around 32 years of age). Most—but not all—defendants/respondents were male: ten percent of misdemeanor defendants, 15 percent of felony defendants, and 25 percent of civil respondents were female. A majority were employed—a finding also not in line with attributes of other populations of criminal defendants in Dade County.
- Gender in Offender-Victim Relationships: Although the majority of offender-victim (defendant-complainant) relationships were male to female, female-male, female-female, and male-male relationships were also found in domestic violence incidents in both civil injunction and criminal cases. These findings reflect not only the diversity of domestic or family violence incidents but also illustrate the broadened scope of domestic violence law as it takes into account other types of personal and familial relationships.
- Types of Offender-Victim Relationships: More than 40 percent of misdemeanor and civil injunction cases involved spouse/ex-spouse relationships. In contrast, boyfriend/girlfriend (or ex-boyfriend/girlfriend) relationships were common in felony and misdemeanor cases (46 percent and 45 percent, respectively) and less frequent in civil injunction cases (roughly one-third). “Other relative” relationships figured much less prominently in felony cases (12 percent), and non-family domestic relationships were involved in 15 percent of the civil injunction cases. Parent/child relationships made up a small proportion of all three types of cases, although they accounted for a somewhat larger percentage of felony cases (eight percent).
- The Role of Children: A prominent theme across civil injunction, misdemeanor and felony cases involved the direct and indirect impact of domestic violence incidents on children. In roughly one-half of domestic violence cases, children lived in the household where the incidents allegedly occurred. From 30 to 50 percent of the parties had children in common. Children were present at the incidents themselves in from 14 to 16 percent of cases and were

themselves physically harmed in the incidents from one to four percent of the time. Together these measures demonstrate the potentially large impact of domestic violence on children, whether direct or indirect.

- The Role of Substance Abuse: A conservative estimate is that from 40 to 50 percent of defendants or respondents in domestic violence cases used alcohol or other drugs of abuse at or near the time of the precipitating incident. These findings suggest that, for a very large proportion of persons in domestic violence cases, substance abuse plays a significant role in the problem to be addressed by the courts.
- Prior Criminal History and “Escalation”: Part of the rationale of the Domestic Violence Court in focusing on misdemeanor domestic violence offenders rested on the perspective that domestic violence “escalates” from less serious into more serious behaviors. According to this reasoning, misdemeanor cases represent offenders that typically have reached a serious stage of “development” in their abusive histories, but not yet involving the extremely dangerous type of behavior more likely to be associated with felony-level cases, when preventive interventions might be viewed as too late. Extending this reasoning, one might hypothesize that in general respondents would have less extensive (“pre-criminal”) prior and current histories in civil injunction cases, more serious histories in misdemeanor cases, and most serious histories in felony cases. However, while the findings from the baseline data on offender background were mixed, they do not appear to offer strong support for the “escalation” perspective.
- Few “Specialists”: Defendants and respondents in the three types of cases were not often “specialists” who showed no other record of prior involvement in criminal justice except for domestic violence.
- Few “First-Timers”: Apart from a small minority who were indeed, according to official records at least, “first-timers,” most had prior records of arrests and convictions comparable to other criminal court populations. A majority of defendants and respondents had prior histories of arrest (59 percent of civil injunction respondents, 65 percent of misdemeanor defendants, and 69 percent of felony defendants). Many had prior arrests for felonies in the last three years (27 percent of civil, 32 percent of misdemeanor, and 42 percent of felony defendants). Twenty-three percent of civil injunction respondents, 36 percent of

misdemeanor defendants, and 39 percent of felony defendants had assaultive prior arrests potentially classifiable as domestic violence-related.

- Overlap between Civil Injunction and Criminal Cases: In fact, both in their attributes and in the processing of their cases, civil, misdemeanor and felony defendants “overlapped” considerably—as they showed involvement in more than one court caseload and/or moved from one caseload to another.
- Differences in Form and Seriousness of Incidents in Current Case: These data do not offer strong support for the notion that the three types of cases represent persons in different stages of development or “escalation” in their domestic violence behaviors. Instead, the data may support the interpretation that, by the time these matters have reached the courts, the cases involve fairly serious allegations and participants with prior experience in the criminal justice system, regardless of the path they have taken into the court system. The fact that the three populations of alleged offenders do not differ greatly in prior history may suggest that they differ mainly in the form and seriousness of the alleged abuse that has come to the attention of police and the different courts *in this instance*.
- Prior Histories of Domestic Violence Reported by Petitioners/Complaining Witnesses: According to official data sources, the backgrounds of prior arrests of civil injunction respondents appeared somewhat less extensive than either misdemeanor and felony defendants. However, according to accounts in civil injunction cases provided by petitioners, most respondents (87 percent) had long histories of abusive incidents with the same petitioner. Although such interview data did not exist for the misdemeanor and felony samples, we estimate similar abuse histories across case type. This finding suggests that official criminal histories may mask substantially greater involvement in domestic abuse that does not come to the attention of the court system.
- Prior Involvement in the Civil Injunction Process: Relatively small proportions of respondents and defendants had been involved in civil cases with the same victim within the last year (11 percent of respondents, seven percent of felony defendants, and four percent of misdemeanor defendants). Because of the difficulty in accessing information and cross-identifying parties in criminal and civil matters in files, we believe these may be notable underestimates.

Adjudication of Domestic Violence Cases

- Case “Drop-out” as an Obstacle to Judicial Decision Aims: Civil injunction, misdemeanor and felony cases shared the “drop” phenomenon (flexibly defined). A very high rate (59 percent) of dismissals, no-actions, and nolle prosses characterized the processing of felony cases. In addition, many of the remaining cases were transferred to the misdemeanor court. Similarly, if denying requests for permanent injunctions is a rough functional equivalent, the “drop” phenomenon was also a feature of the civil injunction process in which more than 60 percent of temporary injunctions did not result in permanent injunctions. The exception is found in the Domestic Violence Court, where misdemeanor cases are now dismissed at a notably lower rate (37 percent). (This is a reduction from past practices.)
- Diversion and Probation Common/Incarceration Rare: Among the not dismissed, the use of confinement as a final disposition was rare (involving one percent of misdemeanor and eight percent of felony cases); probation and diversion were more common (assigned in 53 percent of misdemeanor and 18 percent of felony cases).

Reinvolvement of Defendants/Respondents in the Civil Injunction and Criminal Justice Systems

- Similar Rates of Rearrest across Case Type: Roughly one-third each of civil injunction, misdemeanor and felony respondents/defendants were rearrested for a criminal offense within one year of the initial filing.
- Similar Rates of Same-Victim Reoffending: From 12 to 15 percent of domestic violence respondents or defendants, depending on the case type, were rearrested in the follow-up year for offenses in which the original complaining witness or petitioner was again the victim.
- Reinvolvement in the Civil Injunction Process: Five percent of felony defendants, 13 percent of misdemeanor defendants, and ten percent of respondents in civil injunction cases were the subject of requests for civil injunctions in the follow-up year.

The Impact of Case Dispositions on Rearrest of Respondents and Defendants

- Dismissal and Higher Rearrest Rates: The highest rates of reoffending (as measured by rearrest) were generated by defendants who were involved in cases that were dismissed from the system at early stages and who were, thus, not the subject of further court-imposed intervention, restraint, treatment, or punishment.
- Reducing Misdemeanor Dismissals and Time-Served Dispositions: In the misdemeanor process, the Domestic Violence Court shifted notably from the former common practice of sentencing to “credit-time-served” in the period before the Domestic Violence Court to placing persons in treatment through diversion and probation.
- The Positive Impact of Shifting to Treatment Dispositions: These data present at least good circumstantial evidence that the Domestic Violence Court’s reduction in dismissal (“drop”) and credit-time-served dispositions and concomitant increase in supervision and treatment of defendants/offenders has had a beneficial impact on reoffending during a one-year follow-up period. We are not able to determine from these data the reason for this relationship which may be explained by treatment effectiveness or something else about the processing of divertees and probationers, such as increasing judicial contacts (judicial “reviews”) or the supervision that goes along with the treatment process.

Substance Abuse and Treatment in Misdemeanor Cases

- Roughly half of misdemeanor defendants in entering cases were involved in alcohol and/or other drugs of abuse.
- A large number of divertees and probationers assigned to treatment failed to arrive at the treatment programs.
- Higher treatment dropout rates were found among persons who were substance abuse involved and assigned to batterer treatment *and* substance abuse treatment in separate programs.
- Higher rearrest rates were found over the following one-year period among divertees and probationers who were *not* admitted to treatment.

Conclusions Relating to Information Needs in Judicial Disposition of Domestic Violence Cases

The baseline study—and subsequent experimental findings—pointed out important information needs relating to judicial disposition of domestic violence cases. (The following are described more fully in the *Executive Summary* and *Final Report*.)

- Practical Information Issues: The study pointed to six practical information difficulties including: 1) difficulties in obtaining information relating to prior civil injunction involvement by the offender, 2) difficulties in linking civil and criminal information sources, 3) lack of reliable “up-front” measures of substance abuse involvement by the offender, 4) poor information relating to petitioners and complaining witnesses, 5) poor treatment program accountability, and 6) poor data showing the impact of court interventions of the victim.
- Principal Information Needs for Judicial Decisionmaking: The study identified five principal information needs for judicial decisionmaking in domestic violence cases, including: 1) improving the quality of factual data relating to the case and the caseload, 2) information relating to promoting victim safety, 3) information addressing other needs of the victim and/or family for assistance, 4) information helping to determine the appropriate options for the offender, and 5) information assessing the treatment needs, amenability and safety risk of the offender.

Findings From the Treatment Experiment in Dade County’s Domestic Violence Court

In reorganizing the adjudicatory process for civil injunction and misdemeanor cases, the Domestic Violence Division of County Court in the Eleventh Judicial Circuit in Dade County pursued a variety of aims, including improvement of information, more efficient management and adjudication of cases, timely assistance to victims of abuse, restraint of active offenders, prevention of further abuse, appropriate punishment, specific deterrence and treatment. The treatment experiment focused more narrowly on the implementation of an integrated approach to

treatment of substance abuse and domestic violence behaviors. The design of this integrated or “holistic” approach focusing on substance abuse in domestic violence sought to improve treatment both substantively and structurally. Substantively, the court sought to develop a program that would meld treatment of substance abuse and violent behavior in a way that reflected their interrelatedness and that would deal with the whole person in a sensible manner. Structurally, an aim of the program hybrid was to enroll and retain offenders in treatment more effectively and to increase accountability in the treatment process.

Some of the conflicting values and assumptions of the substance abuse and batterer treatment approaches the innovation had to address included the following:

Conflicting Values and Assumptions in the Two Treatment Methods

Substance Abuse Treatment

- Addiction is a serious health problem or disease which must be addressed first before other areas of dysfunction can be corrected.
- Substance abuse treatment may require a number of modalities but begins with detoxification and requires monitoring throughout the treatment process.
- Persons with violent behaviors are not appropriately dealt with in the outpatient-based approach favored in Miami for Drug Court defendants.
- Treatment is likely to be a difficult process with “slips” and “relapses” occurring over a long period (minimum of one year) with after care to follow.
- Staff are trained in addictive behaviors and certified for substance abuse treatment.
- Program failure may result in relapse into substance abuse and related property offending.

Domestic Violence Treatment

- Domestic violence or abuse may be explained by a number of factors. Alcohol and substance abuse should be dealt with separately (under the Duluth Model).
- The abusive and violent behaviors of offenders are given first priority in the treatment process.
- A positive change can be accomplished in a period of about 26 weeks.
- Staff are trained in domestic abuse treatment approach and have background in domestic violence.
- Program failure may result in not preventing serious injury or death of a victim.

- The Focus of the Treatment Experiment: The sampling frame for the research investigating the impact of the Domestic Violence Court’s attempt to merge substance abuse and batterer treatment starts at the stage in processing when defendants or probationers attend the Advocate Program intake interview. This occurs after being ordered to treatment by the

Domestic Violence Court judge and prior to being placed in a specific six-month treatment program. The experimental design was conceived to compare the impact of the newly integrated treatment approach (DSORT) with the until-then more usual treatment approach for substance abusing domestic violence offenders, which required participation in Duluth-model batterer treatment, then referral to TASC for assessment and placement in one of the various Dade County alcohol and drug treatment providers.

Attributes of Control and Experimental Group Domestic Violence Defendants/Probationers in Treatment

The attributes of persons identified for “dual” or integrated treatment confirmed some of the findings from the baseline study relating to the nature of domestic violence:

- Persons identified for treatment by the court were substantially alcohol and drug involved.
- They were usually but not always involved in male to female abusive incidents.
- The defendant-victim relationships involved spouses or ex-spouses about half the time, and “boyfriend-girlfriend” about one-third of the time.
- Children were part of the household or present during the incidents in a large number of cases.
- Although small proportions had prior convictions for domestic violence offenses, about two-thirds had histories of prior arrests, about half for offenses potentially classifiable as domestic violence-related.

Divertees and probationers ordered to treatment for both substance abuse and battering were randomly assigned to the new integrated treatment program (DSORT) and the normal TASC/County assessment and referral process.

Treatment Outcomes

- The experimental group of defendants in the integrated batterer-substance abuse (DSORT) program generated both more unfavorable early terminations and more favorable early completions among its treatment participants than did the TASC/County control group.
- The TASC/County control group had a notably greater proportion of “still active” treatment outcomes at the end of the seven-month observation period (for what was a six-month program).
- The DSORT program generated a slightly greater proportion of participants who did not record a program “revocation” during seven months than the control group (TASC) approach.
- The DSORT approach was more effective in processing participants into treatment as ordered by the court and provided greater accountability, revoking participants who did not meet program requirements (concerning negative drug tests, attendance, etc.), and less frequently readmitting them.
- Drawing inferences from these early outcome measures (given the seven-month follow-up for a six-month treatment program), the DSORT program appears to have been more effective at delivering treatment and enforcing conditions of participation in treatment.

When controlling for the differences in group attributes, three comparisons of outcomes yielded differences between the DSORT and TASC/County groups which were statistically significant:

- Greater Success in Enrolling Participants in Treatment: The integrated (DSORT) treatment approach was far more successful in actually getting divertees and probationers to begin treatment (43 percent of the control group were “no-shows” compared to 13 percent of DSORT clients).
- Greater Success in Keeping Participants in Treatment: The integrated approach was more successful at keeping participants in dual-treatment (22 percent of DSORT participants were in treatment less than one month, compared to 45 percent of the control group; DSORT participants averaged 160 days in dual treatment compared to 99 days for controls).

- Lower Rates of Same-Victim Reoffending: DSORT participants were rearrested during the seven-month follow-up for same-victim domestic violence offenses less frequently than control group counterparts (six percent versus 14 percent of TASC/County participants).

These early outcome findings suggest that, during the very first stages of program implementation, the integrated batterer-substance abuse treatment hybrid developed in Dade County appears to have produced some positive, practical results in reaching its treatment population and retaining it in treatment with greater accountability. When taken in conjunction with the baseline findings that cases continuing in processing and cases involved in treatment show lower rates of reoffending, these findings suggest that the efforts to implement a substance abuse-batterer treatment hybrid in the Dade County Domestic Violence Court may have had a positive impact in preventing reoffending among domestic violence offenders. The study results overall also suggest that such a programmatic approach could benefit from further differentiation of the types of incidents, offenders and risks associated with domestic violence cases and court responses and interventions most appropriate for each type. In the concluding section of the *Final Report*, we illustrate ways in which these data could be employed to begin to address classification issues raised by treatment of offenders in the Domestic Violence Court.

**The Role of Drug and Alcohol Abuse in Domestic Violence and Its Treatment:
Dade County's Domestic Violence Court Experiment**

Final Report

**PART ONE:
THE CHALLENGES POSED BY DOMESTIC VIOLENCE FOR THE COURTS**

Introduction

Awareness of and concern for domestic violence in the United States has grown at an accelerating pace over the last two decades, as have initiatives designed to respond to its various aspects. The aims of domestic violence legislation have often incorporated punitive, incapacitative and deterrent goals, that have sought either to prevent the offender from harming the victim (through removal, protection orders, short or longer term incarceration) or to discourage the offender from repeating violence through short-term or longer-term sanctions (such as the threat of arrest alone, and/or the threat of more formal processing and sanctions). These responses have included a wide spectrum of activities that range from better support for and protection of victims of domestic violence, to development of police and prosecutorial approaches¹ and to establishment of therapeutic and problem-solving interventions that focus on the offender, the victim and the family. Efforts to address domestic violence have been generated by community-based victim assistance and self-help organizations as well as by the civil and criminal justice systems.

Against this broad background of activity, the research presented in this report examines the efforts of one court system in Dade County (Miami), Florida, to respond to an increasing volume of domestic violence cases more effectively and systematically. The caseload of domestic violence matters in the criminal and civil courts in Dade County are a product of the incidence of domestic violence offenses in the county (which can be measured only roughly), victim reporting, police practices, as well as prosecutorial functions at the screening and charging stages. Although the processing of domestic violence cases is of practical importance, the

¹For a review of literature dealing with criminal justice response to domestic violence, see generally Buzawa and Buzawa (1992); Sherman (1992); Pleck (1996, 1989); Fagan (1989); Elliott (1989); and Ford and Regoli (1992).

research in this investigation focuses on the nature of the domestic violence caseload and, specifically, the role of substance abuse in the incidence of domestic violence as represented by respondents, defendants and offenders entering Dade County's court system. Of principal interest, from the courts' perspective taken in this research, is the impact of an innovative judicial approach, Dade County's Domestic Violence Court, which was designed conceptually and organizationally to deal with domestic violence matters in a new way. More ambitiously, the Dade court has confronted the role of alcohol and other drugs of abuse in domestic violence and designed a special treatment program seeking to reduce repetition of domestic violence among respondents in civil cases, and defendants and probationers in criminal cases. This research focusing on the example of Dade County's Domestic Violence Court fits into the larger context of research asking questions about courts as they adapt to special caseloads defined by particular problem populations, and about court-based attempts to move beyond the traditional adjudicatory role to emphasize treatment to reduce substance abuse and battering as well as other abusive behaviors. Thus, our findings present an analysis of a judicial approach related to court and case processing, as well as an investigation into the ability of such approaches to effectively prevent and treat substance abuse and violent behaviors.

The Miami approach is not the first attempt by court systems to come to grips with domestic violence.² In its attempt to coordinate civil and criminal aspects, to serve the needs of victims, and to integrate substance abuse and batterer treatment, however, it may be one of the most comprehensive and ambitious reform initiatives. Recent innovative approaches in jurisdictions as diverse as Quincy, Duluth, Seattle, San Francisco and Denver, to cite a few examples, have generated interest in court-based domestic violence strategies.³ At the same time as innovations have proliferated, however, questions about the impact and effectiveness of specialized judicial approaches have been raised. In some ways, the questions of court specialization in domestic violence closely parallel those raised about efforts to develop drug courts in response to the dramatic increase in the drug-related caseloads of the 1980s and early

²For discussions of innovative court approaches in Duluth, Minneapolis, San Francisco, Denver, Quincy, Connecticut and elsewhere, see generally National Council of Juvenile and Family Court Judges (1992); Buzawa and Buzawa (1992); and Schneider (1990).

³Fagan (1996:21) argues that "the creation of specialized courts for family violence cases responds to the devaluation of the main stream courts."

1990s. (See Goldkamp and Weiland, 1993; Goerdt and Martin, 1989; Goerdt et al, 1989; Davis et al, 1994; Mahoney, 1994; Smith et al, 1991; Smith et al, 1994.) Like efforts to respond to the drug caseload, some courts have developed specialized approaches to case processing that focus on efficiency and stiff penalties as well as the use of "sentencing or diversionary alternatives" (Smith et al, 1991). Like some other courts before it, The Dade County Domestic Violence Court innovation employs a "special" court approach, which involves both diversion and alternative sentencing. It also moves beyond these features in employing the judicial methodology pioneered earlier by Dade County's Drug Court where the judge supervises the treatment process. We are interested, therefore, not only in the effectiveness of this genre of judicial strategy in disposing of domestic violence cases, but also in the impact of Dade's Domestic Violence Court's efforts to integrate substance abuse treatment into its specialized approach to domestic violence.

Because the specialized court approach derives, in part, from victim advocacy efforts, it also raises questions about its effect on victims of domestic violence. The notion of "advocacy," which can be interpreted as doing a better job of responding to the needs of victims, poses dilemmas for judiciary, prosecution and defense.⁴ For the judiciary, responding to the needs of the victim may involve different decision aims from those ordinarily guiding case disposition, such as victim protection and offender treatment. Further, an emphasis on the predicament of one of the parties to the incident (the apparent victim) may raise questions for the defense about the court's impartiality and about protection of the rights of respondents in the civil injunction process. For the prosecutor, acting in the best interest of the victim may not always translate into a conviction as the final outcome (Ford, 1993).

The questions we investigate about the role of substance abuse in Dade County's domestic violence caseload, about the effectiveness of the Domestic Violence Court's treatment response, and about Dade's special judicial approach to domestic violence need to be viewed

⁴See Ford (1991).

within the context of larger questions about the ability of criminal justice strategies to affect domestic violence offending. Manning refers to the growth of mandatory arrest policies as reflecting a “deterrent” or “preventive conceit” (1996) or unquestioning belief in the ability of simple justice practices to reduce crime generally and domestic violence in particular. McCord, for one, has questioned the state of current knowledge. She writes that, the relatively recent recognition of domestic violence as a priority concern notwithstanding, “there is little reason to believe that the incidence of domestic violence has declined. There is even less reason to believe that it has declined as a consequence of official policies” (1992:234).

A great deal of the recent research emphasis on domestic violence in criminal justice has focused on the police role in responding to domestic violence incidents (see Elliott, 1989: 430-456). Questions have been asked about variations in police response strategies—arrest, mediation/facilitation, and/or physical separation of the parties—and the impact and efficacy of formal arrest (see Binder and Meeker, 1988; Elliott, 1989; Lempert, 1989; Williams and Hawkins, 1989). In particular, the work of Sherman and others (Sherman, 1992; Sherman and Berk, 1984a; Sherman and Berk, 1984b; Dunford et al, 1989; Garner et al, 1995) has attempted to test the idea that arrest of offenders in domestic violence incidents deters future violence against victims. Although the task of conducting field experiments in this area has proven quite difficult, the initial strong findings which supported a deterrent effect of arrest have now been tempered with recent “no-difference,” or negative findings (Sherman, 1992; Dunford et al, 1989; Elliott, 1989; Fagan, 1989; Dutton et al, 1992; Garner et al, 1995). Sherman (1992:247) writes, for example, that arrest can “increase domestic violence among people who have nothing to lose” or may have a temporary deterrent effect, but then can lead to increased violence. In addition, Sherman argues, arrest may have a differential impact on domestic violence offenders, depending on the race, ethnicity or economic status of the population involved. Dunford et al (1989:204) found, in fact, that “arrest was not the deterrent to continued domestic conflict that was expected.” Results are made tentative because of the difficult methodological problems faced by experimental research and the inability to replicate them (Gartin, 1995) (including how to

measure “domestic violence” reliably). Thus, the strong initial support for a powerful deterrent impact of police intervention through arrest has not been generally found.⁵

The police domestic violence experiments are singled out both as exemplary, because of the use of field experimentation, and as open to criticism because of the difficulties encountered in carrying out the experiments in terms of the integrity of treatment, the target population, and measures of later outcomes. Fagan (1996:15) argues that “the actual implementation of deterrence in these studies was minimal.” Thus, policy makers are left to draw inferences about the deterrent impact of police arrest strategies from either existing studies or to imagine what findings might have been, had other, more rigorous designs been employed or, indeed, been possible. Because deterrent as well as incapacitative aims have been given high priority in criminal justice approaches to domestic violence, their interpretation of research findings is made more difficult as well due to confounding effect (National Research Council, 1978). The confounding effect of incapacitation on deterrent approaches may be more pronounced in examining the impact of domestic violence intervention strategies because of the importance of shorter-term outcomes. Logically, a priority of justice agencies is to assure the safety of the victim in the immediate future, often by separating the offender from the victim, as opposed to the formal adjudicatory aims of the process, which are carried out in the longer term.

Questions about deterrent effects of criminal justice responses to domestic violence—and the complex reasons that the literature has shown mixed findings—are important to the current research for several reasons. First, goals relating to the deterrence and incapacitation of the domestic violence offender are given high priority in court-based approaches through use of a range of sanctions including incarceration at pre- and post-adjudicatory stages of processing. By definition, however, courts may be at a greater disadvantage than police agencies in their ability to deliver an immediate sanction that would be perceived as a specific deterrent by the offender. The involvement of the courts is more formal and more distant in time and space from violent incidents than are police responses that remove the offender or result in arrest. Even in the civil

⁵Although the popularization of findings from the Sherman (and related) research contributed impetus toward adoption of “mandatory arrest” policies in many police departments, the civil liability of police departments associated with not making an arrest and not preventing an apparently “preventable” domestic incident has become an important concern as well. See Thurman v. City of Torrington, 595 F.Supp. 1521 (1984). For discussions of Thurman, see Fyfe (1988), Sherman (1992) and Buzawa and Buzawa (1992).

arena, where victims may request temporary restraining orders at hearings, or permanent injunctions through a hearing process (in some locations operating 24 hours a day),⁶ the response of the courts is still less immediate when deterrence is the aim, than that of the police.

Victims may request the prosecution of offenders in the criminal courts in order to address the occurrence of violence. This involves a more delayed and formal process in which the victim may have to participate actively in court proceedings as the principal, and perhaps only, witness. The awkwardness of this kind of process, and the problems it presents for the victim, have made offenses of this nature among the most difficult to prosecute successfully and have further reduced the potential deterrent impact of court proceedings on domestic violence offenders (Elliott, 1989; Ford, 1983), even with the advent of mandatory or presumptive prosecution policies. This awkwardness results partly from the plight of the victim and concerns for personal safety during the adjudicatory process and partly from some ambivalence about the desirability of employing criminal proceedings as a means to resolve personal or family conflict often involved in domestic violence (Ford, 1991). Prosecutors, in fact, are frustrated by the knowledge that in the early stages of the adjudicatory process, domestic violence cases have a high drop out rate, often because of uncertainties associated with the role of victim. Sitting at the crossroads between arrest and adjudication, case “drop out” limits the effectiveness of criminal courts in delivering either a deterrent or incapacitative impact on domestic violence offenders, particularly when experienced offenders may rely on the poor performance of the justice system (Elliott, 1989; Fagan et al, 1984; Fagan, 1989). Indeed, some have argued that attempts to implement strong criminal sanctions with obviously poor results may encourage offenders to repeat their offenses with little fear of being punished (Fagan, 1989:386). Putting aside the fact that the criminal processing of domestic violence cases does not easily produce convictions, the gravity of the offenses may sometimes prompt prosecutors to explore other means of reducing or preventing domestic violence offending. Fagan (1989) concludes generally that criminal justice responses may be effective only for less serious cases which involve the least serious records of prior injury to victims.

⁶See, e.g., Finn and Colson (1990).

The possibility that arrests of domestic violence offenders, at least for some populations, may aggravate rather than meliorate the problem also raises an interesting problem for court-based approaches to domestic violence (Sherman, 1992). For example, court-based strategies may run the risk of compounding the negative "side-effects" of police intervention, since all persons processed by the domestic violence courts on criminal charges have, by definition, been through an arrest process. Beyond accomplishing strictly desert aims by punishing offenders, then, it is uncertain how courts can overcome apparent negative side-effects already caused by the arrest process and still reduce domestic violence offending through deterrence. On the other hand, it is also possible that the literature showing greater impact of criminal justice approaches among less serious offenders (Fagan, 1989) argues for court strategies that focus on misdemeanor cases.

In contrast to the disadvantage courts may experience delivering deterrence to domestic violence offenders, they may be fairly well suited to deliver an incapacitative impact because they can apply restraints to the offender while under control or supervision. This can be done either *partially* (in the sense of imposing arrangements that do not involve confinement, through civil injunctions (temporary and permanent) and criminal stay-away orders preventing the offender from going near the victim) or *totally* (through incarceration at pre- and post-trial stages). However, the question of whether incapacitative measures imposed by courts may later translate into specific deterrent effects, and therefore contribute to reduced domestic violence offending over the long-run, is just as difficult to evaluate in the area of domestic violence as it has been found to be in the general criminological literature (National Research Council, 1978).

The Special Challenge of Substance Abuse in Judicial Approaches to Domestic Violence Offending

Currently, systematic research that addresses the ability of courts to achieve deterrent and incapacitative goals in dealing with populations of domestic offenders is not available. However, the development of specialized courts, which utilize new approaches, have now begun to raise questions about the potential impact of the treatment they deliver to offenders. Court-based strategies face difficult or unanswered questions in the development of treatment-oriented

responses to domestic violence offending. One problem is fundamentally practical: Although presumably helpful approaches have been identified in the literature to address violent behavior, research has not identified any single modality that can simply and effectively curb an offender's violent propensity with certainty (Saunders and Azar, 1989).⁷ Secondly, the more promising directions in the treatment of violent offending do not emphasize treating an individual in isolation from other contributing social, contextual, situational, cultural, public, educational, or family influences and may recommend involving the victim centrally (Edelson and Tolman, 1992; Reiss and Roth, 1993; Burgess and Draper, 1989; Fagan, 1989). For example, in focusing on the "circumstances of violence," Reiss and Roth (1993:17) argue that

the violence potential of a situation depends on risk factors in both encounters and places. ...Among the characteristics of encounters that affect the probability of a violent event are the nature of the preexisting relationships among the participants, the degree to which the communications are impaired by alcohol or other psychoactive drugs, and the proximity of an individual who could intervene...

Thus, while a court-based approach to domestic violence would naturally focus on the offending individual, individual therapy or solely individually-oriented approaches do not seem to be recommended in the general violence literature. It would appear that the more promising violence-reduction approaches that a court might adopt for a domestic violence caseload ought to be integrated into an overall treatment package that addresses the variety of influences that may contribute to violent offending, including substance abuse problems. (See, for example, Edelson and Tolman, 1992; Fagan, 1989.)

The problem of focusing too narrowly on the treatment of domestic violence (or other violent offenders) can be illustrated by a common thread found in the literature—and in the experience of agencies dealing with domestic violence—concerning the role of substance abuse, especially that of alcohol in violence generally, and in domestic violence in particular. Traditional assumptions made about the role of alcohol in domestic violence are similar to those made about the relationship between drugs and crime. Bard and Zacker (1974:286-87), for example, posited three roles for alcohol abuse: "(1) a situational circumstance—that is where one

⁷Fagan (1996:35) argues more strongly that "there is virtually no methodologically sound evidence of effective treatment interventions for domestic violence."

or both parties had been drinking, (2) as having apparently influenced the behavior of both participants, whether or not a level of intoxication was reached, and (3) being an expression of a chronic habit pattern—that is, alcoholism."⁸ The Panel on the Understanding and Control of Violent Behavior (Reiss and Roth, 1993:13) summarize the current literature on the role of alcohol and other controlled substances in the following fashion:

Long-term heavy alcohol use is a predisposing factor for violent behavior at least for adults who showed both chronic aggressive behavior and alcohol abuse in childhood or early adolescence. Adult problem drinkers are more likely to have histories of violent behavior, but alcoholics are not more prevalent among violent offenders than among other offenders....Other psychoactive drugs have predisposing links to violent behavior, depending on the amount and pattern of use.

For a variety of reasons, the role of alcohol or illicit drug abuse in domestic violence is not well documented in national data sources. First, domestic violence crimes are likely to be underreported and/or folded into counts of other types of offenses and arrests, such as assault and battery, aggravated assault and homicide.⁹ And even though not clearly labeled as such or counted separately, domestic violence offenses are treated as conceptually different from other forms of violent behavior.¹⁰ Thus, while there is a strong assumption that substance abuse broadly defined may play an important contributing role in many incidents of domestic violence, it is not known whether alcohol or other substance abuse plays a special role in domestic violence or one that is no different from its role with other forms of violent behavior, or crime generally. Whether merely conventional wisdom or a belief that will eventually be confirmed by empirical data, it is clear that in local jurisdictions, many practitioners believe that many domestic violence episodes are drug- or alcohol-driven.

⁸The parallel is not perfect, however. The traditional assumption that drug abusers are driven to crime by their need to purchase drugs does not have a neat parallel in the relationship between alcohol and violence. It should also be noted that the drug use/crime relationship generally involves non-violent, property oriented crime, not violence.

⁹In fact, there is no precise definition of domestic violence that is universally employed or agreed upon. Thus, the literature and laws may refer to wife beating, spouse assault, spouse abuse, domestic abuse, family violence and other terms in different ways, contributing to confusion in the definition of the "dependent variable."

¹⁰Fagan (1989:414) questions whether domestic violence offending is a distinct form of violence offending. See also Weis (1989:152) who argues the need for greater conceptual and empirical distinction between family violence and general violence to support family/domestic violence as a separate discipline. See also Fagan (1996) who decries the segregation of theory in violence and domestic violence research.

This association between domestic violence and substance abuse, therefore, poses another level of challenging questions to criminal justice intervention in domestic violence. First, if it is true that violent offending of the type that occurs in domestic violence incidents is a complex phenomenon, then it is suggested that approaches to its reduction among offenders will need to be broad-based. Second, if substance abuse figures prominently as a contributing factor among a sizeable portion of the offender population, then an approach to substance abuse reduction ought also to be included. The challenge of merging the two approaches, however, must be seen as considerable, given what is known about the difficulties associated with each discipline—substance abuse and violence reduction—separately.

How the treatment of domestic violence offending that involves substance abuse is conceived will have important implications for the effectiveness of the court-based strategy. For example, one could view the problem as domestic violence offending with, in some cases, the additional problem of substance abuse. The approach flowing from this view would be a program that focuses on domestic violence with an optional, added-on condition of substance abuse treatment—as if substance abuse were a separate problem. A second, more complex view, would conceive of domestic violence offenders as persons with a variety of life problems, from interpersonal relationships to work to substance abuse, etc. (see, e.g., Edelson and Tolman, 1992). Persons having problems in one area are likely to have problems in other areas (Gottfredson and Hirschi, 1990). If this is the conceptualization of the offender that guides a court-based strategy, the court would need to call on an integrated approach to treat offender-related problems, one that addressed the offender holistically, as a whole person. Thus, the emphasis on substance abuse treatment would be woven into the treatment of the person's domestic violence-related problems.

It is only very recently that criminal courts have attempted to establish court-based treatment-oriented approaches to substance abuse among serious offenders. The Circuit Court in Dade County pioneered the "Miami Drug Court" in 1989 and, since that time, quite a large number of criminal courts have attempted to replicate or adapt the Dade Drug Court program (see Goldkamp, 1994; Copper and Trotter, 1995). The treatment drug court model has several

features of relevance that pose questions for integrating substance abuse treatment into a similar specialized domestic violence court approach. The Miami Drug Court Model, for example, has relied on strong judicial supervision, strong cooperation and support by the defender and prosecutor, and frequent in-person reporting of offenders to the judge. Within certain ground rules, the drug court model calls on justice system adversaries (defense and prosecution) and supporting agencies to operate as a team to focus on the treatment of the offender within specified public-safety-governed boundaries of behavior. The drug court model recognizes that progress toward the goal of abstinence from drug use is often very difficult and attempts to respond flexibly to the problems offenders experience. Over the last few years, the narrow treatment focus of drug courts on substance abuse treatment has broadened into more multi-dimensional efforts that address other problem areas, such as health, housing, and employment. Thus, in the evolution of a domestic violence treatment court, it will be important to examine how these features translate in dealing with domestic violence cases and defendants, and violent and substance abusing behaviors, in the context of a special domestic violence court.

From the perspective of the court system, there is a great deal of experiential evidence that suggests, beyond the equivocal conclusions of theory and research, there is a powerful contributing role for drug and alcohol abuse in domestic violence—at least that part of it that reaches the courts for justice processing. The frequency of alcohol and drug involvement among persons entering criminal processing for domestic violence offenses poses serious questions and has led to the logical inference that, to address domestic violence, the courts will also often have to address substance abuse as contributing factor, rather than a mere concomitant of offending. Moreover, alcohol, the predominant form of substance abuse in domestic violence incidents dealt with by the courts, presents a special challenge to a treatment-oriented court.¹¹ This then poses critical challenges to the effective treatment of domestic violence offenders for the specialized court-based approach. A specialized domestic violence court, when viewed as a vehicle to reduce incidents among its defendants and offenders, must often confront the additional problems associated with the delivery of drug treatment with which the recent generation of

¹¹Eberle (1982), for example, found that alcohol-abusing offenders were more physically abusive than non-alcohol-abusing offenders.

specialized drug courts have been attempting to cope.

The Research Setting: Dade County's Domestic Violence Division ("Domestic Violence Court")

Prior to enactment of Florida's comprehensive domestic violence law in 1991,¹² which set forth the requirements for a refocused approach to domestic violence relating to criminal justice and supporting agencies, domestic violence offenders engaging in acts of sufficient seriousness were arrested under a variety of possible offense headings, ranging from misdemeanor battery and disorderly conduct, to felony assault, battery and aggravated assault, and even homicide. Under this former approach, then, domestic violence was treated implicitly as a diverse phenomenon and was, in a sense, dealt with as it was found, as an attribute or artifact of other kinds of (usually but not always) violent offenses. Although special diversion and treatment options were available to defendants and offenders in individual cases in the Dade County misdemeanor and felony courts where these offenses were adjudicated, different judges applied them differently, on a case by case basis. In the Circuit Court, hearings for temporary restraining orders and for permanent injunctions for protection were held as civil matters at the initiation of victims who sought protection in domestic disturbances, often in situations that had not yet evolved to the level of criminal cases, but also in connection with pending criminal cases.¹³ Violation of restraining orders or injunctions could result in the filing of criminal contempt charges in misdemeanor Crimes Court or County Court. In addition, County Court criminal judges could impose "stay away" orders in criminal cases as a condition of pretrial release or probation.

Under former practices, the incidence of and arrests for domestic violence during periods prior to the establishment of the Domestic Violence Division in County Court could not be easily ascertained (hence the difficulty in obtaining baseline data against which to contrast the experience under the newly created Domestic Violence Court). The measurement of such

¹²Ch. 741.29 F.S. 1991 and 91-210 Laws of Florida.

¹³In this study, civil domestic violence matters were also studied. Many of the incidents described in the civil hearings for temporary and permanent injunctions were extremely serious, involving weapons, threats and injury, and resembled acts similar to those treated in the criminal system.

offenses was further made difficult by the then much narrower definition of domestic violence, which was broadened under the recent law to include violence against spouses, ex-spouses, and blood relatives, and to any persons who either are or have ever been members of the same household, persons who have ever lived together as if a family, and persons who have a child in common, regardless of whether they have ever lived together.¹⁴ The result of this state of affairs is that the extent of domestic violence has not only been poorly measured in the past, but its definition has also evolved considerably, making comparisons between “then” and “now” very difficult indeed.

Dade County Court officials (Denaro, 1992:9) reported that in 1990, for example, there were more than 46,000 arrests in Dade County for misdemeanor and felony crimes of violence, of which more than one-third (36 percent) involved familial or intimate relationships. Approximately 10,400 of these arrests were for misdemeanor and 6,500 were for violent felony offenses in this category. Officials estimate that these levels have not changed substantially since 1990, but have also noted that the recent Florida law requires better police reporting procedures for domestic violence offenses, so that a more accurate picture should be available. Victim requests for civil injunctions for protection have increased steadily at a rate of about 20 to 25 percent per year, from about 3,500 in 1990. Similarly, according to court officials, prosecutions for criminal contempt for violations of injunctions have also increased dramatically. The Office of Substance Abuse Control estimated that, based on Drug Use Forecasting (DUF) data, roughly two-thirds of persons charged with the offenses most commonly associated with domestic violence crimes (assault, battery, disorderly conduct) tested positively for illicit drugs (mostly cocaine) at the time of arrest. (Note that this estimate is substantially higher than we find in our baseline study, relying only on official data sources.) Prior to our study in Dade County, court staff estimated that a majority of defendants in recent domestic violence cases have had alcohol involvement.

Following actions by the Florida Supreme Court to organize a Family Court on a state level to address problems of family violence and enactment by the legislature of the

¹⁴See 91-210 Laws of Florida.

comprehensive domestic violence law in 1991, the court leadership in Dade County directed a multi-agency effort to develop a *Domestic Violence Plan for Dade County* (Denaro, 1992). The focus of the Dade County effort, as described in the *Plan* (Denaro, 1992:12), was "to treat the problem of domestic violence systematically, at its early stages, before it escalates to more serious crime. The goal of the plan is to reduce the incidence of domestic violence by altering the behavior of the abuser and providing intervention with the victim where necessary."

The Dade County *Plan* described a broad approach to domestic violence incidents that addresses police procedures,¹⁵ support services for victims and children of families in which domestic violence has occurred, the role of the State Attorney, the Defender, and the Department of Corrections. Most importantly, it was under the Dade *Plan* that the Eleventh Judicial Circuit established a separate Domestic Violence Division of County Court and a Domestic Violence Coordinating Unit to staff its decisionmaking functions. That reorganized Division sought to unify the civil injunction hearing functions and to establish a centralized "Domestic Violence Court" in which all domestic violence arrests at the misdemeanor level would be processed from the bond hearing (initial appearance) stage forward.

A principal thrust of the Domestic Violence Court innovation was its attempt to institute a systematic program of treatment for the defendant/offender, while assuring the safety of the victim. In addition to the treatment options, which in a subsequent stage of reform would be expanded to incorporate substance abuse treatment, Dade County's *Plan* suggested use of short-term and longer term incarceration, depending on the severity of offenders' violations and previous experience in treatment. Thus, the authors of the *Plan* sought to balance its emphasis on treatment by including other deterrent and incapacitative options.

Although extending the treatment-oriented Domestic Violence Court approach to felony-level domestic violence offenders was considered as well,¹⁶ the initial focus on misdemeanor

¹⁵It favors but does not require mandatory arrest among Dade County's police agencies and requires identification of arrests involving domestic violence.

¹⁶It is argued, for example, that in substance there may be very little real difference between what is processed as a first degree misdemeanor and a third degree felony. This becomes particularly evident when more felony cases are dropped to misdemeanors after initial processing.

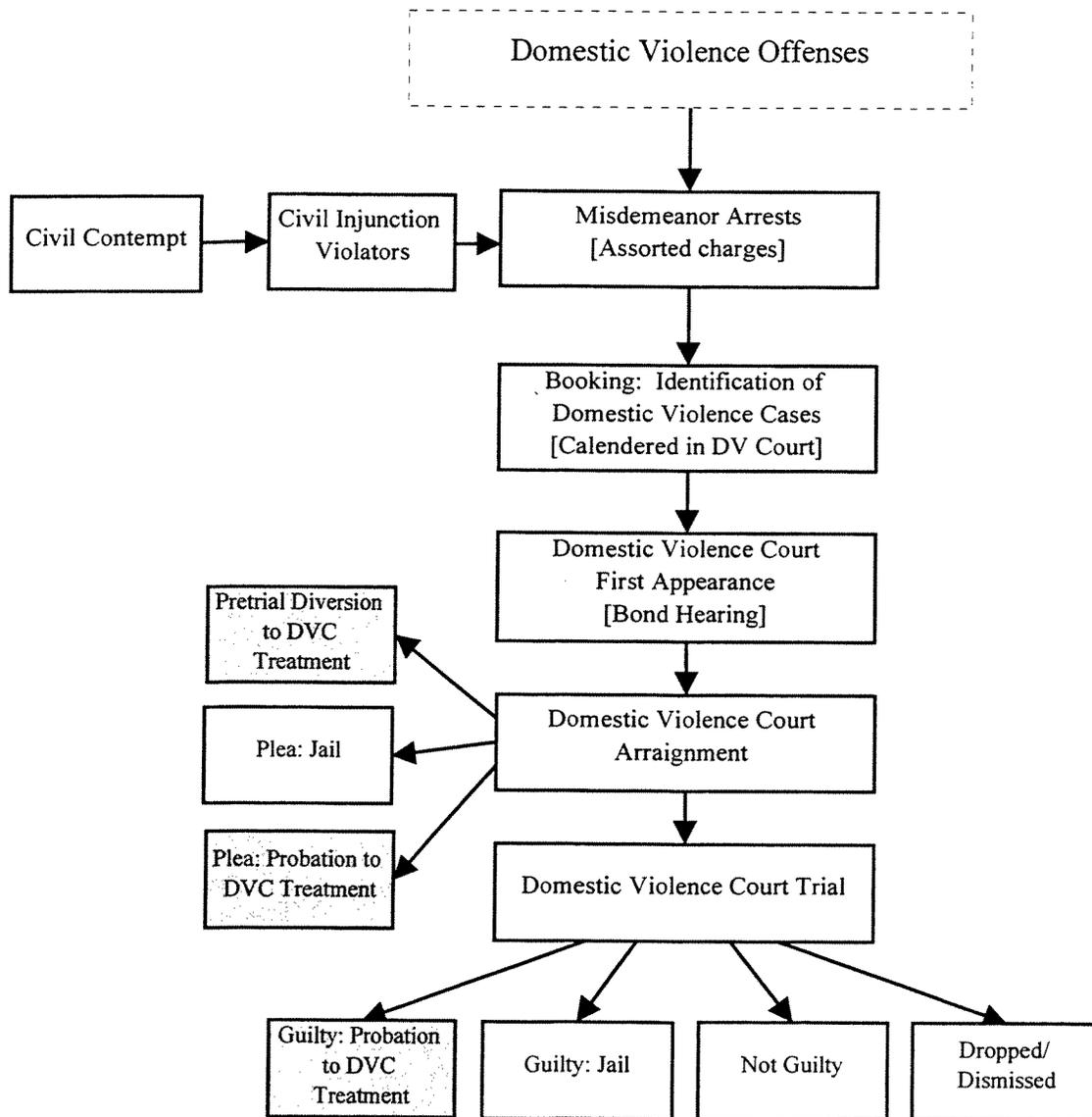
cases was based on the following rationale: Because of the characterization in the literature that domestic violence is often a repetitive occurrence and one that has the potential for evolving in short steps from "pre-criminal" to criminal and then very serious criminal levels, it was reasoned that the Domestic Violence Court approach should a) be coordinated with the civil injunction hearing process including violations (hence the criminal contempt charges that are processed as misdemeanor offenses) and b) target misdemeanor offenses based on the assumption that misdemeanor cases represent instances in which the level of violence has become serious but has not yet reached the much more serious level of felony violence. Thus, the target population selected for the Domestic Violence Court was seen as serious "enough," in that it consisted of defendants involved in relatively serious alleged offenses who faced the possibility of real jail time, but not offenses in which the alleged domestic violence was so serious as to make the defendant unlikely to be responsive to a treatment-oriented approach or because the offender posed too great a threat to public safety and the safety of the victim to warrant treatment in the community. In short, the rationale of the Domestic Violence Court in choosing this target population was to intervene at an early enough stage in the abuse cycle to prevent its evolution into more serious violence.

Processing of Misdemeanor Domestic Violence Cases in Domestic Violence Court

The procedures designed to deal with misdemeanor domestic violence offenses, fully implemented in November of 1992, are summarized in Figure I.1. Defendants begin processing in the Division ("Domestic Violence Court") either as a result of an arrest for an offense identified by police at the booking stage as involving domestic violence (such as battery, disorderly conduct) or after being held for criminal contempt for violation of a civil injunction protecting a victim. Domestic violence offenders are identified in police reports (A-form) and are then designated for initial appearance (bond hearing) and further case processing in the Domestic Violence Division. At the initial appearance, the offender may be released by the Domestic Violence judge on bond or other conditions, pending arraignment. At arraignment, the defendant may be diverted or—if pleading guilty or found guilty at that stage—given probation with the condition of successful participation in the Domestic Violence Court's six-month treatment program. Defendants may also plead not guilty and go to trial (a bench or jury trial in

misdemeanor cases or a bench trial in contempt cases) where they risk receiving a sentence to incarceration, are found not guilty, or have the charges dismissed or dropped. In the event the defendant/offender ends up in the Domestic Violence Court program as a condition of diversion or probation, the judge will require that the defendant report back in person on a number of occasions throughout the six-month program (although probationers are usually under supervision for one year). In addition to placing the defendant in treatment, the judge must consider a number of other options which include confinement for various lengths of time.

Figure I.1 Processing Domestic Violence Offenders into Domestic Violence Court



Once the judge has assigned a defendant (as a condition of diversion) or an offender (as a condition of probation) to the Domestic Violence treatment program, the individual is sent to the Advocate Program for an assessment of suitability for treatment and placement. The assessment also screens for indigency, because only one program (the Domestic Intervention Program or D.I.P.) receives indigent defendants/offenders. This information is forwarded to the Domestic Violence Coordinating Unit where placement selections are made. Prior to the experiment we describe in the last part of our report, which integrated batterer and substance abuse treatment, approximately seven private programs were used to supplement the services delivered by the Advocate Program itself (as a treatment provider), and D.I.P. All programs were to provide similar 26-week "batterer's treatment" regimes and were required to report progress and problems promptly to the Court. The Advocate Program also has had the responsibility of monitoring the progress of all persons in treatment and preparing reports for the Court as requested. Prior to this research, the Advocate Program estimated that from 400 to 450 defendants were referred to Domestic Violence Court per month, with approximately 350 ultimately entering treatment on a monthly basis.

The Research Problem(s)

The research we present in this final report sought both to examine assumptions about domestic violence offending and to evaluate the impact of an innovative, specialized judicial approach to domestic violence, with two dimensions: the first involving a reorganized, treatment-oriented approach to domestic violence cases in the courts, the second involving an experiment integrating substance abuse and batterer treatment to improve the effectiveness of treatment. Simply summarized, the research focused on three principal areas:

1. key assumptions about domestic violence offending and the role of substance abuse;
2. the impact of the specialized Domestic Violence Court approach to domestic violence offending; and,
3. the impact of an integrated approach incorporating substance abuse treatment into the overall approach to domestic violence offending.

Key Assumptions about Domestic Violence Offending and the Role of Substance Abuse

The research literature suggests that the criminal justice system does not come into contact with a noticeable portion of domestic violence. (See Weis, 1989; Elliott, 1989.) This research—and the Domestic Violence Court approach itself—focuses on that part of domestic violence that does capture the attention of the system, to the extent that a person has been arrested and processed into the criminal courts for adjudication. Although from a research perspective the domestic violence caseload of the courts represents a “biased” or unrepresentative portion of all domestic violence occurring in the jurisdiction, the question posed by the Domestic Violence Court is really how the courts can effectively deal with the population they are given. Within that purview, one of the aims of this research has been to characterize the domestic violence caseload that represents domestic violence incidents known to the court system and to determine whether some of the assumptions made are justified. Among the key assumptions examined in the research were the following two:

1. The Escalation of Domestic Violence among Offenders: One operating assumption we could examine was based on the hypothesis that, because domestic violence escalates or “spirals,” civil cases should represent less serious matters involving participants with little or no histories, misdemeanor cases should represent participants on their way to more extensive involvement, who can and should be stopped before more extreme abuse results, and felony cases should involve participants whose violence had clearly escalated beyond the early and middle levels represented by civil and misdemeanor case participants. (In fact, statuses are often mixed, with misdemeanor and felony defendants also involved in civil injunctions.) This basic logic provides an important rationale for prevention and treatment (and deterrence) represented by the Domestic Violence Division’s emphasis on civil and misdemeanor domestic violence matters. Stated another way, such a rationale would lead to the prediction that the histories of criminal and domestic violence involvement of civil injunction respondents and misdemeanor and felony defendants should not resemble one another, but should reflect increases in levels of seriousness.
2. The Role of Substance Abuse in the Domestic Violence Caseload: A second assumption that can be examined is that alcohol and other drug abuse play a large role in the domestic violence that is dealt with by the court system and therefore ought to play an important role

in the court system's response. We do not need to reach conclusions about the causal role of alcohol or other substance abuse to find that it plays a significant role in the overall dysfunctional behavior of persons involved in the courts in domestic violence cases. The research we describe does allow a test of assumptions about the role of substance abuse and its importance as an issue for a specialized court approach, although mostly by interpreting circumstantial evidence.

The Impact of the Specialized Domestic Violence Court Approach on Domestic Violence Offending

The second major objective of this research was to gather evidence relating to the impact of the specialized, treatment-oriented judicial strategy in Dade County's Domestic Violence Court to show whether it reduced or prevented further domestic violence offending among its clientele. In part, Dade County's specialized Domestic Violence Division has incorporated some of the lessons and techniques innovated by Circuit Court's Drug Court in dealing with its distinct target population. It is important to note that other court systems in the United States have adopted special approaches to domestic violence, and the Dade County Court does not claim to be the first (see National Council of Juvenile and Family Court Judges, 1992). However, the Dade County Domestic Violence Court does represent a fair test of some of the assumptions made by these other approaches, as well as of the transferability of some of the elements of the specialized treatment drug court model to the very challenging population of domestic violence defendants and offenders.

One of the basic questions, of course, is whether such a specialized court approach, which diverts or separates particular types of criminal cases from normal adjudicatory processing, can set in place a program of treatment and supervision that will have the effect of reducing further crime and abuse, by transforming the traditional courtroom environment and judicial role. The primary goal of Dade County's Domestic Violence Court is to reduce, through a program of treatment, the propensity of defendants and offenders to engage in domestic violence, and thus,

to reoffend.¹⁷ Both the drug court and domestic violence court models of court-based treatment operate within clear, public-safety defined boundaries. Both resort to the option of short-term incarceration, and both have the ability to mete out penalties such as would be obtained in other criminal courts. It is difficult to disentangle the effects of the independent (treatment) variables in evaluating the impact of the special domestic violence court approach, i.e., whether the "treatment effect" is produced by the total experience of the specialized processing of the domestic violence defendant/offender and the associated judicial role, involves more frequent in-court contact with the offender or more narrowly by the program of therapeutic intervention ("batterer's treatment") offered at the direction of the Domestic Violence Court judge.

The Effectiveness of an Integrated Approach to Substance Abuse Treatment of Domestic Violence Offenders

After discussing the more basic questions outlined above about the impact of the treatment-oriented Domestic Violence Court and the role of substance abuse, the Dade research evaluates the impact of a specific treatment innovation, with implications for both how batterer and substance abuse treatment are delivered to this population. Just as devising a rigorous test of the impact of the specialized Domestic Violence approach overall raised difficult issues, the effort to draw inferences about the relative impact of the integrated substance abuse treatment approach within the overall specialized court approach also faced troublesome methodological questions. Nevertheless, the research described in the last part of this report took advantage of an unusual opportunity to assess the potential of a new direction in responding to domestic violence offending in Dade County using an experimental design. (This is described in detail in Part Three of the report.)

¹⁷That court has other goals, of course, including more effectively protecting the victim. This may be done by reducing reoffending, as well as providing victim support services. Under the traditional model when many domestic violence cases would ultimately be dropped, it could be argued, the victim was afforded little protection or satisfaction that justice was done.

The Design of the Research: Two Phases of the Domestic Violence Court Research in Dade County

Phase One: the Baseline Study of Civil, Misdemeanor and Felony Domestic Violence Cases

Our research addressed three main substantive questions about the role of substance abuse in domestic violence, the impact of the domestic violence court approach, and the effect of the integrated treatment approach. The first phase of the research (presented in Part Two of the report) involved a baseline study designed to characterize and follow the domestic violence “caseload” into the Dade courts through processing for a period of one year. Although the overall emphasis of the study was on misdemeanor processing and the treatment of domestic violence defendants and probationers, the baseline study also examined contemporaneous civil, misdemeanor and felony cases that entered the court during a similar period to establish the larger context of domestic violence cases in the Dade courts. (Discussion in the early stages of preparation demonstrated that examination of one aspect of the domestic violence cases in isolation from the larger context would not be meaningful.) Particularly, the first phase of the study was designed to permit analysis of the types of offenses and offenders who typically entered the courts in domestic violence matters as well as the role of substance abuse in domestic violence incidents.

Another goal of the baseline study was to chart how cases were disposed of and how treatment was deployed. The cases and the defendants were followed for a period of one year to determine subsequent outcomes and reinvolvement in offending. In addition to providing data on the impact of the Domestic Violence Court, this phase of the study served as a baseline against which the treatment findings of the second phase could be viewed. It was not possible to test fully the impact of the Domestic Violence Court, because it was impossible to devise an appropriate experiment (after the overall court had been reorganized, recourse to a meaningful control group no longer existed) and because of the many changes in definition, measurement and court procedures that had occurred in previous periods. In a sense, even a “before” and “after” study of the impact of the establishment of the Domestic Violence Court was not feasible because of the difficulty in locating a suitable earlier period representative of “the way cases used to be handled.” We did, nevertheless, gather and compare data descriptive of case dispositions

from an earlier, pre-reform period (1990) of court processing of misdemeanor domestic violence cases with the 1993 baseline data. Thus, instead of representing “former practices,” the baseline study more accurately reflects the newly formed Domestic Violence Division functioning in its first months of operation, about one year before preparing to implement the integrated treatment approach.

Phase Two: The Experiment Integrating Substance Abuse and Batterer Treatment

In the second phase of the study (described in Part Three of this report), in-depth data were collected describing substance-abusing domestic violence defendants and probationers entering treatment through the Domestic Violence Court. This part of the study employed an experimental design in which participants were randomly assigned to the previously existing (separate) treatment approaches for batterer and substance abuse treatment and to the newly designed integrated treatment program (DSORT). An additional comparison group of non-substance abuse involved domestic violence defendants was also identified to contrast outcomes of both substance-abusing and non-substance abusing types of offenders. This experimental approach permitted both more in-depth characterization of substance abuse involved domestic violence defendants and allowed for a reasonably rigorous comparison of the treatment and reoffending outcomes of persons undergoing the two versions of treatment.

**PART TWO:
DOMESTIC VIOLENCE CASES IN DADE COUNTY: JUDICIAL
PROCESSING, TREATMENT AND PUBLIC SAFETY OUTCOMES IN A
BASELINE PERIOD**

I. Introduction: the Baseline Study of Domestic Violence Cases in Dade County

In this section, we examine the domestic violence “caseload” as a whole as it enters the court system in Dade County during a specific period of time. Using separate, contemporaneous samples (really a cohort sample stratified on the basis of case type), we trace the progress of the three types of domestic violence cases, civil, misdemeanor and felony, through court processing and follow the cases and their defendants/offenders over a one-year period of observation. Domestic violence incidents enter the courts in Dade County in one of three ways: as civil matters (in requests for temporary and permanent injunctions for protection from abuse), as misdemeanor cases in County Court, or as felony cases in Circuit Court. The purpose of this analysis is to provide an overall picture of the domestic violence caseload, including the apparent role of alcohol and substance abuse, and to provide baseline data relating to case and treatment outcomes. It is also to study the criminal reinvolvement of defendants in the cohort. This overall perspective provides a foundation for understanding how domestic violence matters are disposed. It also supplies a baseline against which the more narrow investigation of treatment effects in the second phase of research can be viewed. (For a tabular summary of the attributes associated with the three baseline cohorts, see Appendix A.) Although our focus is primarily (if not solely) misdemeanor domestic violence cases, preliminary investigation convinced us that it would be difficult to make sense of one route of domestic violence case processing (misdemeanor) without reference to the other two. Therefore, in the first phase of the research, we examined the disposition of domestic violence matters in each of these court domains.

The civil system both feeds the misdemeanor court, with its injunction violations, and receives cases from it, as victims in misdemeanor cases often request temporary and permanent injunctions for protection from alleged offenders. Similarly, the misdemeanor process is tied to the felony court, because a notable portion of the misdemeanor domestic violence cases begin processing as felony cases in Circuit Court and are bound down to County Court. Additionally,

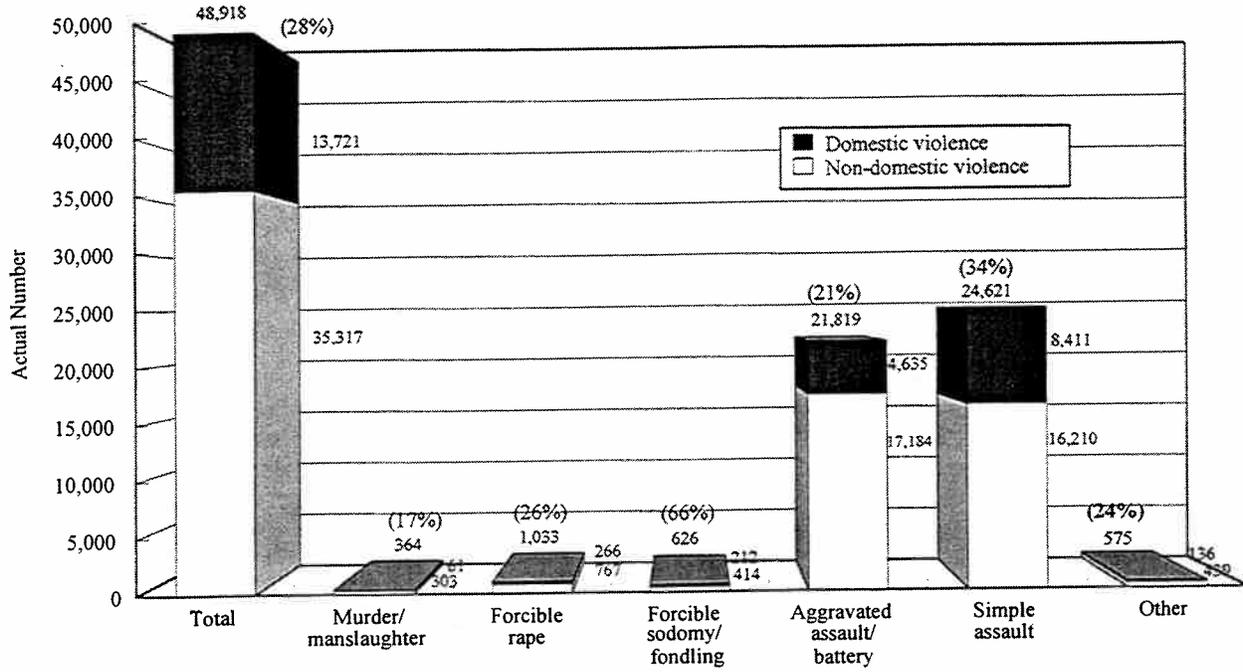
some felony cases do not appear very different from the criminal cases processed in County Court, except for the fact that they have been charged as felonies. In both misdemeanor and felony cases, domestic violence offenses are disguised under a wide variety of other offense headings and are not always easily identified (although new procedures are beginning to make it easier to identify when assaults involve domestic violence). Part of the challenge of our sampling approach in the felony area was to find cases that actually involved domestic violence.

Our principal efforts in generating these background data on the processing of domestic violence cases in Dade County were devoted to the examination of the processing of misdemeanor cases in "Domestic Violence Court" (of the Domestic Violence Division) and its impact. To set the stage for subsequent consideration of the Domestic Violence Court's attempt to integrate batterer and substance abuse treatment in the second phase of the research, we decided to examine misdemeanor processing at a point in time just after the Domestic Violence Division was formed but notably prior to the implementation of the experimental integrated treatment (DSORT or "Dual Diagnosis Sentenced Offender Rehabilitation and Treatment") program.

Because of the efforts to form a Domestic Violence Division, it became possible to identify misdemeanor domestic violence cases more clearly and therefore to permit research that would show, by way of background, the challenges posed by the misdemeanor caseload. To that end, we have focused on a cohort of all misdemeanor defendants (n=346) entering the Domestic Violence Division in 1993 between March 15 and April 19, and followed these defendants and their cases through processing, treatment and re-involvement with criminal and civil justice processes over the following year. To complete the overall picture, we have given secondary emphasis to the felony and civil court processes that handle domestic violence matters by drawing companion samples of civil filings and felony domestic violence cases that have entered processing contemporaneously with the misdemeanor cases we have studied.¹⁸

¹⁸After drawing the April-May, 1993, sample of civil filings, we had to move our sampling period for civil cases back two and one-half months upon discovering that the necessary files did not exist for the spring sample. We reasoned that the July cases did not differ markedly from the April-May cases and still would represent adequately a 1993 cohort for the purposes of our analysis.

Figure II.1 Numbers of Reported Crimes against the Person in Dade County during 1993, by Number of Domestic Violence Offenses



Source: F.D.L.E. and Eleventh Judicial Circuit AOC

Reported Crime, Dade County
(n = 301,985)

[Note: Percentages display percentage of total that is domestic violence related.]

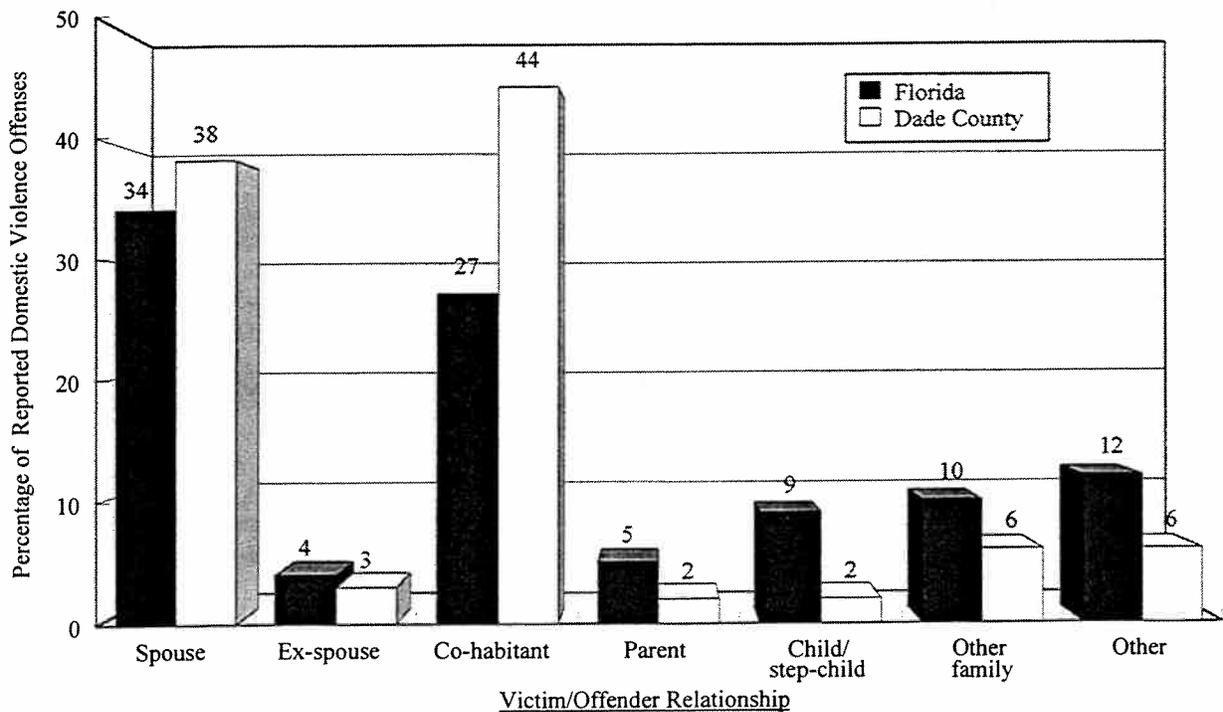
The Domestic Violence Court in Context: Estimates of Domestic Violence Offenses

We begin by placing the Dade County courts' domestic violence caseloads within the larger context of crime. This is difficult because of the way reported crimes, arrests and court cases are classified. Domestic violence offenses accounted for about eight percent of reported crimes and six percent of arrests in Florida during 1993 (our baseline study year) according to the Florida Department of Law Enforcement's estimates. For both the State of Florida overall and for Dade County specifically, the bulk of reported domestic violence crimes fell into two categories: simple assaults and aggravated assaults (and batteries), although a number of other crime categories also involved domestic violence. A larger share of reported domestic violence crimes in Dade County were accounted for by aggravated assaults than in the state overall. Using Florida Department of Law Enforcement data and data from the Eleventh Judicial Circuit Administrative Office of the Courts, Figure II.1 shows the categories of reported crimes against the person under which domestic violence offenses fell in Dade County in 1993 and estimates the portion of each category accounted for by domestic violence offenses. Domestic violence

accounted for approximately 21 percent of aggravated assaults reported to police and as much as 34 percent of simple assaults and forcible sex crimes combined.

Under the recent domestic violence laws in Florida, a number of offending behaviors involving a variety of interpersonal relationships can be construed as domestic violence. Figure II.2 contrasts the most common victim/offender relationships in reported crime for Florida with findings from Dade County. About two-thirds (65 percent) of reported crimes statewide and 85 percent of Dade County's caseload involved spouses, ex-spouses, and co-habitants in 1993. Other types of victims, including parents, siblings and children, were also involved but much less frequently.

Figure II.2 Reported Domestic Violence Crimes in Florida and Dade County during 1993, by Victim's Relationship to Offender



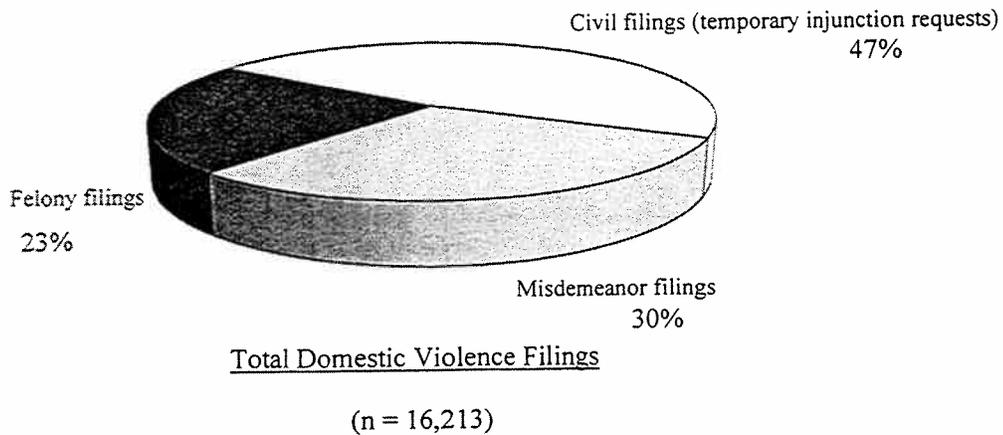
Source: F.D.L.E. and Eleventh Judicial Circuit AOC

[Note: Florida n = 112,585, Dade County n = 13,721]

The Domestic Violence Caseload of the Dade County Court System

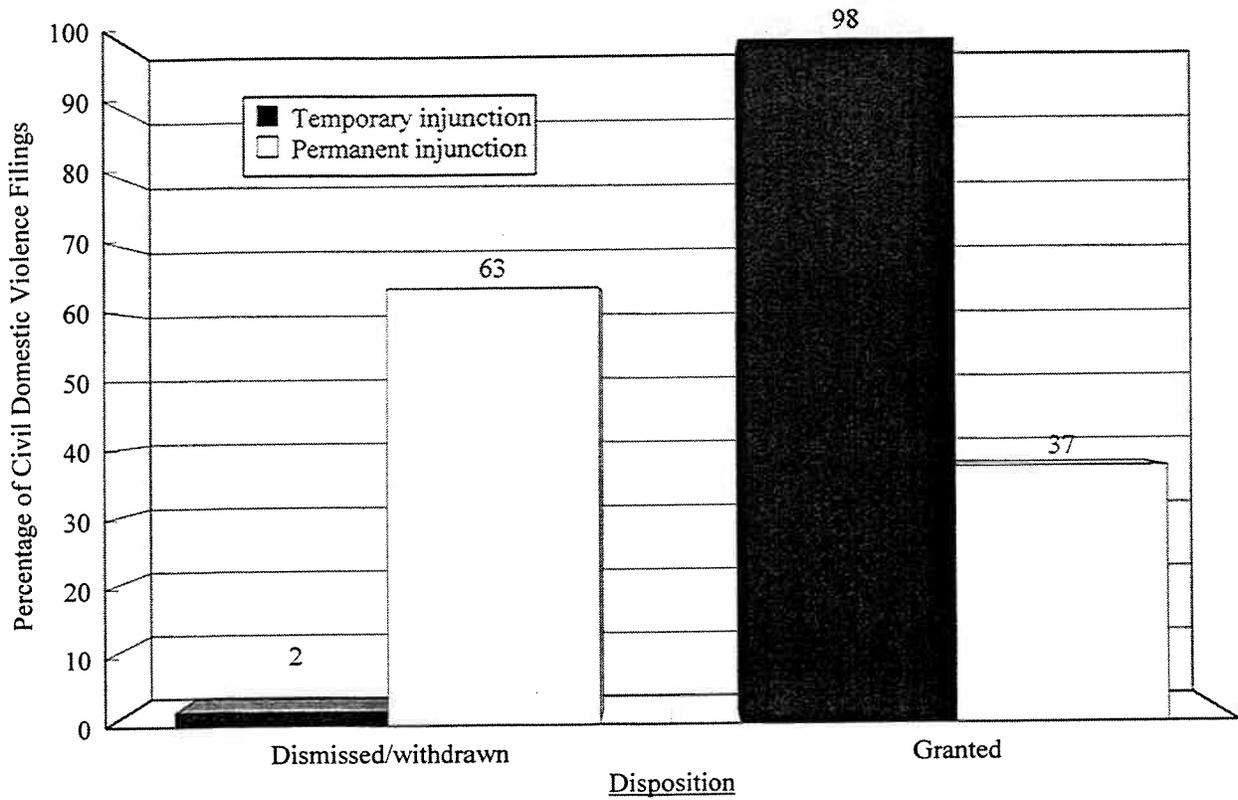
Approximately 16,000 matters relating to domestic violence were filed in Dade County's Eleventh Judicial Circuit during 1993, the year of the baseline study. Figure II.3 shows that these domestic violence matters have an important impact in both the civil and criminal areas: 47 percent entered civil processing, 30 percent were filed as misdemeanors, and 23 percent were processed as felony cases. Domestic violence cases made up an identifiable but similarly small part of each type of court caseload, ranging from six percent of all civil filings to eight percent of all misdemeanor and felony filings that year.

Figure II.3 The Domestic Violence Caseload in Dade County: Filings of Civil Injunction, Misdemeanor and Felony Matters in the Eleventh Judicial Circuit, 1993



During 1993, applications for civil temporary injunctions for protection against abuse made up about 27 percent of filings in the Domestic Violence Department of the Family Division in Dade County's Circuit Court and 27 percent of dispositions. Figure II.4 shows that about 98 percent of all requests for temporary injunctions were granted by civil judges during 1993. In 38 percent of cases, permanent injunctions were granted subsequently. In the other cases, requests for a permanent injunction were not made by the victim, requests were withdrawn, or the judge did not order a permanent injunction.

Figure II.4 Disposition of Temporary and Permanent Injunctions for Protection in Dade County Circuit Court's Domestic Violence Department of the Family Division during 1993



Source: Eleventh Judicial Circuit Court

(n = 7,585)

II. The Nature and Processing of Misdemeanor Domestic Violence Defendants

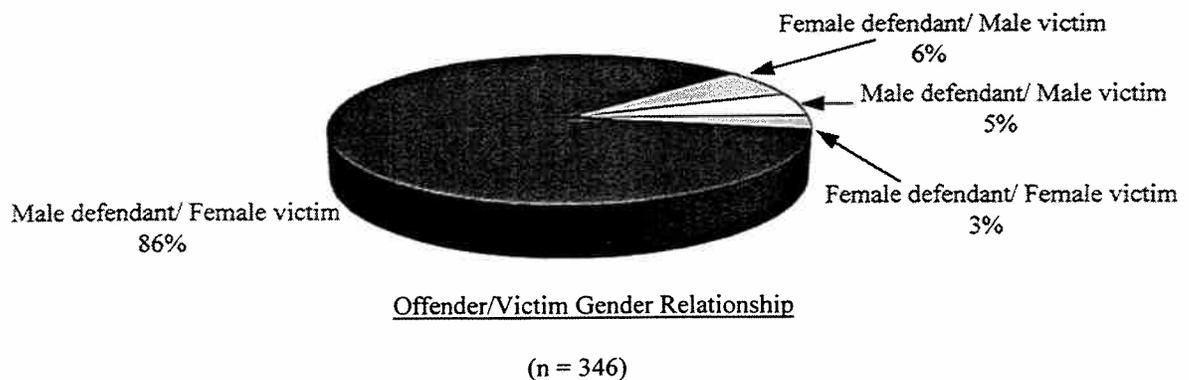
Defendants in Misdemeanor Domestic Violence Cases: Description of the Sample

To provide a baseline or background portrait of domestic violence cases entering County Court as misdemeanors, we collected data describing the cases, background, processing outcomes, treatment, and public safety outcomes for a cohort of (all) misdemeanor domestic violence defendants (n=346) entering the system in roughly a one-month period (between March 15 and April 19) in the spring of 1993. We then followed the cases and individuals for an observation period of one year from the date of filing.

Demographic Attributes of Misdemeanor Defendants and Victims

- Age: Misdemeanor Domestic Violence Court defendants were slightly older than Dade defendants overall, with a median age of 32 years.
- Race/ethnicity: Approximately 20 percent of misdemeanor Domestic Violence Court defendants were white, 45 percent were African-American, and 35 percent were Hispanic. Of victims for whom information was available, 16 percent were white, 37 percent were African-American, and 46 percent were Hispanic.
- Employment: Of those defendants for whom employment information was available, about 82 percent reported that they were employed, either full or part-time. If characteristic of the caseload overall, this attribute alone would make the domestic violence population stand out from other court populations which generally show high unemployment rates.
- Gender: Most (91 percent) but not all defendants were male. Similarly, while most (89 percent) victims were female, 11 percent of cases involved male victims.
- Victim information: An important general finding is that information describing victims was often not available.
- Gender in defendant/victim relationship: Approximately 86 percent of the cases entering the misdemeanor Domestic Violence Court involved male defendants and female victims; six percent involved female defendants and male victims; five percent involved male defendants and male victims; and three percent involved female defendants and female victims. (See Figure II.5.)

Figure II.5 Gender Relationships Among Victims and Offenders in Misdemeanor Domestic Violence Cases Entering County Court between March 15 and April 19, 1993



- Living arrangements: About two-thirds of defendants in the misdemeanor sample reported living with the victims at the time of the alleged incidents.

The Role of Substance Abuse

The role of alcohol and other drugs of abuse in domestic violence incidents has emerged as an important concern, from both theoretical and practical perspectives, particularly as it relates to the treatment of defendants and their victims. (In fact, the treatment innovation focusing on substance abuse in domestic violence examined in Part Three of this report was developed in Dade County's Domestic Violence Court in response to the perceived importance of the problem.) Thus, an important aim of the baseline study was to gain knowledge of the nature and extent of substance abuse among misdemeanor domestic violence defendants.

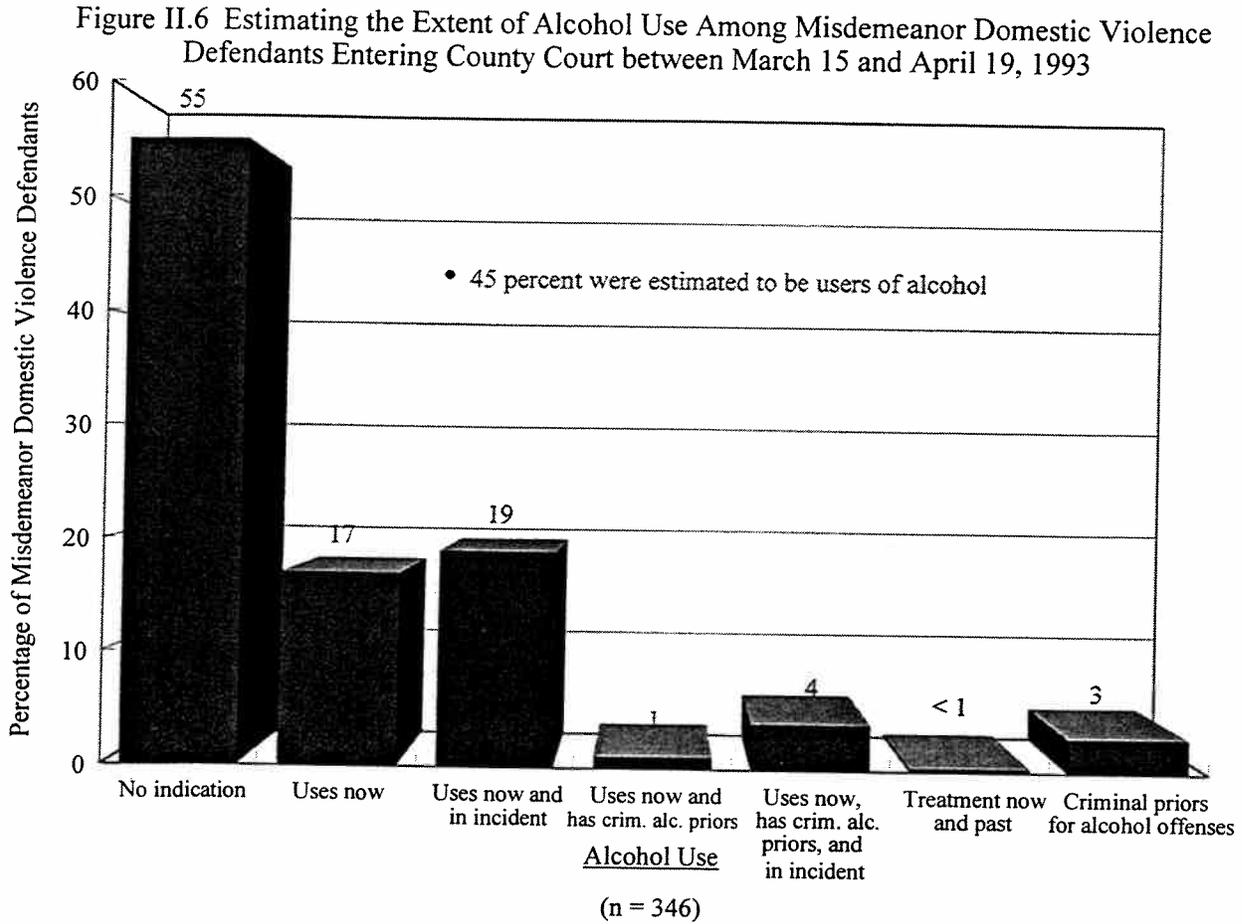
We examined several sources of data to determine whether any substance abuse by the defendant and/or victim was noted in each of the cases we studied. These sources included the police report, prosecutor's files based on victim reports, Domestic Violence Coordination Unit (DVCU) records, court orders for evaluation or treatment of substance abuse, criminal histories, and Advocate Program¹⁹ screening records and treatment files. Because no single source provided systematic documented information for all defendants on alcohol or substance abuse, it was necessary to consider the range of available sources to determine whether abuse of alcohol or other drugs of abuse appeared to be involved in the incidents associated with the misdemeanor court sample of domestic violence defendants. Unfortunately and surprisingly, given the nature of the sources we consulted, information relating to the victim's use or involvement in drugs or alcohol was mostly unavailable.²⁰

Figure II.6 provides a composite of what the various sources of information indicated about the use of alcohol among Domestic Violence Court defendants. No indications of alcohol

¹⁹The Advocate Program is a non-profit agency that receives for initial screening and intake all domestic violence cases placed on diversion and probation who are referred to batterer treatment and/or who are ordered to be evaluated for substance abuse or referred to treatment.

²⁰This is unfortunate because it did not allow us to estimate the frequency of joint use of alcohol or other substances at the time of the alleged incidents.

use were found in 55 percent of defendants' cases, with some use noted in 45 percent. Forty-one percent of defendants indicated current use of alcohol at the time of processing on misdemeanor charges and/or use at the time of the incident specifically. About eight percent had prior records of arrests for alcohol-related offenses, such as DUI or disorderly intoxication.

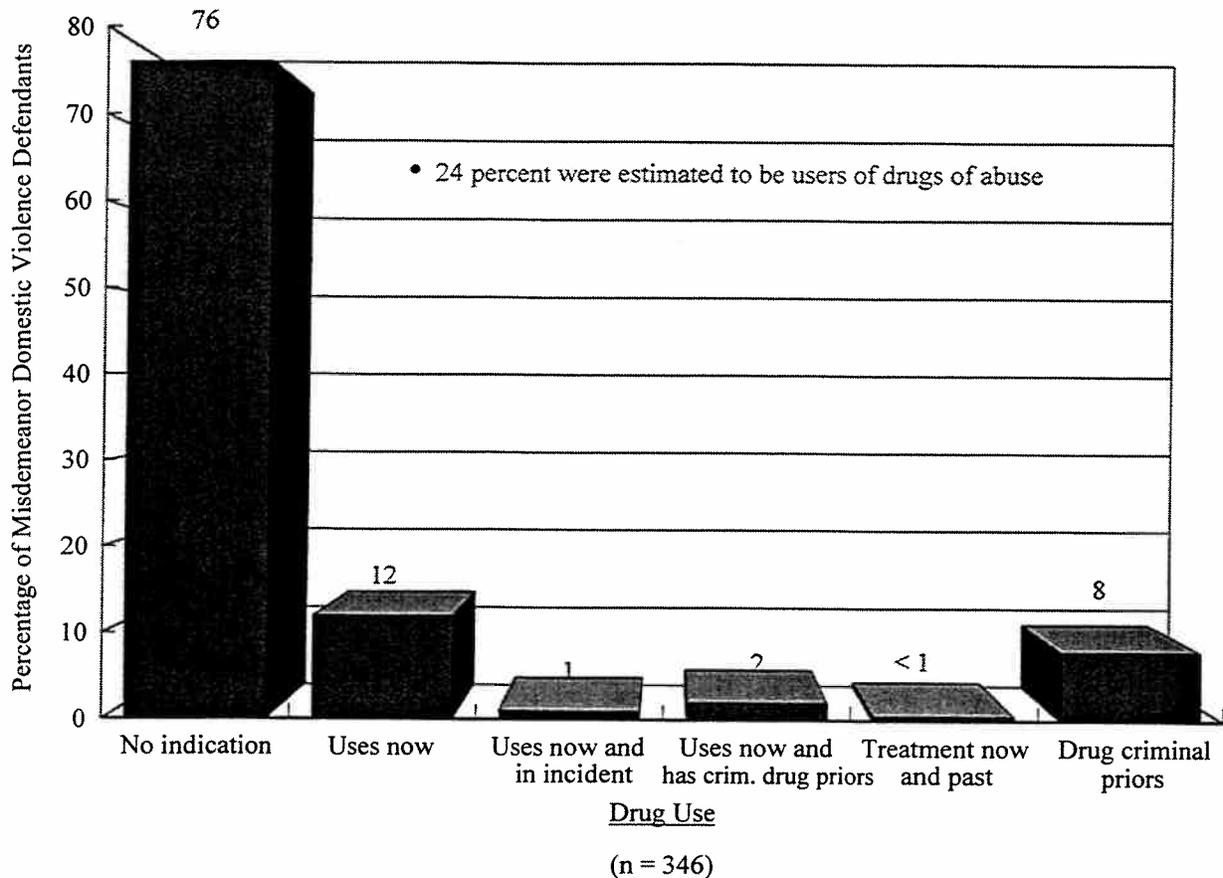


[Note: Sources for estimates of defendant alcohol involvement include arrest reports, criminal histories, Advocate Program initial interview, and statement of victims and/or witnesses.]

Figure II.7 shows that other substances of abuse were indicated less frequently in these sources of information about domestic violence defendants. No indications of abuse of controlled substances (other than alcohol) were found in about three-fourths of the cases of defendants. In about 15 percent of the incidents associated with these cases, we found some indication that the defendant was said to have been abusing drugs during the general period in which the alleged incident occurred. Very rarely were we able to find documentation indicating

that drug abuse was occurring during the time of the alleged domestic violence incident (less than one percent of the time). We conclude, however, that these findings should be interpreted to mean that information relating to drug abuse is not generally available, not that drug abuse does not occur frequently or thematically in these cases.

Figure II.7 Estimating the Extent of Drug Use Among Misdemeanor Domestic Violence Defendants Entering County Court between March 15 and April 19, 1993

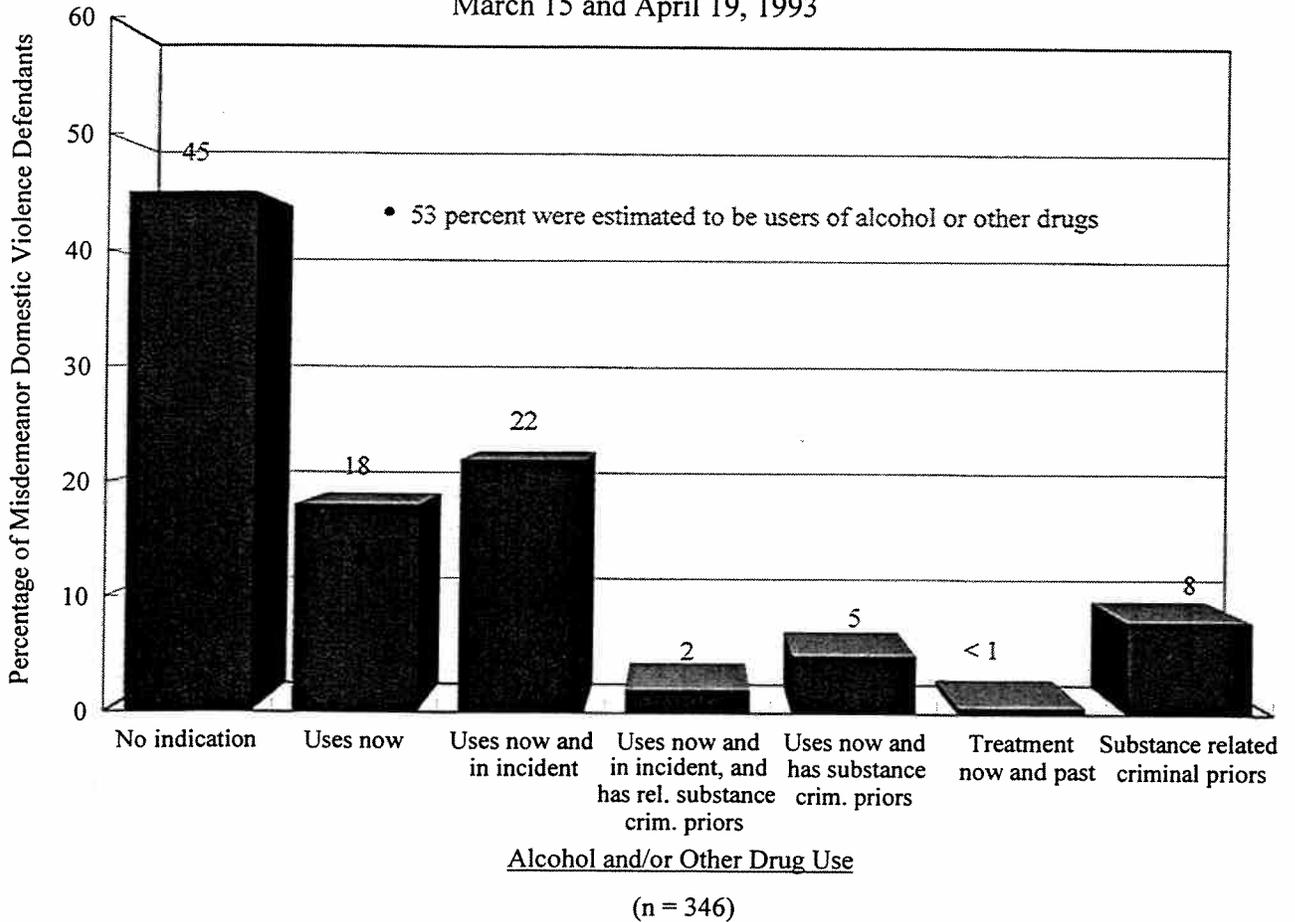


[Note: Sources for estimates of defendant drug involvement include arrest reports, criminal histories, Advocate Program initial interviews, and statements of victims and/or witnesses.]

On the basis of these data, we found that when alcohol and other drugs of abuse were considered together, (see Figure II.8) more than half of the defendants showed indications of alcohol or drug involvement: 24 percent apparently used drugs or alcohol at the time of the incident, 47 percent had indications of active, current use, and 15 percent had prior arrests for drug or alcohol offenses. Beyond these necessarily rough estimates, more specific information

describing the nature, extent or frequency of drug or alcohol use was rare and of questionable reliability.

Figure II.8 Estimating the Extent of Alcohol and/or Other Drug Use Among Misdemeanor Domestic Violence Defendants Entering County Court between March 15 and April 19, 1993



[Note: Sources for estimates of defendant alcohol and drug involvement include arrest reports, criminal histories, Advocate Program initial interviews, and statements of victims and/or witnesses.]

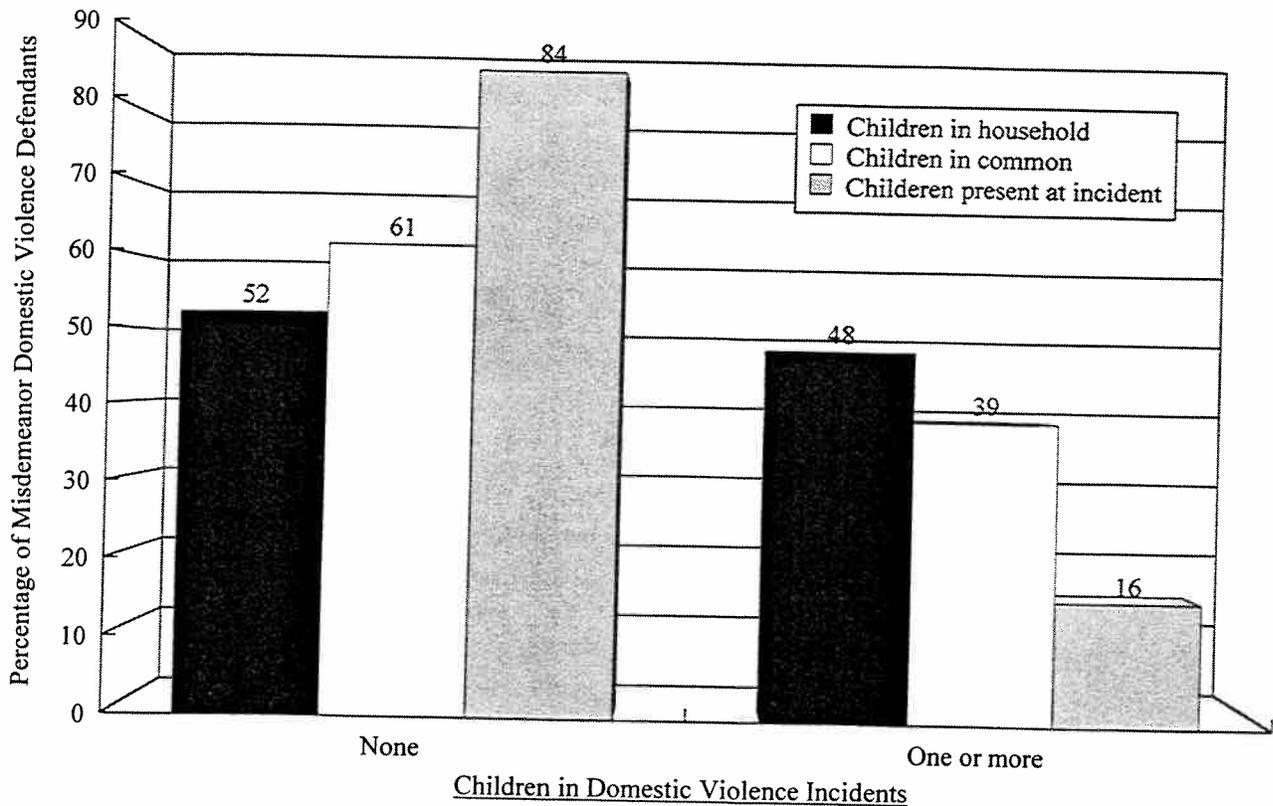
Mental Health and Prior Domestic Violence (Batterer) Treatment

Information indicating mental health problems and prior or current treatment for mental health was not routinely available. Thus, these data are not able to shed much light on mental health problems among domestic violence defendants.

Children

About 92 percent of the cases of the misdemeanor domestic violence defendants involved male-female relationships. The misdemeanor baseline data show that children may often be affected, directly or indirectly, in domestic violence cases. Nearly half (48 percent) of incidents alleged in the misdemeanor charges in the sample involved households with children: 18 percent having one child, 13 percent having two, and 17 percent having three or more. Thirty-nine percent of the defendants sampled had children in common with the complaining victim. (See Figure II.9.) In about 16 percent of all cases a child was present during the alleged domestic violence incident. Harm to a child was alleged in three percent of cases. There was documentation that HRS (Dade County's human resources agency) was involved with a child associated with the defendant and/or victim in only about one percent of the cases.

Figure II.9 The Prevalence of Children in Alleged Domestic Violence Incidents in Misdemeanor Domestic Violence Cases Entering County Court between March 15 and April 19, 1993



(n = 346)

Prior Criminal Histories of Misdemeanor Domestic Violence Offenders

Figure II.10 shows that nearly two-thirds (65 percent) of the misdemeanor defendants had prior records of arrests; more than half (52 percent) had prior arrests within the last three years: 22 percent had one prior arrest, ten percent had two prior arrests, and 20 percent had three or more within that three-year period. Fifteen percent had prior arrests for drug offenses; 21 percent had prior arrests for serious property offenses; ten percent had prior arrests for aggravated battery; 11 percent had prior arrests for resisting arrest; nine percent had prior simple assault arrests; and ten percent had prior disorderly conduct arrests. Figure II.11 shows that, overall, one-fourth (25 percent) of defendants had prior arrests for misdemeanors within the last three years: 14 percent had only one arrest and 11 percent had two or more. One-third (32 percent) of defendants had prior felony arrests within the last three years: 13 percent had one, and 19 percent had two or more prior felony arrests. Only two percent had prior arrests for criminal contempt.

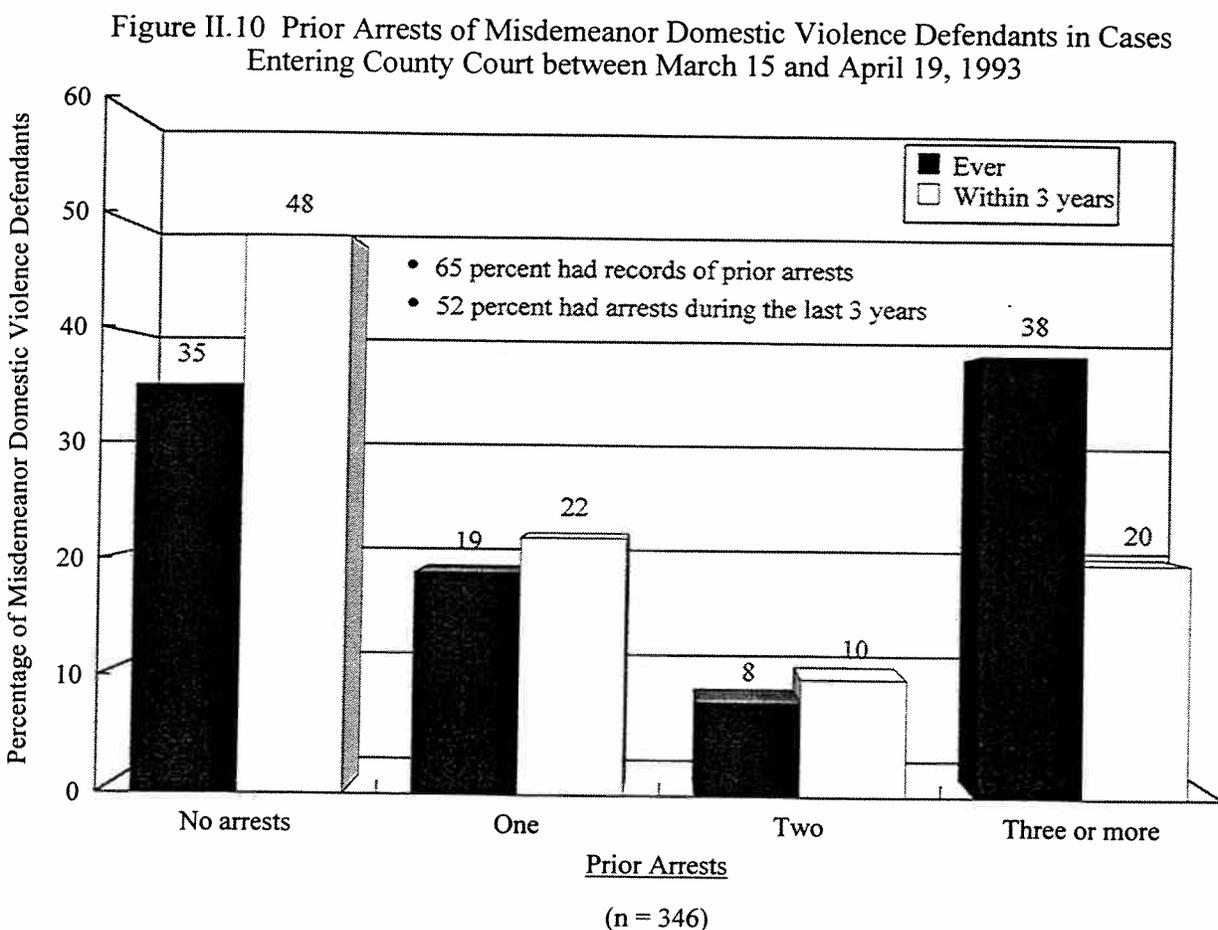


Figure II.11 Prior Arrests of Misdemeanor Domestic Violence Defendants for Misdemeanor and Felony Offenses in Cases Entering County Court between March 15 and April 19, 1993

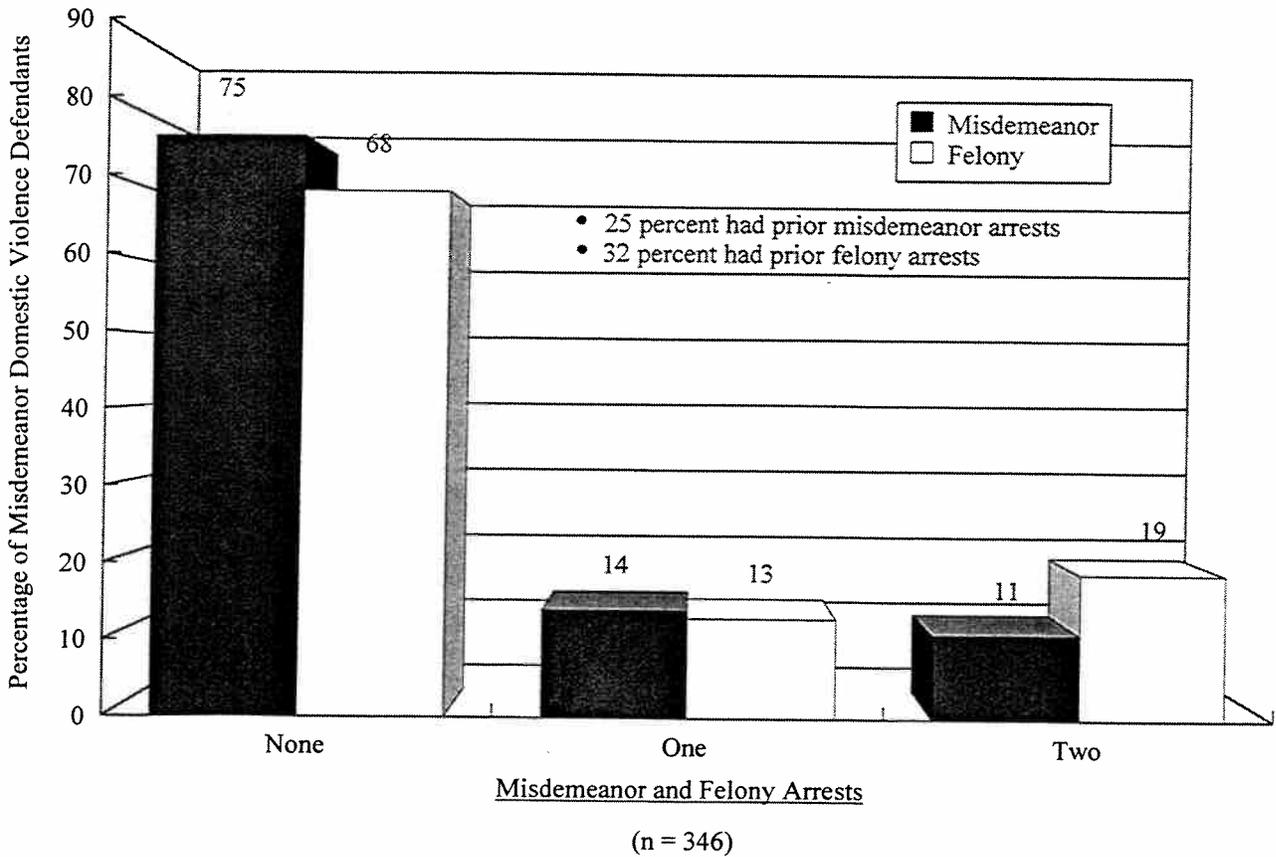
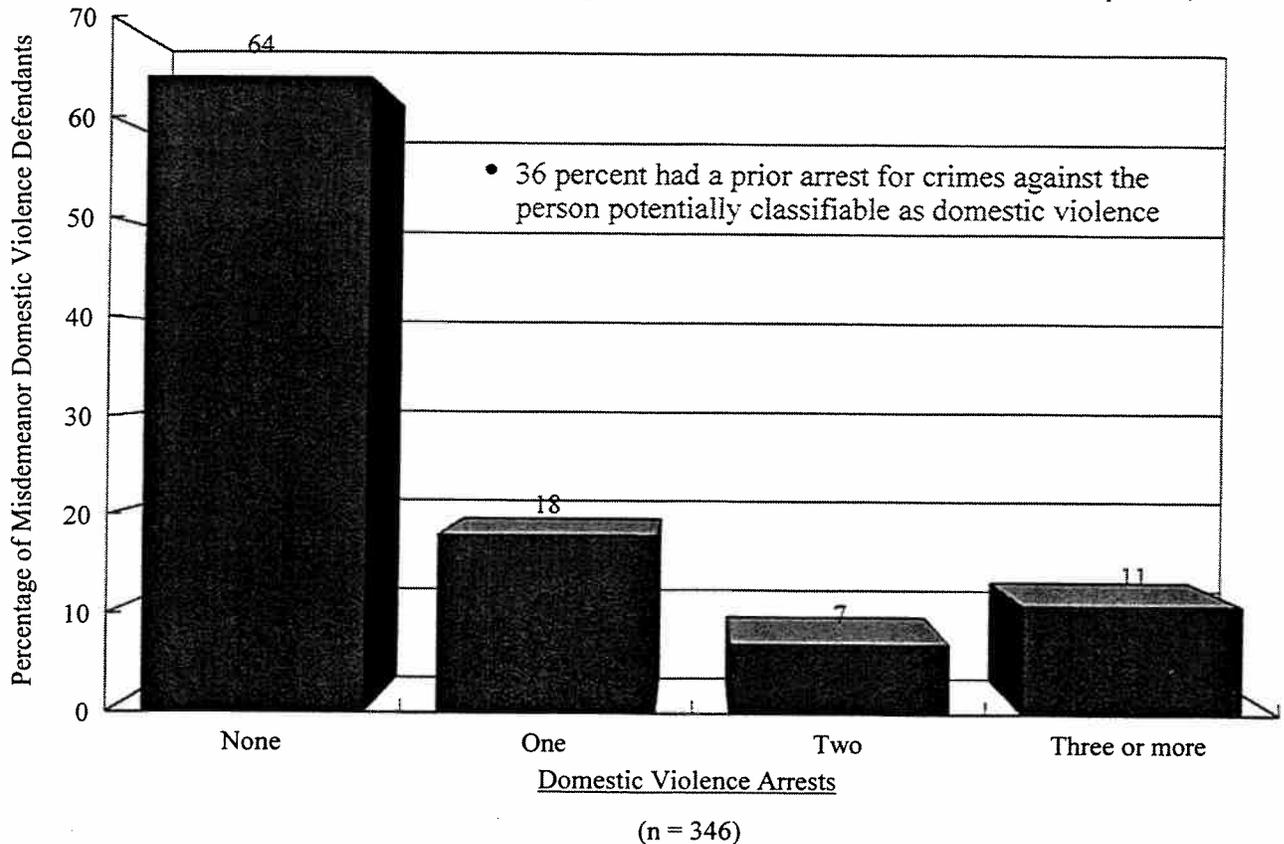


Figure II.12 estimates the prior arrest records of the misdemeanor domestic violence defendants by focusing on the role of offenses potentially classifiable as domestic violence-related.²¹ Approximately 36 percent of defendants had prior arrests for offenses that could potentially be classified as domestic violence-related. Eighteen percent had only one such prior arrest, seven percent had two, and 11 percent had three or more such arrests. Figure II.13 summarizes types of prior arrests and convictions and combinations of types associated with misdemeanor domestic violence defendants. Thus, 14 percent of defendants had prior arrests for domestic violence offenses only, three percent had arrests for domestic violence offenses and

²¹This figure simply categorizes the prior arrests of defendants for crimes against the person that could be domestic violence crimes. Recall from Figure II.1 that only a portion of reported crimes for these categories of offenses (e.g., murder/manslaughter, forcible rape, forcible sodomy/fondling, aggravated assault, simple assault, threat/intimidation and others) probably involve domestic violence. However, we are concerned here with prior arrests of persons allegedly involved with current domestic violence incidents. It would be reasonable to assume that this measure, arrests for crimes to the person that could be classified as potentially domestic violence-related, would not overestimate arrests for domestic violence crimes quite as much.

drug offenses, 13 percent had arrests for domestic violence and other (non-drug) offenses, and five percent had arrests for domestic violence, drug and other offenses.

Figure II.12 Prior Arrests of Misdemeanor Domestic Violence Defendants for Crimes Classifiable as Domestic Violence Offenses in Cases Entering County Court between March 15 and April 19, 1993

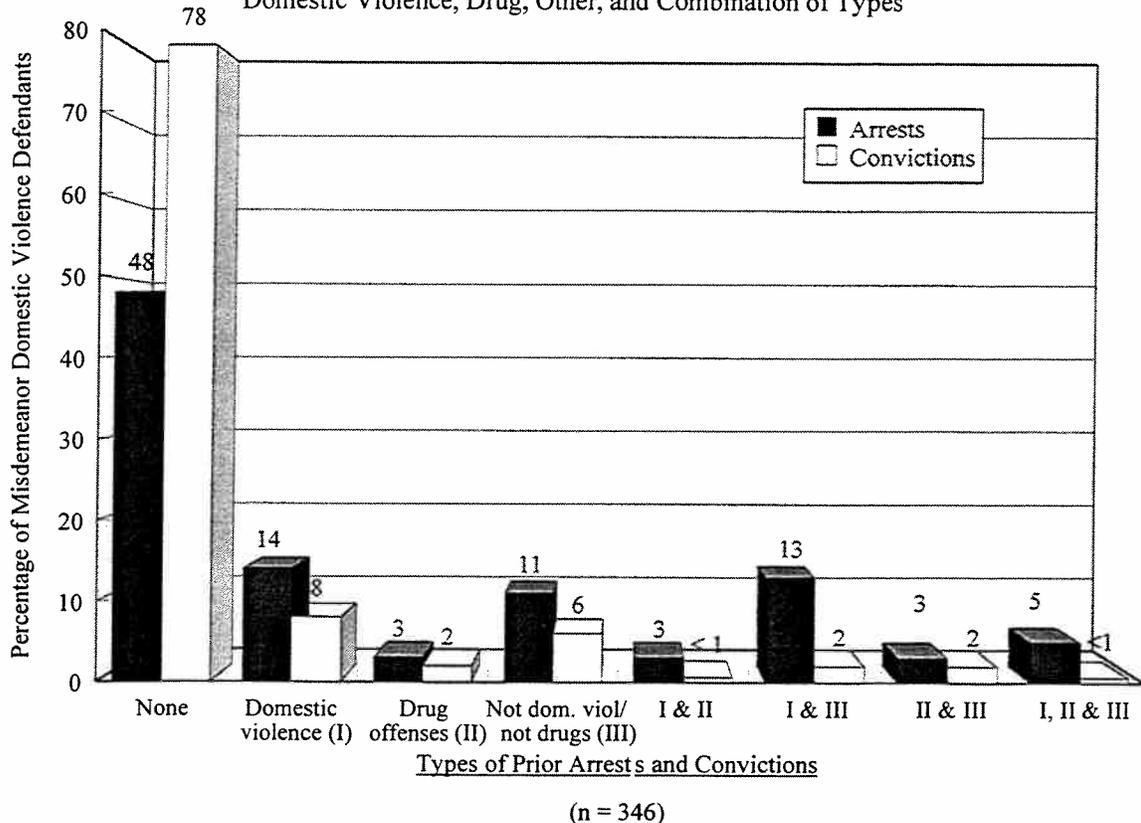


[Note: There is no crime category referred to as "domestic violence"; rather domestic violence can be included in a variety of categories of crimes against the person. This chart measures categories that could have involved domestic violence, although many may not.]

Among those having prior arrests, the average (median) time from the most recent prior arrest to the current arrest for a domestic violence offense was 236 days or about eight months. The average time from the most recent prior arrest for an offense that could be classified as domestic violence was slightly longer, about 265 days.

Nearly one-third had prior convictions, 22 percent within the last three years. Ten percent had prior misdemeanor convictions within the last three years; 12 percent had prior felony convictions.

Figure II.13 Types of Prior Arrests and Convictions of Misdemeanor Domestic Violence Defendants in Cases Entering County Court between March 15 and April 19, 1993, by Type of Prior Arrests (within 3 years): Domestic Violence, Drug, Other, and Combination of Types



History of Domestic Violence and Involvement in the Civil Injunction Process

In addition to examining the criminal histories of the misdemeanor domestic violence defendants, we attempted to document any reported history of domestic violence and prior involvement the same parties might have had in the civil injunction process. Using all available sources, including the Advocate Program's files, we were able to document a history of domestic violence in less than 25 percent of the sample cases. In five percent of cases, threats of violence preceded the current incident; in 15 percent of cases, there was a prior history of actual physical violence. Seven percent of victims alleged prior death threats. In three percent of cases, no prior violence was alleged. However, for the great majority of cases, there was simply no information to be found. This appears to be an important shortcoming, for it means that in cases where prior problems had come to the attention of the police and, perhaps, the courts, the court would not likely know of previous actions.

The best source of data on prior involvement in the civil injunction process would have been the Domestic Violence Coordination Unit (DVCU) files, but these were no longer available for the period preceding the second quarter of 1993. These files would have contained detailed information relating to any and all filings for civil injunctions by the victims, as well as other details of case outcomes. Instead, we scanned the court's computerized list of civil filings for injunctions over the last two years. However, the civil system is not designed for easy cross referencing from parties in civil cases to involvement in the criminal system. With no identifiers in the civil system comparable to those which exist in the criminal system, we had to manually match the names of the defendants and victims in the sample list (paired) with the names of parties in civil cases. Because of the problem of very common names and aliases, we limited our search to cases that involved the same victim/petitioner, assuming that the possibility of more than one pair of petitioner and respondent with identical names would be extremely remote.

Figure II.14 Prior Involvement of Misdemeanor Domestic Violence Defendants in Civil Injunction Process (within the last 2 years) in County Court

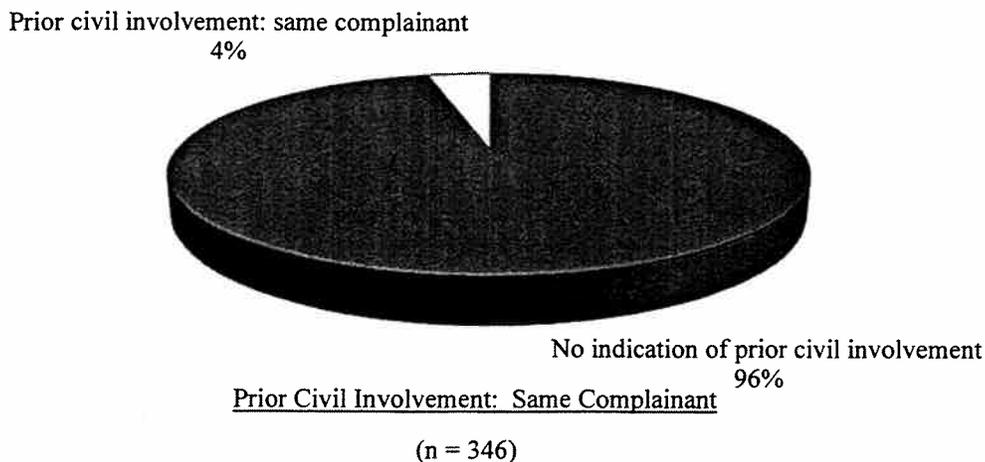


Figure II.14 shows that we were able to determine that about four percent of defendants in the sample had been the subject of a request for a civil injunction for protection from abuse by the same victim in the recent past. (In addition, four percent of defendants had filed for injunctions against the victims, either in the current case or previously.) In all cases temporary injunctions were granted, about half of which resulted in the granting of permanent injunctions. Given the manual nature of our data search, it is quite likely that these data underestimate the

true extent of sample defendants' prior involvement in the civil process dealing with temporary and permanent injunctions for protecting victims of abuse.

In 13 percent of sample cases, temporary civil injunctions were requested and granted directly as a result of the sample incident. Permanent injunctions were granted in nearly half of these cases.

Other Pending Matters

About 14 percent of misdemeanor domestic violence defendants had other criminal charges pending at the time of their arrest for the sample domestic violence offense. About one-third of those pending matters involved criminal charges that could be classified as possibly serious person offenses (murder/manslaughter, aggravated assault, intentional battery, aggravated battery, stalking, kidnapping, sexual battery, show cause). Half of these involved felony charges, and about 17 percent involved drug charges.

Eight percent of defendants were on probation or in diversion at the time of the arrest for the domestic violence offense in our study sample. Four percent had divorce matters pending at the time their cases entered the domestic violence division; ten percent had a pending custody case.

The Criminal Charges in the Cases of Misdemeanor Domestic Violence Defendants

Domestic violence defendants were charged with a variety of crimes, including criminal contempt resulting from violating conditions of civil injunctions ordered by a judge. More than half (56 percent) of misdemeanor defendants were charged with assault and battery as their most serious charge; 29 percent were charged with weapons offenses as the most serious of their charges, while other charges were seen in relatively small proportions of cases, including aggravated assault and battery (in cases originally filed as felonies but bound down to Domestic Violence Court), resisting arrest, criminal mischief, trespassing, disorderly intoxication and disorderly conduct.

The vast majority (88 percent) of alleged offenses involved incidents in which force was used; in eight percent of cases it was threatened; and in four percent, it was neither threatened nor used. Weapon use was threatened in five percent of cases and weapons were allegedly used in ten percent. Weapons allegedly used included knives (in four percent of all cases), guns (in two percent) and other objects or fists in eight percent of all cases. Eighty-two percent of defendants were charged with only one criminal offense, 14 percent had two charges and four percent had three or more charges. Victims reported injury in 77 percent of the cases entering Domestic Violence Division; property damage was alleged in 14 percent of cases. Nine percent of the cases involved violence by the victims as well. In the small number of contempt cases, the filing of contempt charges averaged about two months (median of 64 days) from the granting of an injunction.

Criminal Case Processing Outcomes

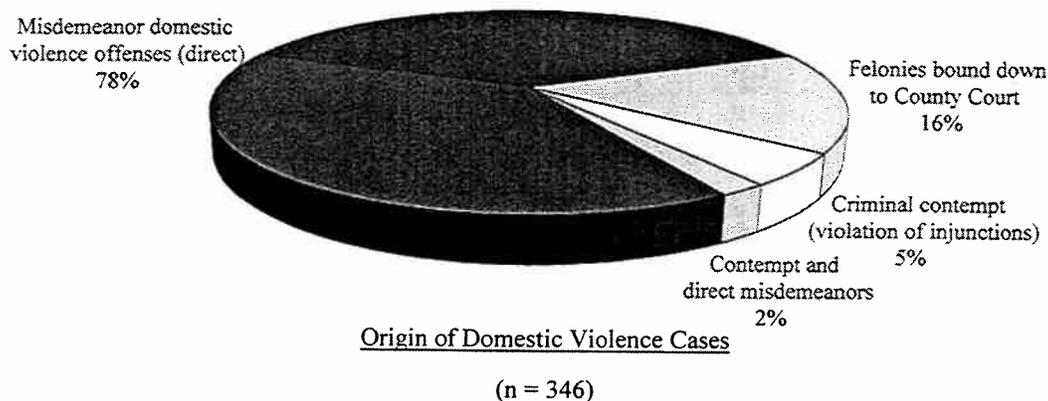
Sources of the Misdemeanor Domestic Violence Cases

Figure II.15 depicts the sources of the misdemeanor domestic violence cases in the baseline sample entering the Domestic Violence Court between March 15 and April 19, 1993. More than three-fourths (78 percent) entered County Court directly as “normal” misdemeanor cases. Seven percent involved criminal contempt charges arising from violations of temporary or permanent injunctions in civil courts (two of the seven percent involved criminal contempt and new misdemeanor charges). Nearly 16 percent of all cases entering the Domestic Violence Court were originally felonies that were bound down to County Court.

The time from booking to filing of a misdemeanor case in the Domestic Violence Division averaged about one day for most defendants: 22 percent had charges filed on the same day as booking, 48 percent had charges filed within one day, about ten percent had charges filed between two and seven days after booking, 14 percent had charges filed between eight and 30 days after booking and five percent had charges filed more than 30 days later. Some but not all of the longer times to filing can be explained by cases that were bound down from Circuit Court.

About 17 percent of these cases were filed in the Domestic Violence Division in 20 days or less, 23 percent in 21 days, and 40 percent took from 22 to 38 days.

Figure II.15 Origin of Misdemeanor Domestic Violence Cases Entering County Court between March 15 and April 19, 1993



Pretrial Release of Misdemeanor Domestic Violence Defendants

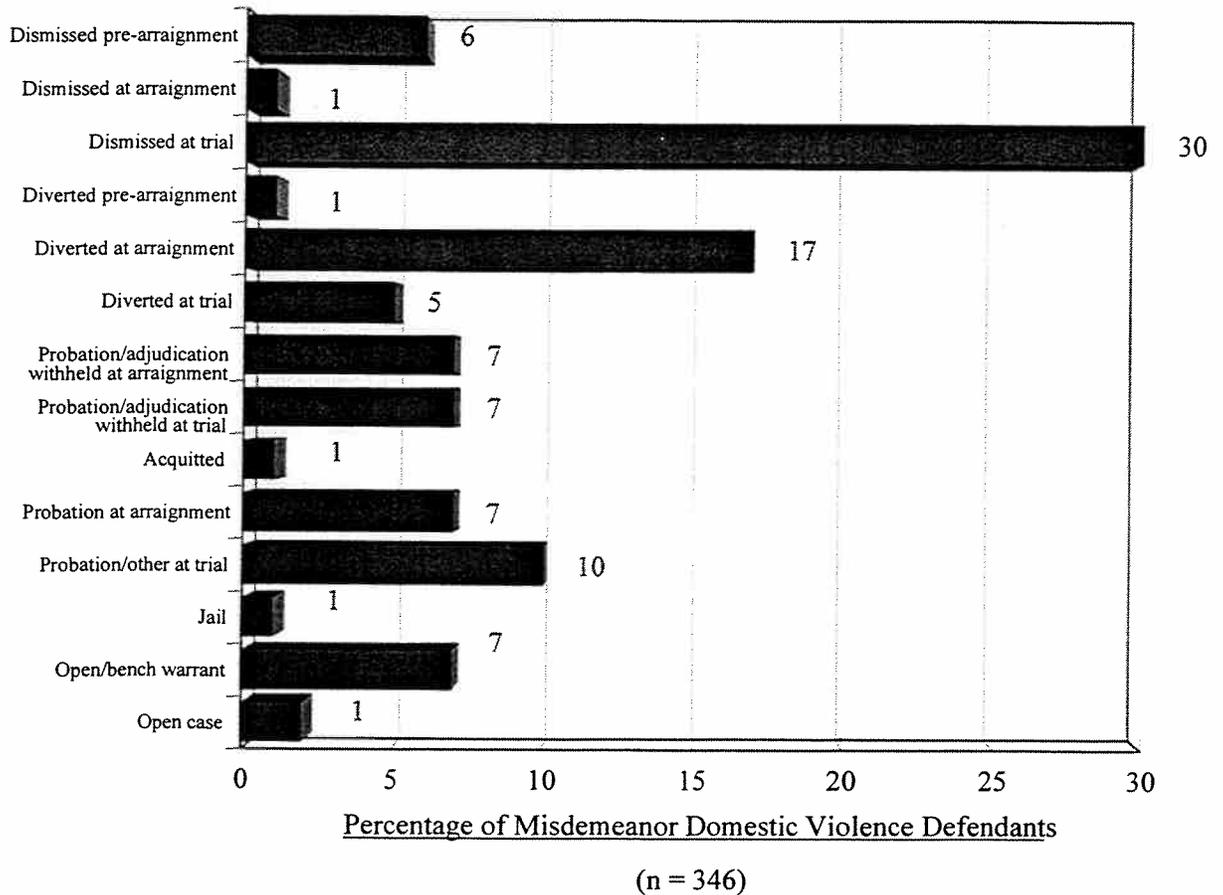
No information on County bond hearings was found for approximately 29 percent of defendants. Very few defendants (four percent) did not gain pretrial release prior to adjudication of their charges. Fifty-eight percent gained release through nonfinancial means; 30 percent paid a surety to gain release, and five percent paid their own bond. More than half (55 percent) did not have counsel appointed at the bond hearing; 37 percent had a public defender appointed, and eight percent had private counsel. In addition to the pretrial release and bond decisions made, judges issued stay away orders in 71 percent of cases of the misdemeanor defendants.

Adjudication of the Charges

About 24 percent of defendants did not have a separate arraignment outcome recorded. Defendants entering County Court directly on misdemeanor charges averaged 32 days to arraignment (a median of 54 days for defendants bound down from Circuit Court and 31 days for defendants originally charged with misdemeanors). Defendants charged with criminal contempt showed quicker average times from arrest to arraignment, around 21 days.

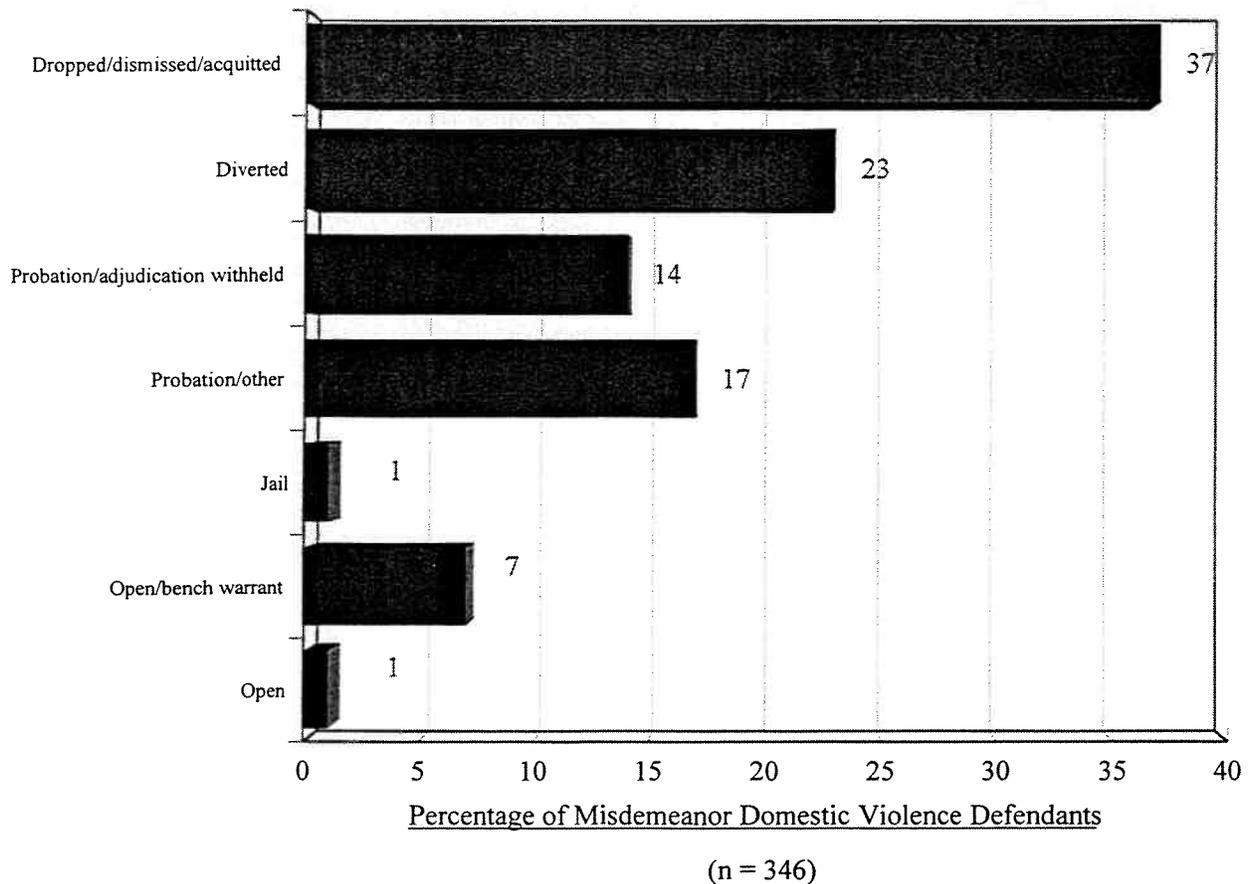
Figures II.16 through II.18 summarize the adjudicatory outcomes of the cases of the misdemeanor domestic violence defendants in the 1993 cohort using different levels of detail.

Figure II.16 Processing Dispositions of Cases of Misdemeanor Domestic Violence Defendants Entering County Court between March 15 and April 19, 1993



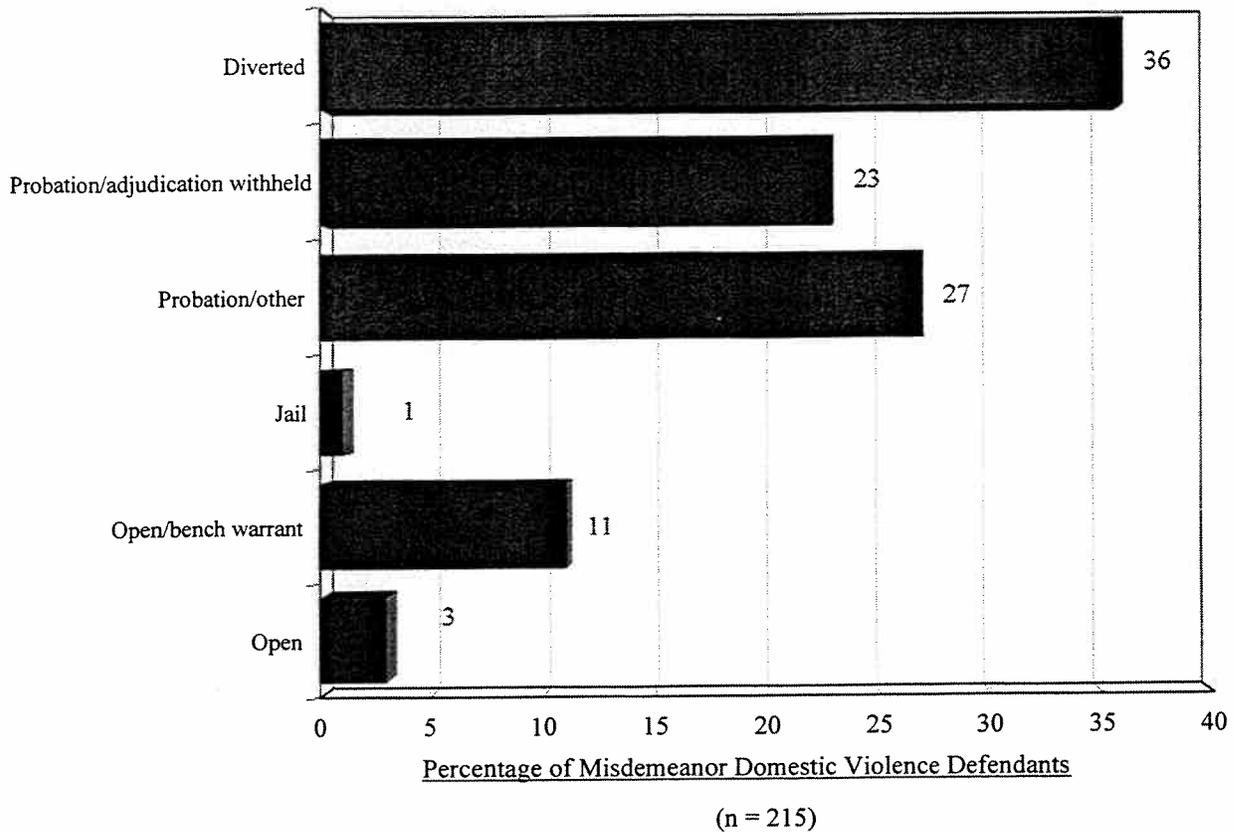
- Over one-third (37 percent) of all the misdemeanor domestic violence cases were dismissed or withdrawn, about seven percent at or before arraignment and 30 percent at the misdemeanor trial stage in County Court.
- Nearly one-fourth of all cases resulted in diversion, 18 percent at or before arraignment and five percent at trial.

Figure II.17 Processing Dispositions of Cases of Misdemeanor Domestic Violence Defendants Entering County Court between March 15 and April 19, 1993 (simplified version)



- Nearly an additional one-third of cases (31 percent) were placed on probation, 14 percent on probation/adjudication withheld, and 17 percent on probation after conviction. Both forms of probation were almost equally divided into those receiving probation at arraignment and those receiving probation after trial.
- Conviction with a jail sentence was exceedingly rare, occurring in less than one percent of cases. At the initial adjudicatory stage, just over eight percent of cases had not yet reached final disposition; the majority of these were open and had bench warrants issued for failing to attend court.

Figure II.18 Processing Dispositions of Cases of Misdemeanor Domestic Violence Defendants Entering County Court between March 15 and April 19, 1993: Cases Not Dismissed/Dropped/Acquitted



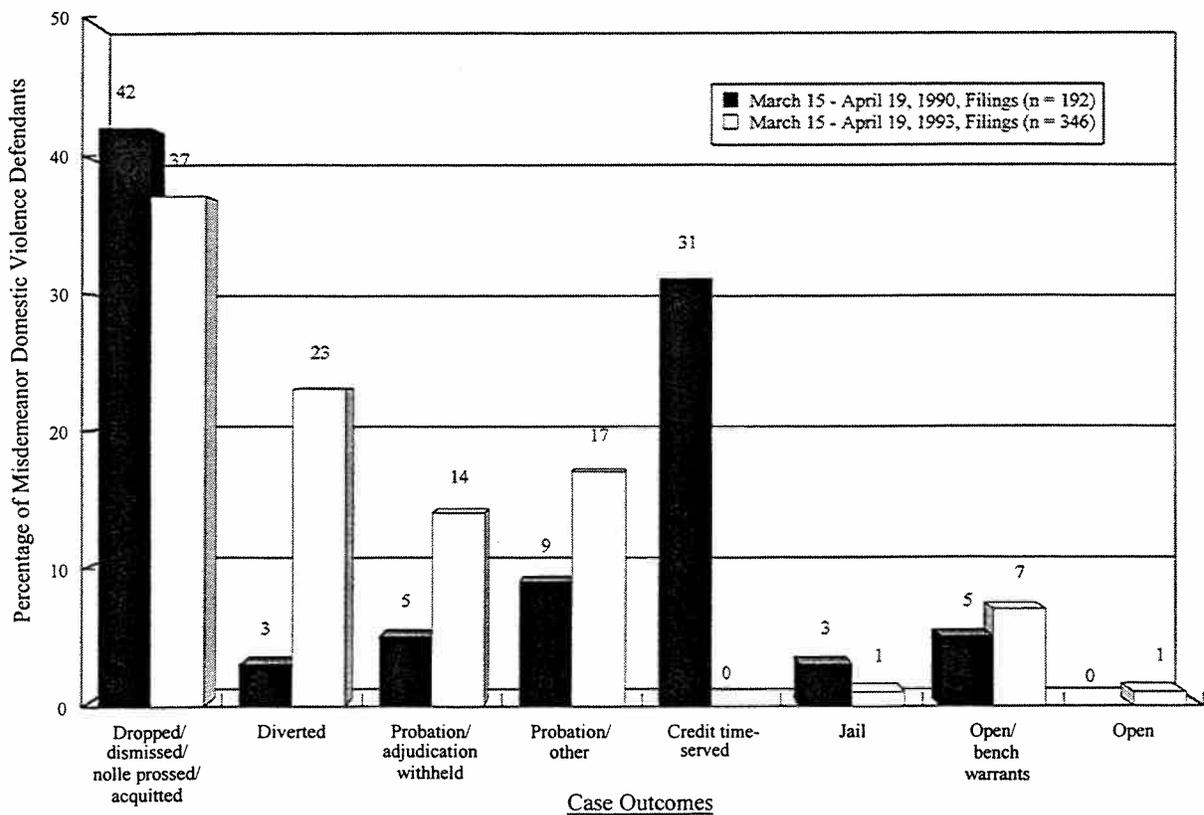
Comparing Domestic Violence Court Dispositions with Dispositions Pre-Domestic Violence Court (1990)

To place these findings in context, we compared the proportions of domestic violence cases dropped, dismissed or nolle prossed in this sample with the disposition of similar cases in the recent past.²² In 1990, several of the means for identifying domestic violence cases did not exist, thus Figure II.19 uses 1990 court filing data for cases potentially involving domestic violence as a rough basis of comparison. This comparison suggests that, in the then-new 1993 Domestic Violence Division, proportionately fewer cases were dropped (dismissed/no-actioned) from processing and notably fewer had “credit-time-served” dispositions than under the previous practices. In 1990, roughly 31 percent of cases resulted in credit-time-served dispositions (averaging credit for no more than several days in jail), while none of the 1993

²²In this analysis, 1990 case data were collected by staff of the DVCU under the supervision of the research team.

Domestic Violence Court dispositions were to time-served. Among the 1990 filings, three percent had been diverted and 14 percent had been convicted and assigned to probation. In 1993, 23 percent were placed in treatment on diversion and 31 percent were placed in treatment on probation. These findings show a reduction in dismissed cases and a striking shift in case dispositions toward diversion and probation treatment in the new court than in past practices, at least as represented by 1990 domestic violence filings.

Figure II.19 Processing Dispositions of Cases of Misdemeanor Domestic Violence Defendants Entering County Court: Comparing Cases Filed in Spring, 1990, with Cases Filed in Spring, 1993

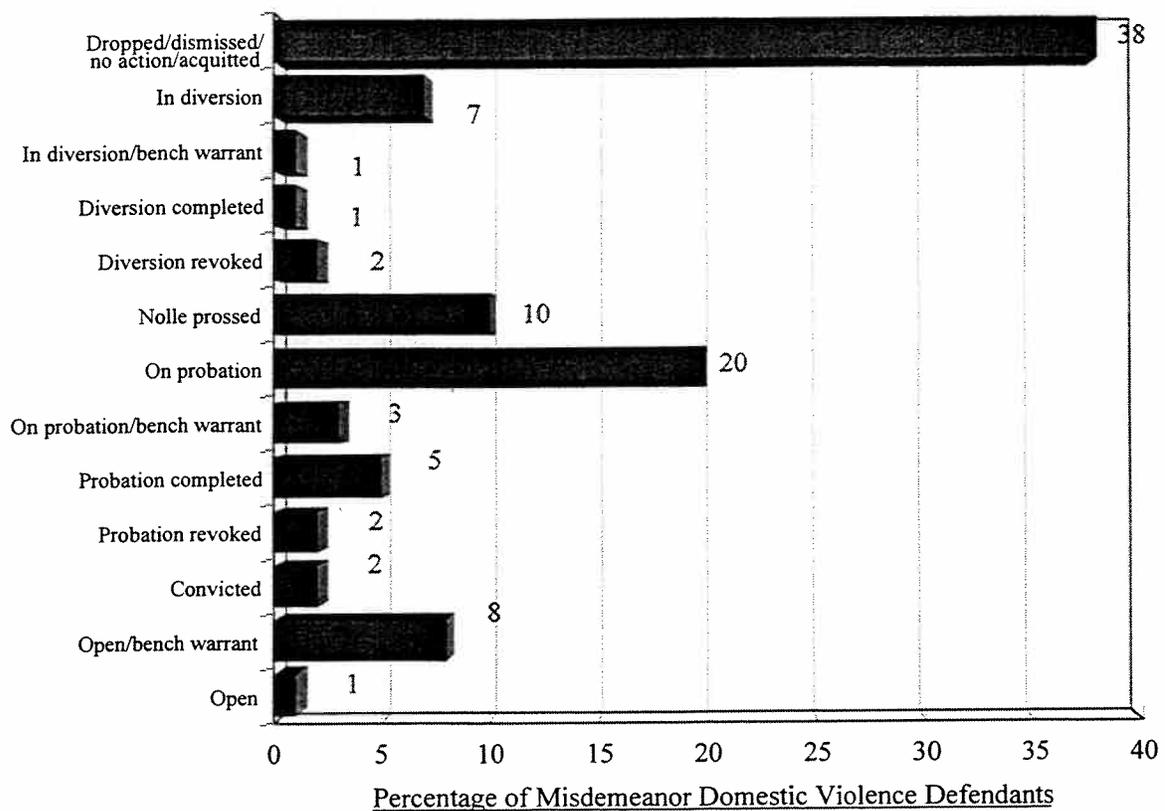


Case Processing Outcomes after the One-year Observation Period

Figure II.20 summarizes the case statuses for the full sample of misdemeanor domestic violence defendants who entered County Court between March 15 and April 19, 1993, after a one-year observation period. Thirty-eight percent had cases dropped, dismissed, no actioned, or acquitted. Seven percent were still in diversion; one percent were in diversion with an

outstanding bench warrant; one percent had completed diversion; ten percent had their cases nolle prossed; and two percent had diversion revoked. Twenty percent were still on probation; three percent were on probation with an outstanding bench warrant; five percent had completed probation; and two percent had probation revoked. Two percent had been convicted with sentences other than probation; one percent of cases were still open; and eight percent of defendants were fugitives at the end of the one-year period.

Figure II.20 Processing Statuses of Cases of Misdemeanor Domestic Violence Defendants Entering County Court between March 15 and April 19, 1993, after One-year Observation Period



(n = 346)

Only defendants in diversion or on probation (adjudication withheld or conviction) would be assigned to treatment programs. Because the discussion of treatment and treatment outcomes refers to diverted defendants and probationers, we contrast the individuals having other adjudicatory outcomes and those assigned to treatment programs in a diversion or probation status. Although the charges of all sample persons are roughly similar (involving misdemeanor

domestic violence crimes), there are differences in the prior criminal histories based on legal status.

- A basic finding is that defendants placed in diversion had far fewer prior arrests—of whatever type—than persons placed on probation and persons with other outcomes (dropped, dismissed, acquitted, jail, open status).

Summary: The Nature and Processing of the Misdemeanor Domestic Violence Defendants

Defendants in the misdemeanor domestic violence caseload as measured in our 1993 baseline cohort differed from other populations of criminal defendants and did not necessarily resemble the “stereotype” of domestic violence defendant. For example, they were older on average than other populations of Miami defendants and were much more frequently employed. While most were male, roughly ten percent of defendants were female. While many of the defendant/complainant relationships were of the expected male-to-female type, this was not true in 11 percent of the cases. Many of the relationships involved spouses or ex-spouses, but quite a large number did not. About two-thirds of defendants and complainants lived together at the time of the alleged incidents, but one-third involved non-live-in relationships. More than half of the defendants appeared to abuse drugs or alcohol at the time of the incident, which indicated a large role for alcohol and other drugs of abuse, but not necessarily a universal one. We were able to obtain little information about the victim, except that force was employed against the victim in 88 percent of the alleged crimes. We were unable to obtain information relating to the mental health histories of either defendant or victim. In nearly half of all incidents alleged, children were in the household (though not necessarily present at the time); 39 percent of defendants and complainants had children in common; in 14 percent of cases, children were present during the incidents and in four percent, children were harmed. These data point to a potentially important impact on children in many of the domestic violence incidents. Defendants were seldom first time offenders (of any sort). The large majority had prior records of arrest and convictions, many for prior domestic violence offenses. Most misdemeanor defendants gained prompt release prior to adjudication, the large majority of which (about 71 percent) had stay-away orders assigned as a condition of release.

III. Misdemeanor Domestic Violence Offenders in Treatment

Diverted Defendants and Probationers Ordered to Domestic Violence (Batterer) Treatment

Nearly all misdemeanor domestic violence defendants diverted or placed on probation were assigned to domestic violence treatment (in programs employing approaches based on the Duluth power-control model) and were ordered to report to the Advocate Program²³ for a screening (“assessment”) interview within 24 hours, to be followed by batterer and/or other ordered treatment. Of those assigned to report to the Advocate Program for assessment (intake), 96 percent appeared to have actually reported as required. About 95 percent of those reporting did this in one month or less after arrest.

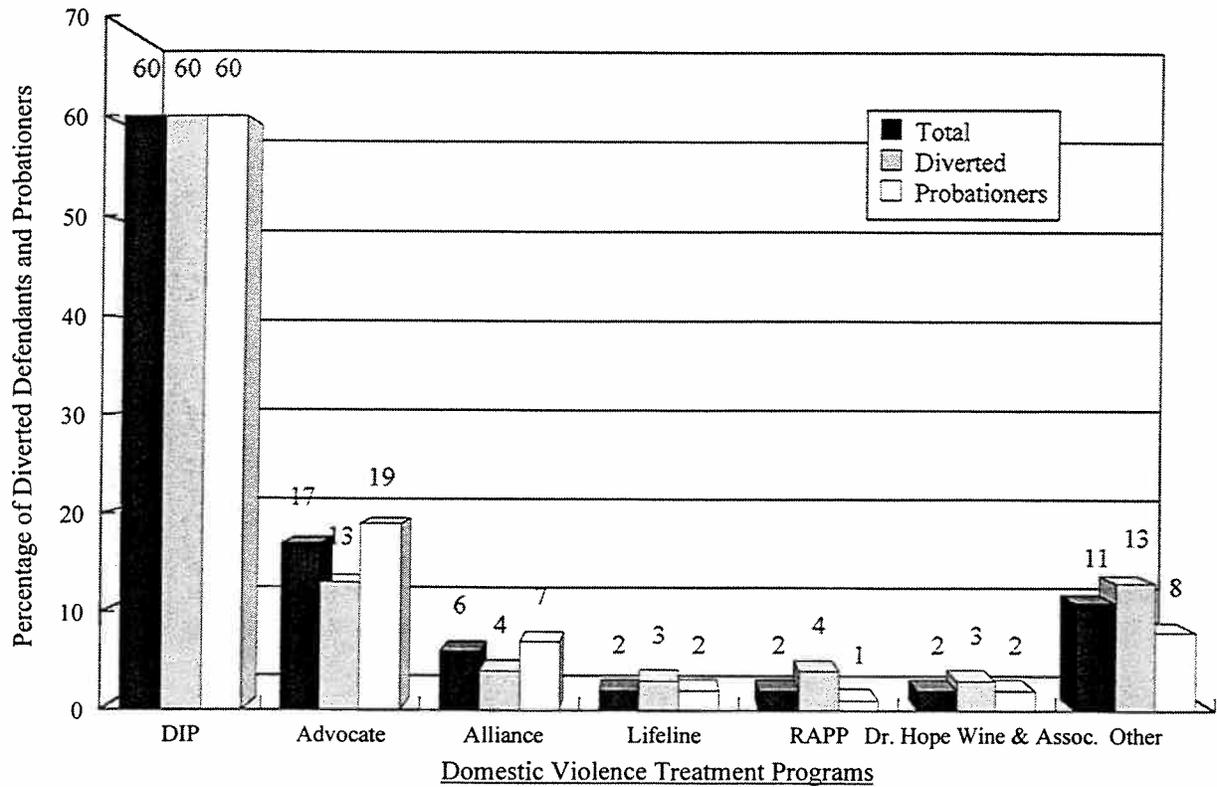
The basic Duluth-model batterer treatment program employed in Dade County was described as 26-weeks long. However, the actual length of the treatment program to which divertees and probationers were assigned differed in some cases. About 85 percent of both groups were assigned to treatment programs that lasted for 26 weeks. However, small proportions of both groups were placed in treatment programs of shorter durations: a 16-week program intended for non-primary relationships (i.e. not spouses or cohabitants), individual therapy of six weeks, an eight-week anger-control program, and/or a 12-week parenting program. (The use of varied length programming became much more rare in periods subsequent to the baseline study according to Advocate program staff.)

Participation in Batterer Treatment and Outcomes

Diverted defendants and probationers were assigned to the batterer treatment programs shown in Figure II.21. Most, about 60 percent, were assigned to DIP (“Domestic Intervention Program”), which deals only with indigent persons not financially able to contribute to the costs of treatment. The Advocate Program was assigned to provide batterer treatment in about 17 percent of all diversion and probation cases.

²³ The Advocate Program is a non-profit agency that serves as the major diversion agency for the Dade courts. All persons placed on diversion or probation from the Domestic Violence Court are screened, interviewed, and then placed in a batterer treatment program and other treatment program of necessity. Advocate also has the responsibility to monitor persons in treatment and under supervision.

Figure II.21 Batterer Treatment Programs Employed for Misdemeanor Domestic Violence Defendants or Probationers Entering County Court between March 15 and April 19, 1993, by Legal Status



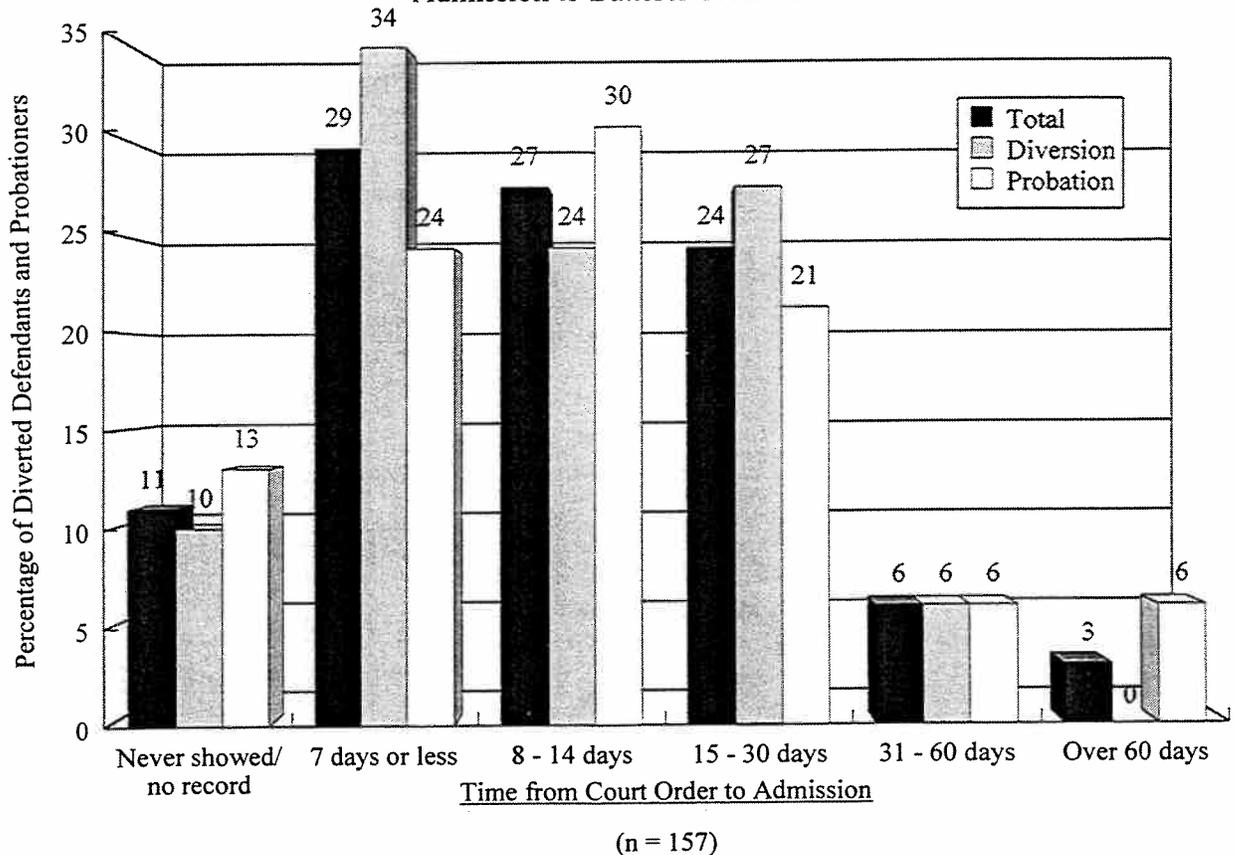
(n = 173)

[Note: Other includes Florida Psychiatric Institute (1.2%), Merrill Frank (1.2%), Spectrum (.6%), A&A Professional (.6%), Charter Hospital (1.2%), Miscellaneous other (5.8%)]

Figure II.22 shows the length of time from the court order in either diversion or probation cases to intake by the batterer treatment program.

- Approximately ten percent of diverted defendants and 13 percent of probationers (or 11 percent overall) apparently failed to make the admission interview at the assigned batterer treatment program. At least, no records could be located documenting that these individuals ever attended the assigned programs.
- One-third (34 percent) of diverted defendants and nearly one-fourth of probationers (24 percent) were admitted to treatment within one week of the court order.

Figure II.22 Time from Court Order for Batterer Treatment to Actual Admission to Batterer Treatment



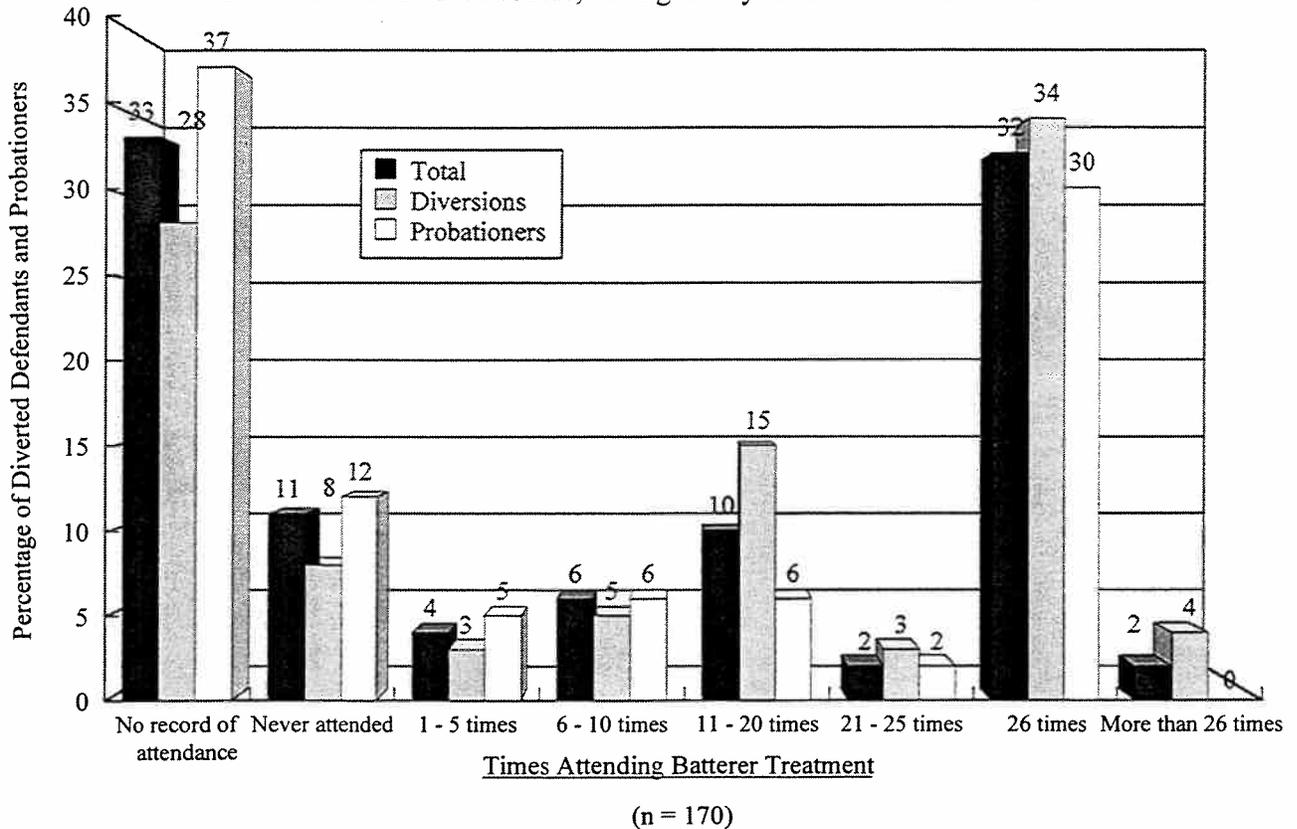
[Note: 17 cases with missing or incomplete admission dates are omitted, as are the original "no shows" at the Advocate assessment stage who were never assigned to treatment.]

- Over three-fourths of diverted defendants and probationers ordered to treatment reported for admission within 30 days of the court order.
- Nine percent of defendants overall took longer than one month from the time of the order to be admitted to the assigned treatment program.

During the baseline period, a large number of probationers and divertees failed to reach treatment as ordered. Figure II.23 summarizes the attendance of diverted defendants and probationers during batterer treatment over the one-year observation period.

- For 28 percent of diverted defendants and 37 percent of probationers, no record of attendance could be found of the number of times batterer treatment was attended, although other indications of treatment attendance were noted. An additional eight percent of diverted defendants and 12 percent of probationers appear never to have attended.

Figure II.23 Number of Times Attending Batterer Treatment by Misdemeanor Domestic Violence Defendants and Probationers, during One-year Observation Period



[Note: The typical presumed length of batterer treatment was 26 weeks.]

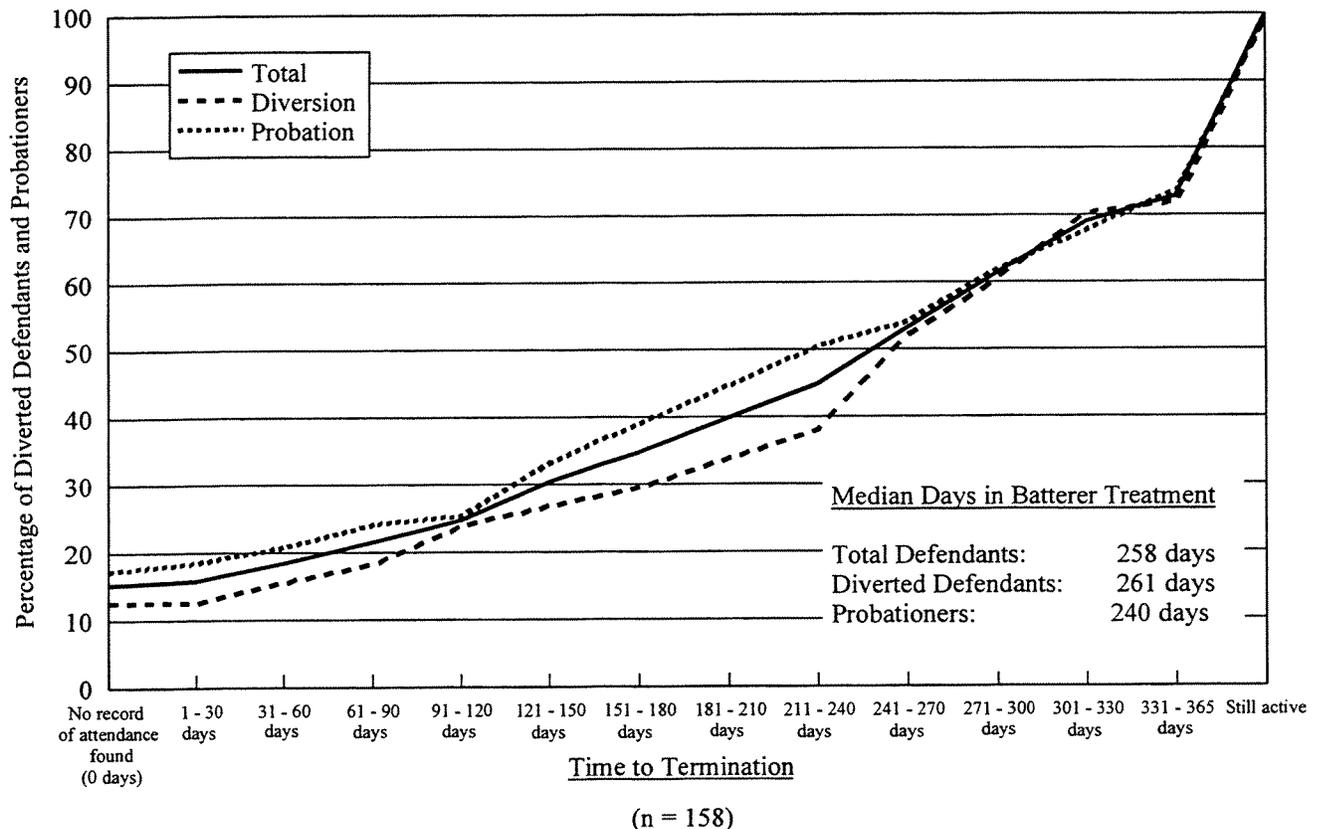
- Ten percent attended treatment ten times or less, ten percent attended treatment from 11 to 20 times during the follow-up and two percent attended between 21 and 25 times.
- About 32 percent of those sent to treatment from the court attended 26 weeks, with a handful attending longer than that.

One of the criteria for being terminated from the program was missing three consecutive treatment groups. About 14 percent of defendants showed no record of attendance in batterer treatment. Of those admitted to treatment, ten percent recorded three or more successive absences from treatment meetings. Of diverted defendants admitted to treatment, eight percent recorded three consecutive absences. Of probationers admitted to treatment, about 11 percent recorded three consecutive absences. Approximately 38 percent of diverted defendants and 61 percent of probationers were “revoked” at least once for failing to meet program conditions. More than half (55 percent) of persons on diversion who were revoked were readmitted, 44

percent of revoked probationers were readmitted, and 48 percent of all revokees were readmitted to batterer treatment during the one-year observation period.

Figure II.24 displays the length of time diverted defendants and probationers spent in a program from the point of intake at the Advocate screening interview to the last recorded termination from treatment within the one-year observation period.²⁴ First, roughly 15 percent of defendants in diversion and probationers had no records of having entered or terminated a treatment program (zero days in treatment). In addition:

Figure II.24 Time from Advocate Intake to Termination of Misdemeanor Domestic Violence Defendants and Probationers from Batterer Treatment during One-year Observation Period



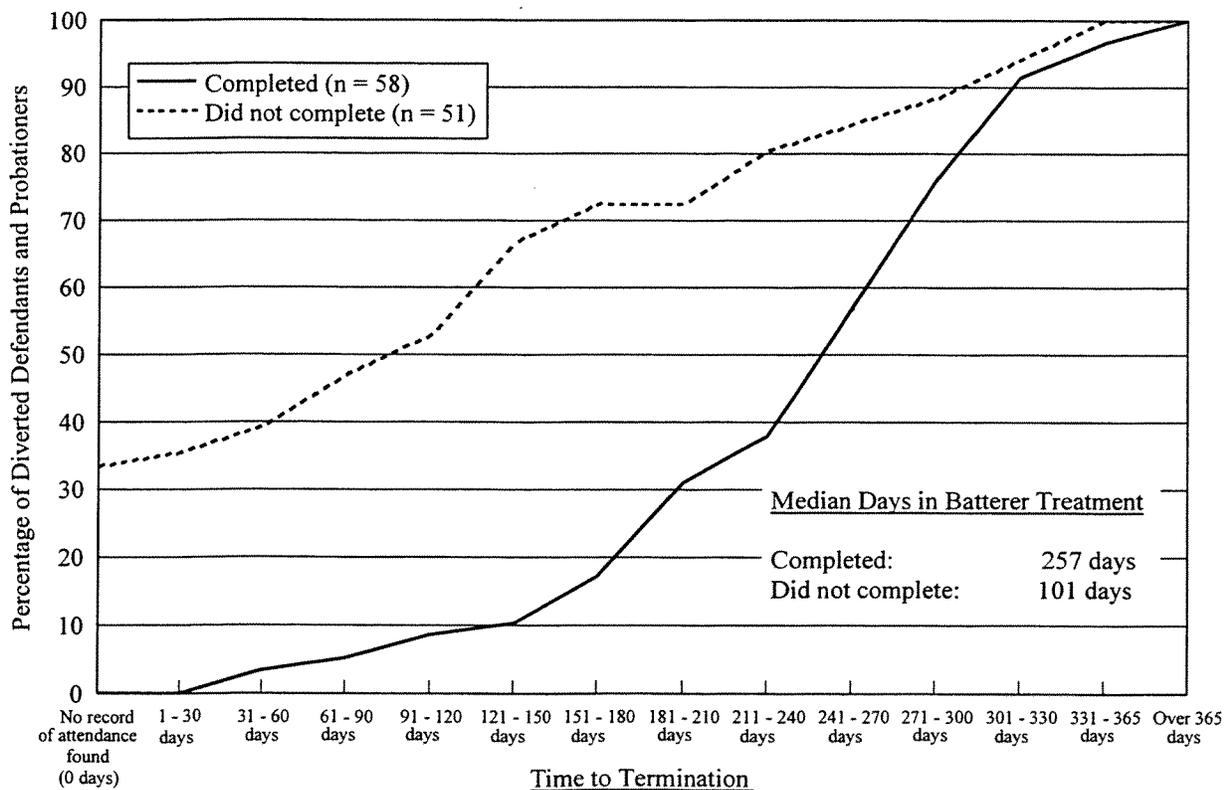
[Note: The typical presumed length of batterer treatment was 26 weeks. However, for many defendants the time from admission to final termination spans one or more revocations and readmissions and/or periods of inactivity in treatment.]

²⁴Although it appears that a large number of defendants spent long periods of time in what should have been, at most, a six-month treatment program, Figure II.24 reflects the *first* admission and the *last* termination. For many defendants, this time spans several revocations, readmissions and periods of inactivity in treatment.

- Within 90 days, 22 percent of diverted defendants and probationers had either been terminated from the program or had no records of ever having participated.
- At the end of six months, 35 percent were not in treatment. By nine months, 53 percent had terminated or had no record of attendance.
- Forty-seven percent were in the 26-week treatment program longer than nine months and 27 percent had not completed treatment at 365 days, when the observation period for the baseline study ended.

The average length of time from Advocate intake to termination from treatment was slightly longer for diverted defendants (with a median of 261 days) than for probationers (with a median of 240 days).

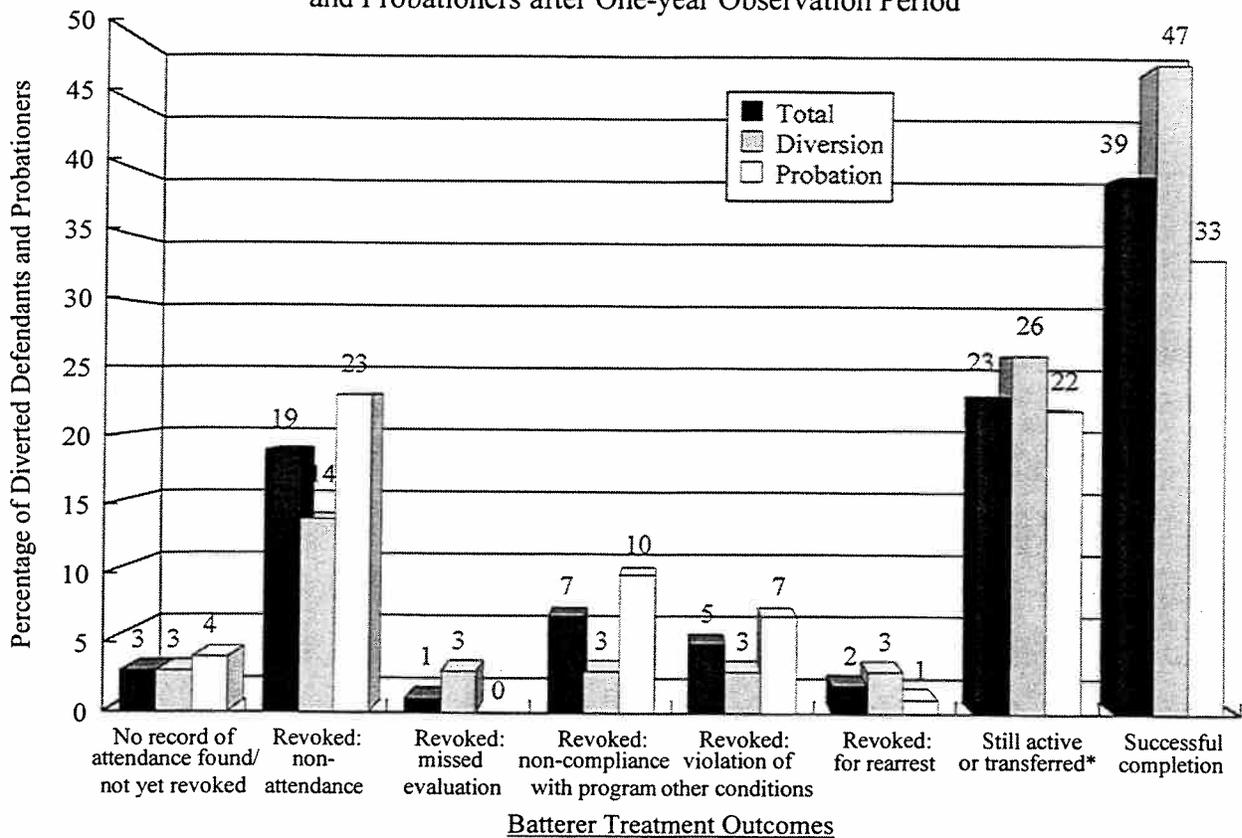
Figure II.25 Time from Advocate Intake of Misdemeanor Domestic Violence Defendants and Probationers to Termination from Batterer Treatment during One-year Observation Period



[Note: The typical presumed length of batterer treatment was 26 weeks.]

Figure II.25 compares the length of time in batterer treatment of diverted defendants and probationers combined for those noted as completing treatment and those not completing treatment during the follow-up. Defendants and probationers who did not successfully complete batterer treatment were terminated (revoked) from the program in an average (median) of 101 days, compared with a median of 257 days for those with successful completions.

Figure II.26 Batterer Treatment Outcomes of Misdemeanor Domestic Violence Defendants and Probationers after One-year Observation Period



(n = 180)

[Note: *Transferred represents less than one percent of total number of defendants in batterer treatment.]

Figure II.26 shows the last recorded status of diverted defendants and probationers in batterer treatment during the one-year observation period. Overall, about three percent had no indication of attending treatment nor any indication of being revoked from diversion or probation (i.e., we assume that their absence was not recognized by the program). Thirty-nine percent showed successful completion of the batterer treatment program: 47 percent of diverted defendants compared with 33 percent of probationers. Thus, 34 percent overall had been

revoked from diversion or probation as a result of some sort of noncompliance with the conditions of treatment: 26 percent of diverted defendants and 41 percent of probationers.

Diverted Defendants and Probationers Ordered to Second, Supplemental Treatment Programs

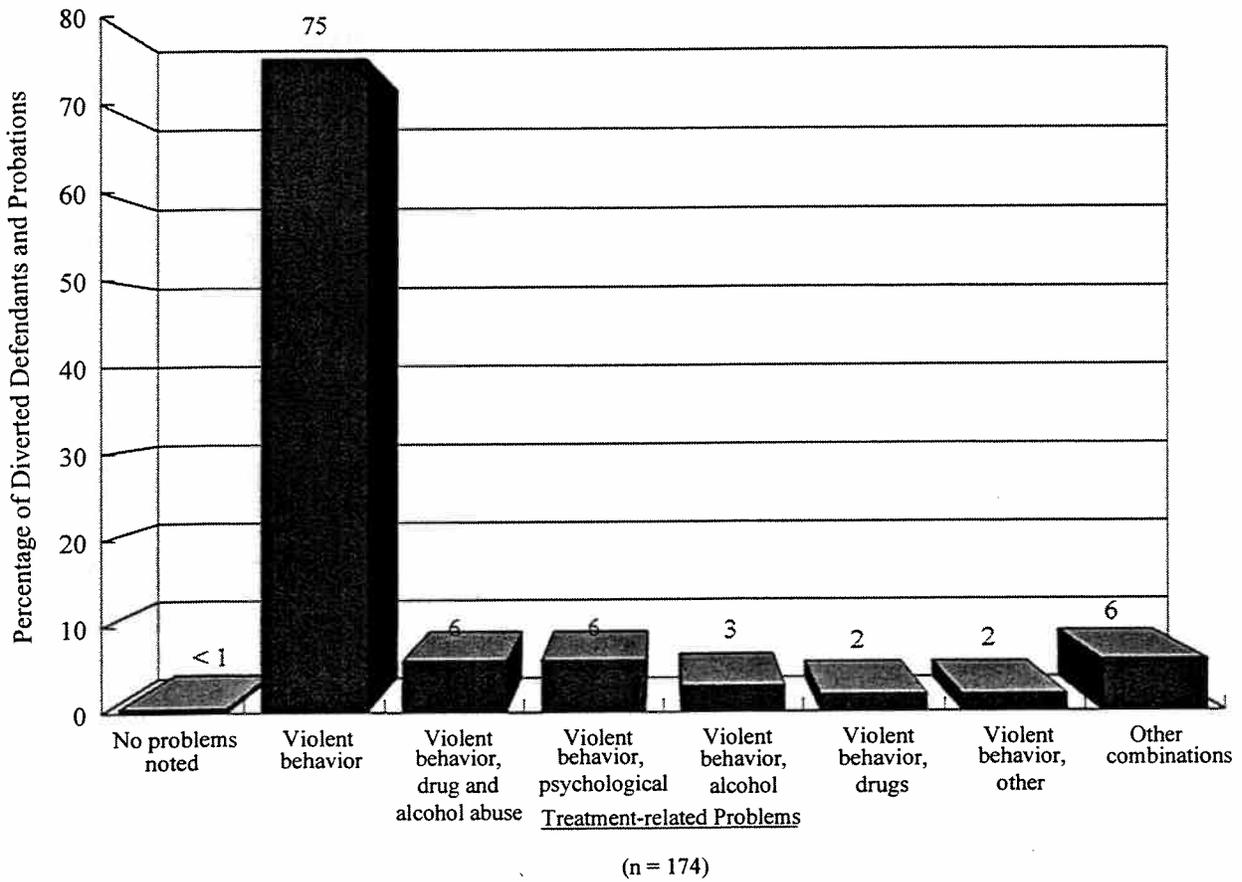
County Court judges had ordered drug or alcohol assessments for about one-third (31 percent) of domestic violence defendants, and treatment for about three percent. Probationers were ordered to assessments about twice as often as defendants in diversion. Most of the orders for assessment carried the assumption that if a substance abuse problem was found, a referral would be made to treatment. Thus, the court identified about one-third of entering domestic violence defendants as possibly substance abuse involved; potentially, all of the 34 percent could have been referred to treatment after assessment by TASC.²⁵

At the more in-depth intake (assessment) interview conducted in all domestic violence diversion and probation cases by the Advocate Program, staff attempted to identify treatment-related problems that should be addressed. The Advocate staff apparently found fewer of the referrals (divertees or probationers) to have substance abuse problems. Virtually all defendants and probationers were seen to have problems related to violence; ten percent were seen to have drug abuse problems, 11 percent were seen to have alcohol related problems, and nine percent had psychological problems. Figure II.27 displays the treatment-related needs identified by Advocate Program staff. Twenty-five percent were at least “dually diagnosed” as having one or more other treatment problems that should be addressed. As a result, all were recommended for domestic violence treatment by the Advocate Program, 11 percent were recommended for substance abuse treatment, and six percent were recommended for psychological evaluation.²⁶

²⁵ TASC refers to Treatment Alternatives to Street Crime, a county substance abuse treatment screening and assessment program.

²⁶These Advocate Program data point to inconsistent file data, when both the numbers of persons referred originally by the court with substance abuse problems and the number sent to drug treatment programs are considered.

Figure II.27 Treatment-related Problems of Misdemeanor Domestic Violence Defendants and Probationers Identified by Advocate Staff at Intake Screening



Participation in Substance Abuse and Other Supplemental Treatment Programs

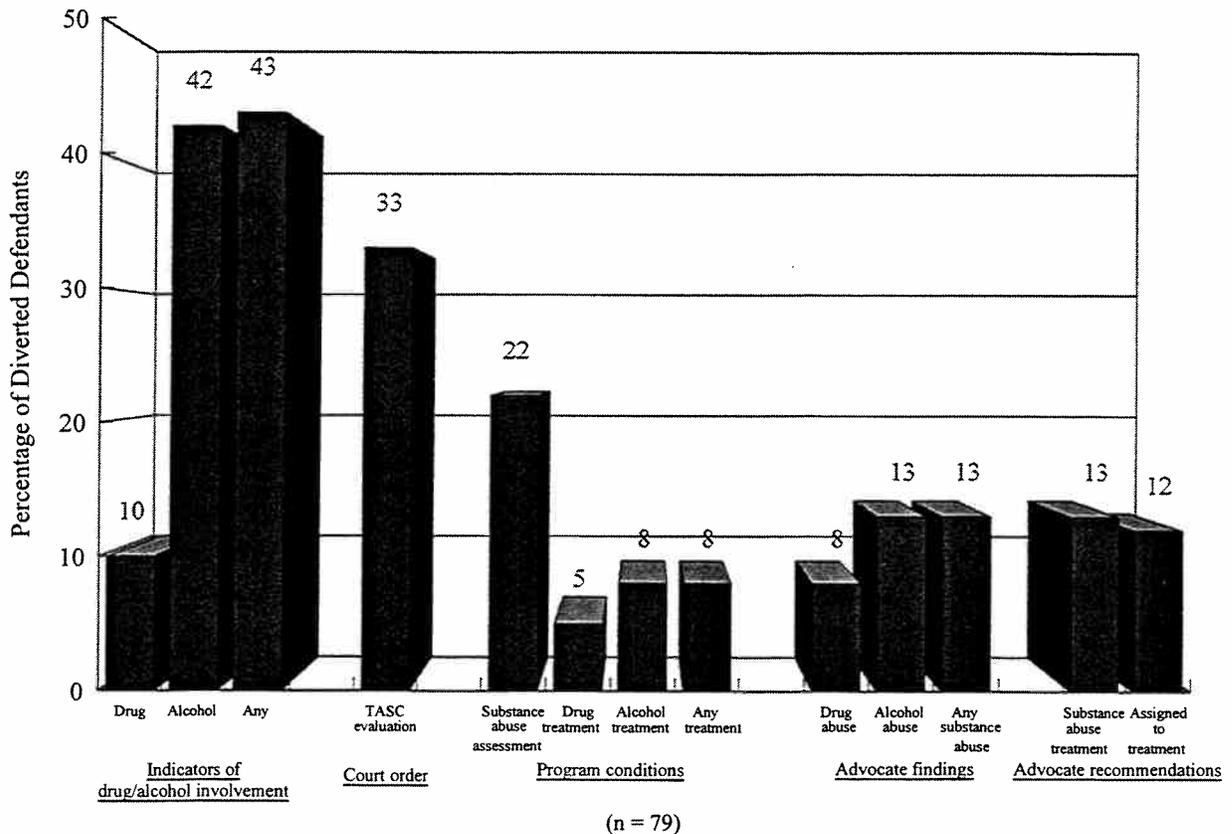
About 41 percent of diverted defendants and probationers were assigned to a second treatment program in addition to batterer treatment; this was true for 23 percent of diversion cases and 54 percent of probation cases.

- Three-fourths of the defendants/probationers with two referrals were sent to TASC for a drug and alcohol assessment and then referred to substance abuse treatment if necessary.
- Other referrals to second treatment programs included those to Advocate itself and to DSORT²⁷ in extremely small numbers and to a large variety of other programs.

²⁷ Before DSORT began its fully integrated approach, it offered drug treatment to a small number of participants during the pre-implementation period.

Because data regarding the second programs were not available in files for about half of the referred cases, it is not possible to report meaningfully on the progress of participants during the one-year baseline observation period. This is due mainly to the fact that TASC information was not routinely provided to the Advocate Program for persons referred to TASC, which is the majority of persons with a second referral.

Figure II.28 Summary of Substance Abuse and Treatment Attributes of Misdemeanor Domestic Violence Defendants Entering County Court between March 15 and April 19, 1993, Placed in Diversion

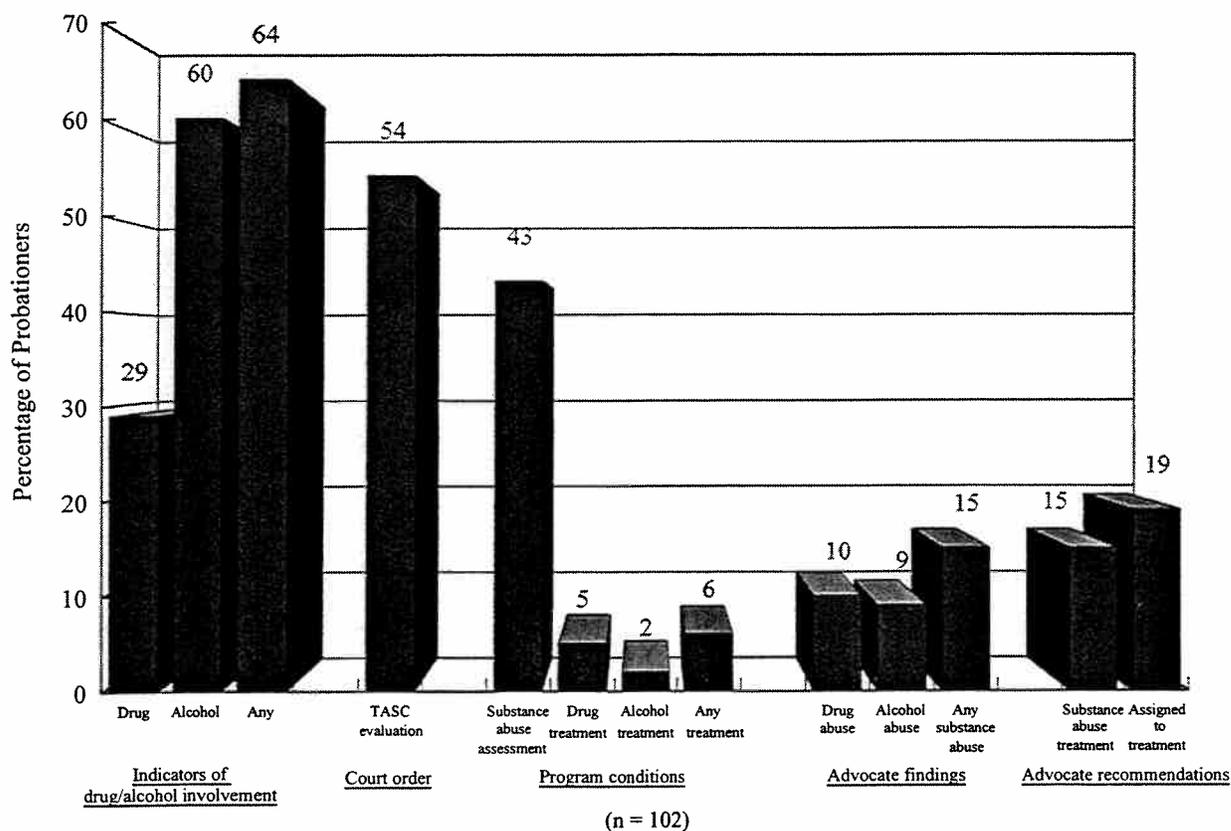


The Role of Alcohol and Other Drugs of Abuse and Court Dispositions

Figures II.28 and II.29 assemble information relating to estimates of drug and alcohol involvement, court orders for assessment and treatment, and Advocate Program findings and recommendations. When these sources of information are consulted collectively, it appears that nearly two-thirds (64 percent) of probationers were estimated by police and prosecutor sources to be drug and alcohol involved compared to defendants on diversion (43 percent). Far more probationers (54 percent) were ordered by the court to be sent to TASC for a substance abuse

assessment than diverted defendants (33 percent). The Advocate Program observed fewer substance abuse problems in both groups and recommended that 15 percent of probationers and 13 percent of defendants in diversion be sent to treatment for substance abuse.

Figure II.29 Summary of Substance Abuse and Treatment Attributes of Misdemeanor Domestic Violence Defendants Entering County Court between March 15 and April 19, 1993, Placed in Probation



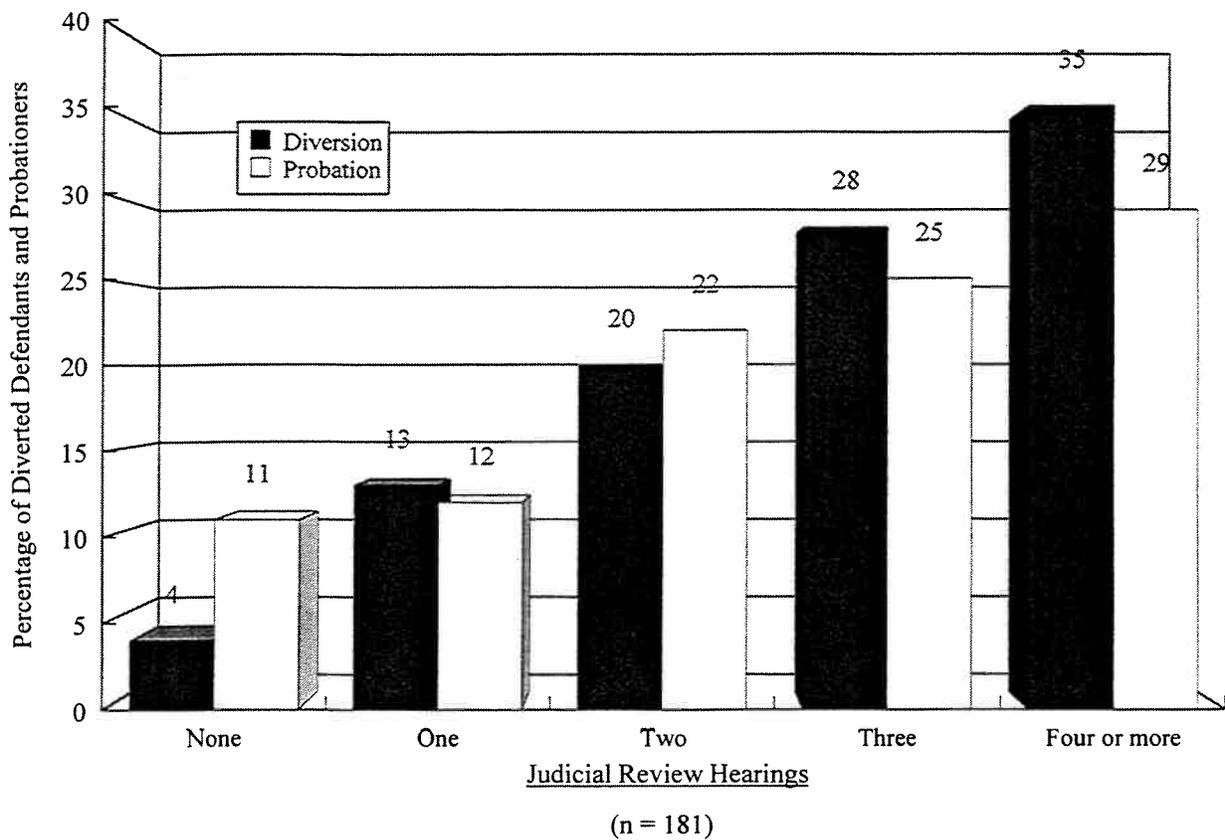
Judicial “Reviews” of the Progress of Defendants and Probationers in Treatment

One of the innovative features of the Domestic Violence Court approach is to require the defendant to appear in court periodically so that the judge can review his/her progress in treatment. The rationale for this is that personal contact with the judge will give an important boost to the treatment process, thus increasing the opportunity for successful treatment outcomes. It also allows for modification of treatment conditions where necessary and for the prosecutor and program to verify the safety of the victim through in-court contact. Figure II.30 shows the

number of judicial reviews attended by diverted defendants and probationers according to court records over the one-year observation period.

- Four percent of diverted defendants and 11 percent of probationers appear to have had no judicial reviews during treatment. This may have been due to a variety of reasons, including out-of-state treatment, residential programs, jail sentences (in current or other cases) and failure of the defendant to appear.

Figure II.30 Number of Judicial Review Hearings Attended by Misdemeanor Domestic Violence Defendants and Probationers Assigned to Treatment during One-year Observation Period



- Thirteen percent of diverted defendants and 12 percent of probationers had one judicial review, and 20 percent of diverted defendants and 22 percent of probationers had two judicial reviews.
- About one-fourth of both groups (28 percent of diverted defendants and 25 percent of probationers) had three meetings in court, and about one-third from these groups (35 percent

of diverted defendants and 29 percent of probationers) had four or more judicial reviews during the year's follow-up.

The number of judicial reviews, although related to the treatment outcomes of defendants and their length of stay in treatment, is difficult to interpret in any direct manner. Because defendants are routinely scheduled for review only once, at about 60 days into the treatment process, and otherwise only in response to problems, we would expect successful candidates to record at least one review, but probably not many more. The least successful participants should record the greatest number of reviews, or possibly none at all if they absconded at an early stage. Probationers should have longer periods of involvement with the court because they have other conditions that must be met besides treatment—and thus, the potential to have greater numbers of reviews than diverted defendants, regardless of final outcome.

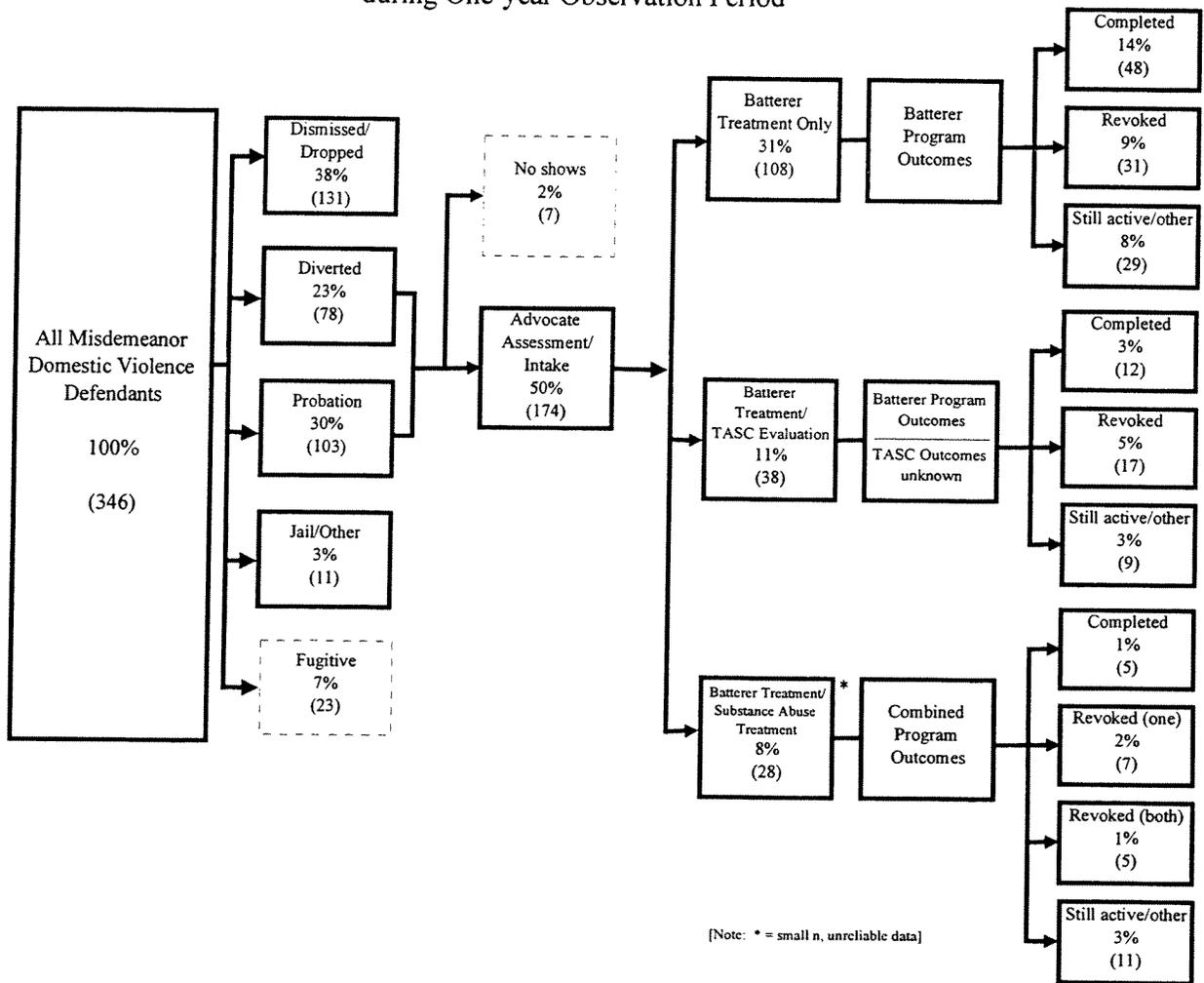
Summary of Attrition of Misdemeanor Domestic Violence Cases from Filing of Charges through Treatment

Figure II.31 displays the manner in which misdemeanor domestic violence cases in the baseline period flowed into the courts, through processing, to treatment. This figure highlights how cases dropped out of the court process.

- Of all misdemeanor domestic violence defendants with cases entering the court system during the spring 1993 study period, 38 percent were dropped or dismissed; 23 percent were placed in diversion; 30 percent were ultimately placed on probation (some with adjudication withheld); and about ten percent had other dispositions (including three percent who were convicted and jailed, and seven percent who were fugitives between arrest and adjudication). Thus, 53 percent (persons assigned diversion or probation) were ordered to the Advocate Program for initial assessment prior to admission to treatment.
- Most of these divertees and probationers actually reported to the Advocate Program for screening/intake (about 50 percent of the study group), and did so quite promptly.
- Thirty-one percent of original defendants—or about 58 percent of those placed on probation or diversion—were referred to batterer treatment only, 11 percent were referred to batterer

treatment and TASC evaluation and eight percent were referred to batterer and substance abuse treatment.

Figure II.31 Attrition of Misdemeanor Domestic Violence Defendants through Processing during One-year Observation Period



- No further information about treatment outcomes, if any, is available for the 38 defendants referred to TASC for evaluation.
- Documentation for the eight percent assigned to substance abuse treatment is limited and estimates of program outcomes are tenuous.
- Overall, about 18 percent of the total sample—or about 34 percent of those assigned to treatment—was reported to have successfully completed treatment (both programs for those assigned to two) at the end of the one-year follow-up.

- Seventeen percent of defendants/probationers had been revoked from one or both programs, and 39 percent overall were apparently still active in treatment or (a small proportion) had been transferred.

One implication of these findings regarding the processing and treatment outcomes of defendants is that less than half of the misdemeanor cohort identified above as presumably drug- or alcohol-involved at the time of the alleged domestic violence incident were processed into substance abuse treatment. Many of the cases with alcohol or drug involvement had cases dismissed or no-actioned.

IV. Defendant Performance During a One-Year Observation Period: Bench Warrants, Rearrests, And Re-involvement In The Civil Process

In addition to treatment outcomes, we examined two measures of performance of the misdemeanor domestic violence defendants during the one-year period following the filing of their criminal charges: failures-to-appear at court proceedings (as indicated by bench warrants) and rearrests for new criminal offenses.

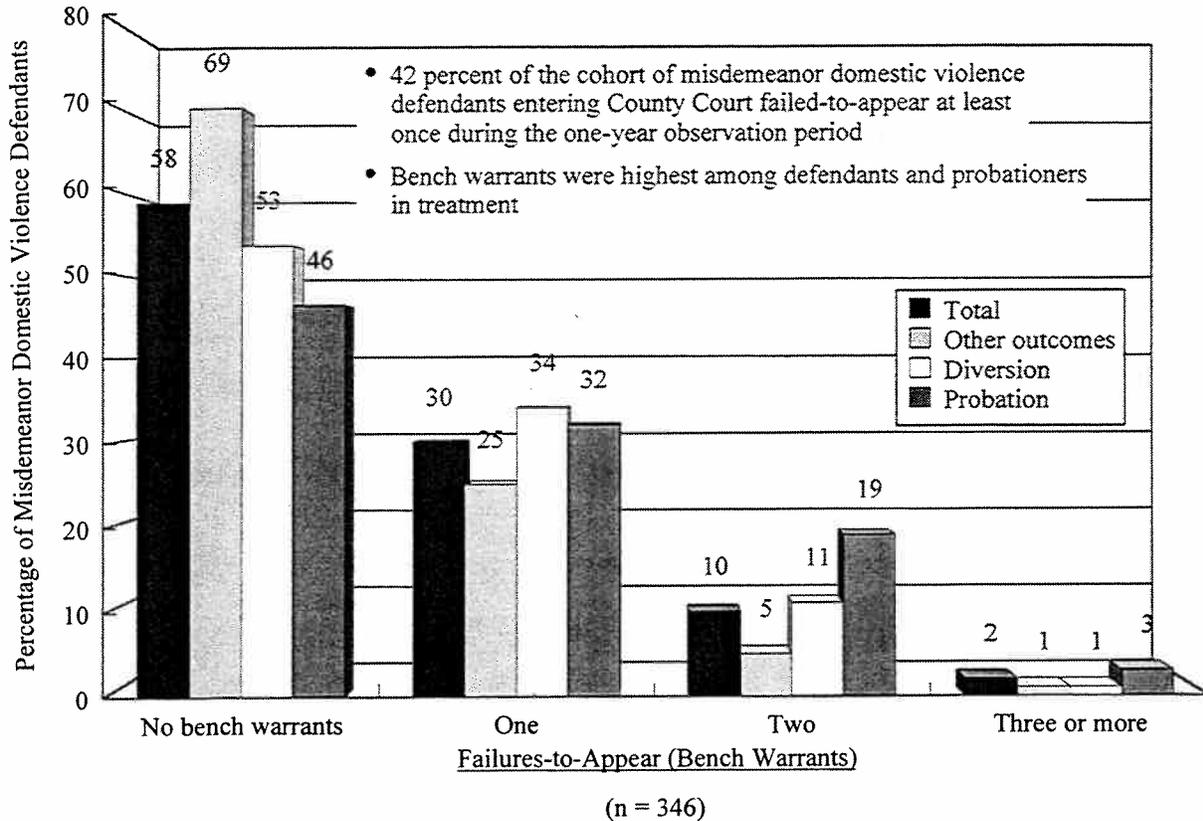
Bench Warrants Generated by Domestic Violence Defendants During the One-year Observation Period

Earlier studies (e.g., of drug testing during pretrial release, and of drug courts) demonstrate that programs requiring more frequent appearances in court by the defendant (and/or probationer) generate larger numbers of failures-to-appear (as indicated by bench warrants or alias capias, depending on the example). Figure II.32 shows that this may also be the case for Domestic Violence Court.

- Overall, 42 percent of misdemeanor domestic violence defendants had at least one bench warrant issued for failing to attend a court appearance during the one-year period.
- More than half (54 percent) of domestic violence probationers had at least one bench warrant, nearly half (47 percent) of defendants in diversion failed to appear at least once, but only 31 percent of defendants in the “other outcomes” categories recorded bench warrants. (Note that

this may be explained by the fact that most of this latter category had charges dropped and likely had few hearings to attend.)

Figure II.32 Failure-to-Appear (Bench Warrants) Among Misdemeanor Domestic Violence Defendants during One-year Observation Period, by Legal Status



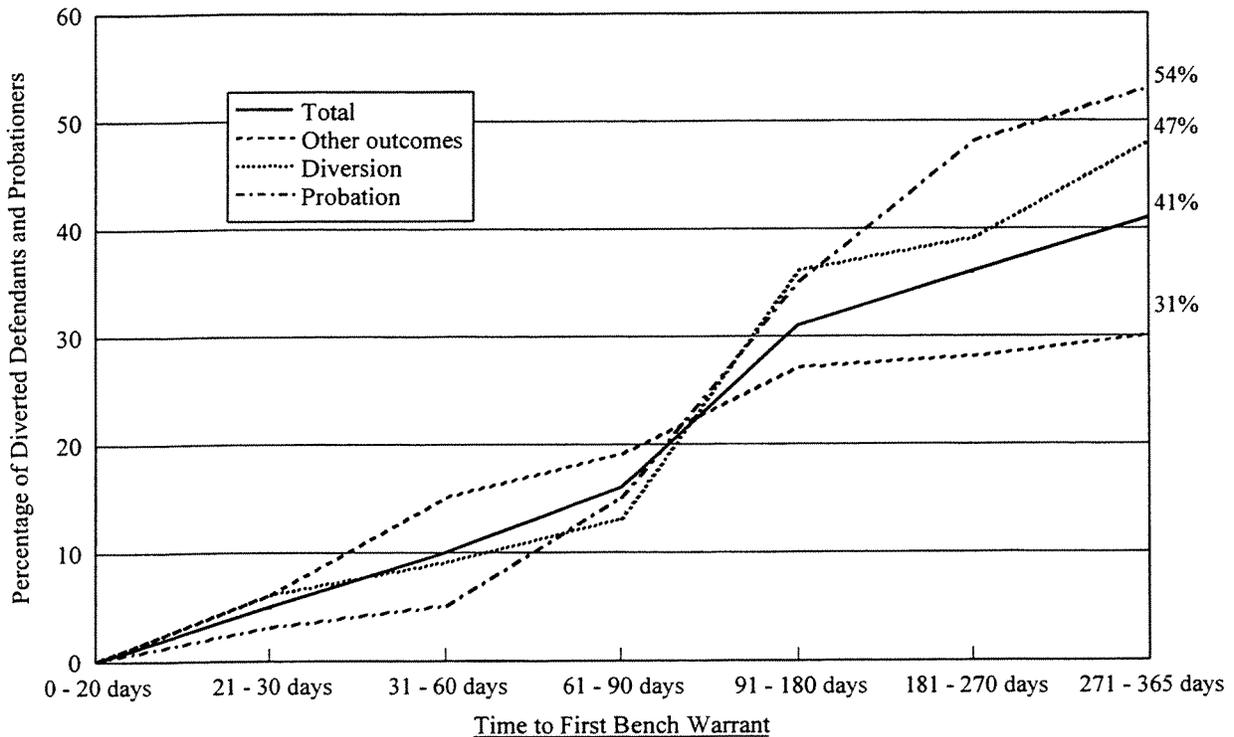
[Note: "Other outcomes" is disproportionately made up of cases that were dropped or dismissed and therefore had typically much shorter periods of active status in which to generate bench warrants. Thus, the 31 percent rate for these cases completed early should be considered quite high.]

Although it would be a stretch of the imagination to characterize the "other outcomes" (non-program) rate as a "low" rate of failure-to-appear, it appears that Domestic Violence Court defendants (in diversion or probation status) did generate notably higher than usual failure-to-appear rates.²⁸

²⁸This finding is consistent with findings from studies of drug courts, for example, in which many more court appearances are required of defendants than in normal cases. Because there is a certain ratio of missed appearances always found per scheduled appearance, this measure (of at least one bench warrant during the year) is destined to be much higher just given the greater number of appearances required per defendant.

Figure II.33 charts the timing of the bench warrants recorded by domestic violence defendants and offenders during the one-year follow-up. This figure suggests that for “other outcomes” defendants, bench warrants were generated in the first three months (consistent with the fact that most of these had cases dismissed within that period), while failures-to-appear jumped for probationers after two months and for diverted defendants after three months. The timing of failures-to-appear is likely tied to the scheduling of hearings which defendants then fail to attend.

Figure II.33 Time from Filing of Domestic Violence Charges in County Court to First Bench Warrants among Misdemeanor Domestic Violence Defendants and Probationers, by Legal Status

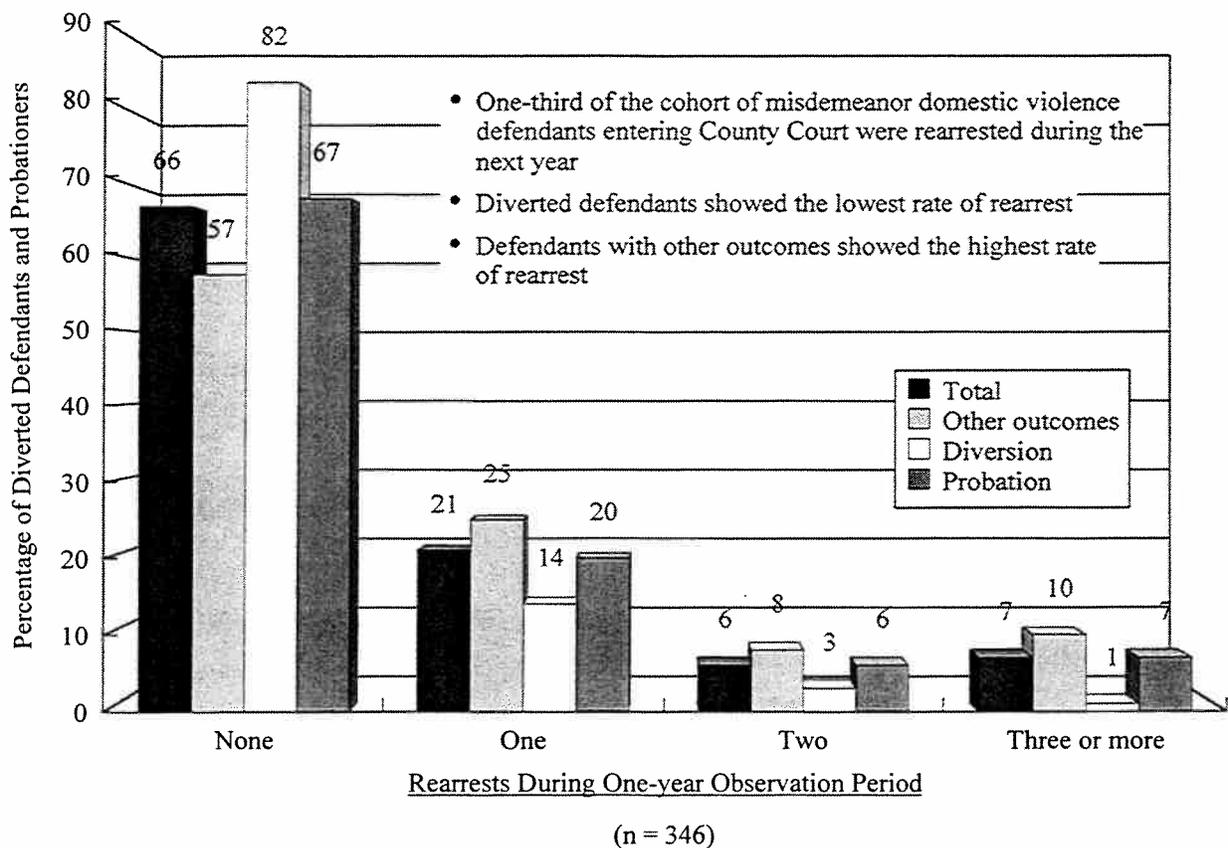


(n = 346)

Rearrests of Misdemeanor Domestic Violence Defendants During the One-year Observation Period

- Figure II.34 shows that about one-third (34 percent) of the study defendants were rearrested at least once during the one-year observation period; 21 percent were rearrested once, six percent twice, and seven percent three or more times.

Figure II.34 Rearrests of Misdemeanor Domestic Violence Defendants Entering County Court between March 15 and April 19, 1993, during One-year Observation Period, by Legal Status



- Strikingly, the overall rate of rearrest was highest (at 43 percent) among “other outcomes” defendants, many of whom had their charges dropped or dismissed and had no further involvement or supervision by the system. Diverted defendants generated the lowest rearrest rate (18 percent), considerably lower than the 33 percent rearrest rate among probationers.

- Figures II.35 and II.36 show that the seriousness of offenses for which the study defendants were rearrested did not appear to differ greatly between “other outcomes” cases and probationers; however, diverted defendants were rearrested for offenses that were notably less serious than the other groups.

Figure II.35 Seriousness (Misdemeanor/Felony Grade) of Rearrests of Misdemeanor Domestic Violence Defendants and Probationers during One-year Observation Period, by Legal Status

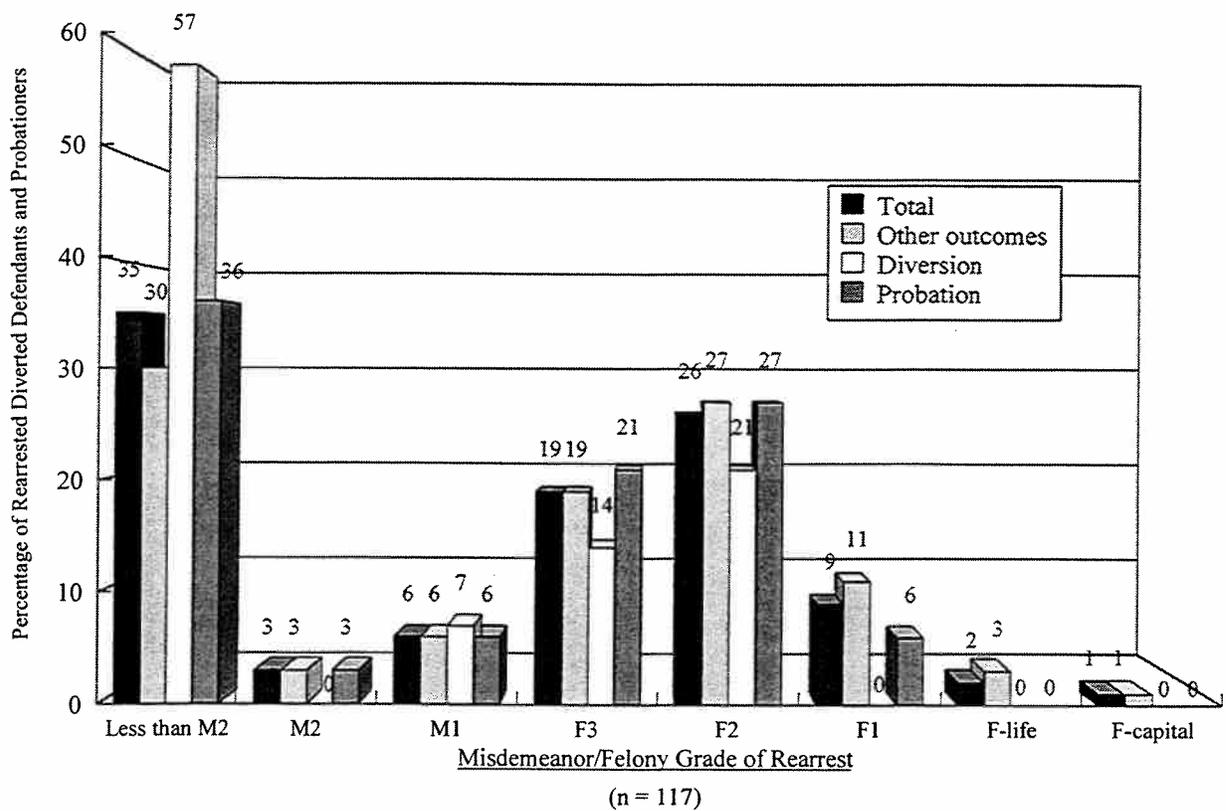
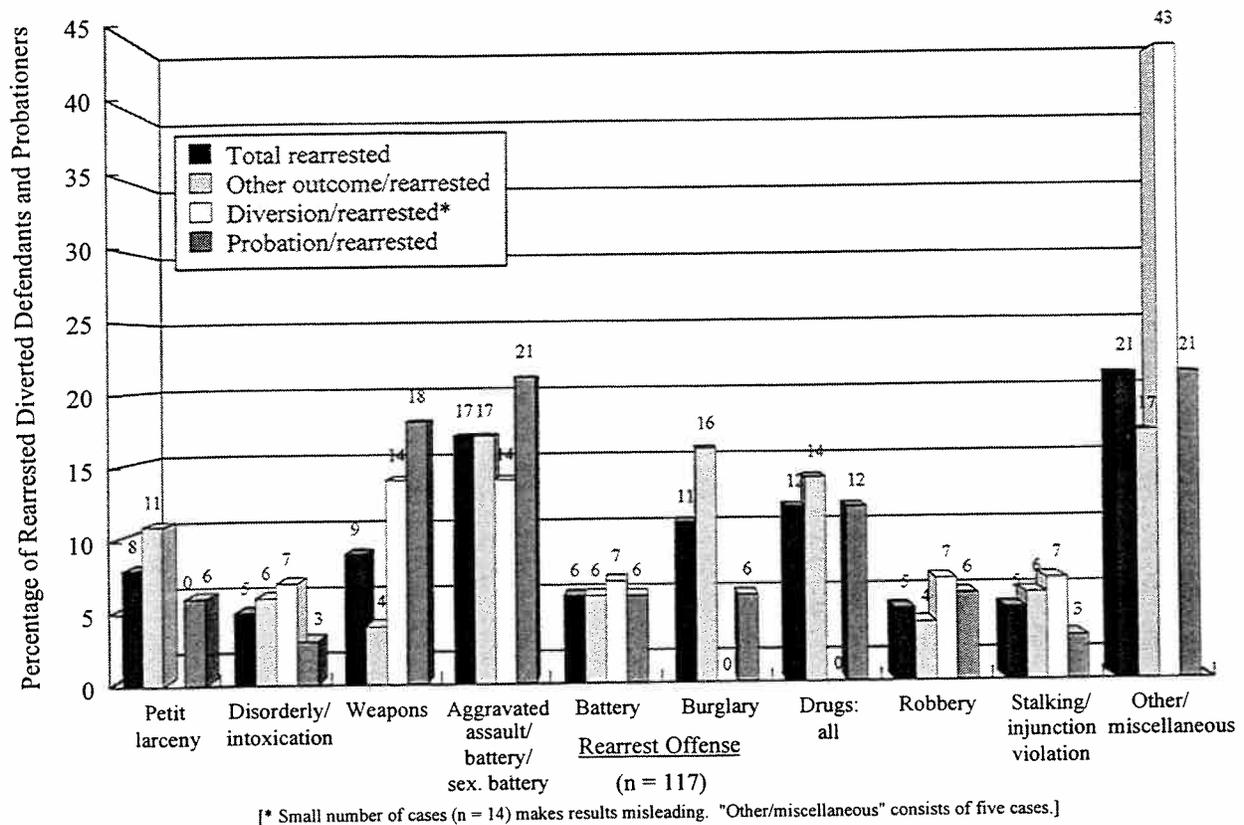


Figure II.36 Rearrest Offenses of Misdemeanor Domestic Violence Defendants and Probationers Rearrested during One-year Observation Period, by Legal Status



Of particular concern in domestic violence cases is that the placement of the alleged offender in a treatment program in the community should not put the safety of the victim at risk. We attempted to determine the extent to which rearrests of study defendants during the follow-up period involved the same victim/complainant as the misdemeanor case originally involved.

- Figure II.37 shows that 13 percent of all misdemeanor domestic violence defendants were rearrested for alleged crimes against the same victim during the observation period and that 38 percent of all rearrests generated by sample misdemeanants involved the same victim. Figure II.38 shows the lowest rate of rearrest for alleged crimes against the same victim among diverted defendants.

Figure II.37 Rearrests of Misdemeanor Domestic Violence Defendants for Offenses Involving Original Victim during One-year Observation Period

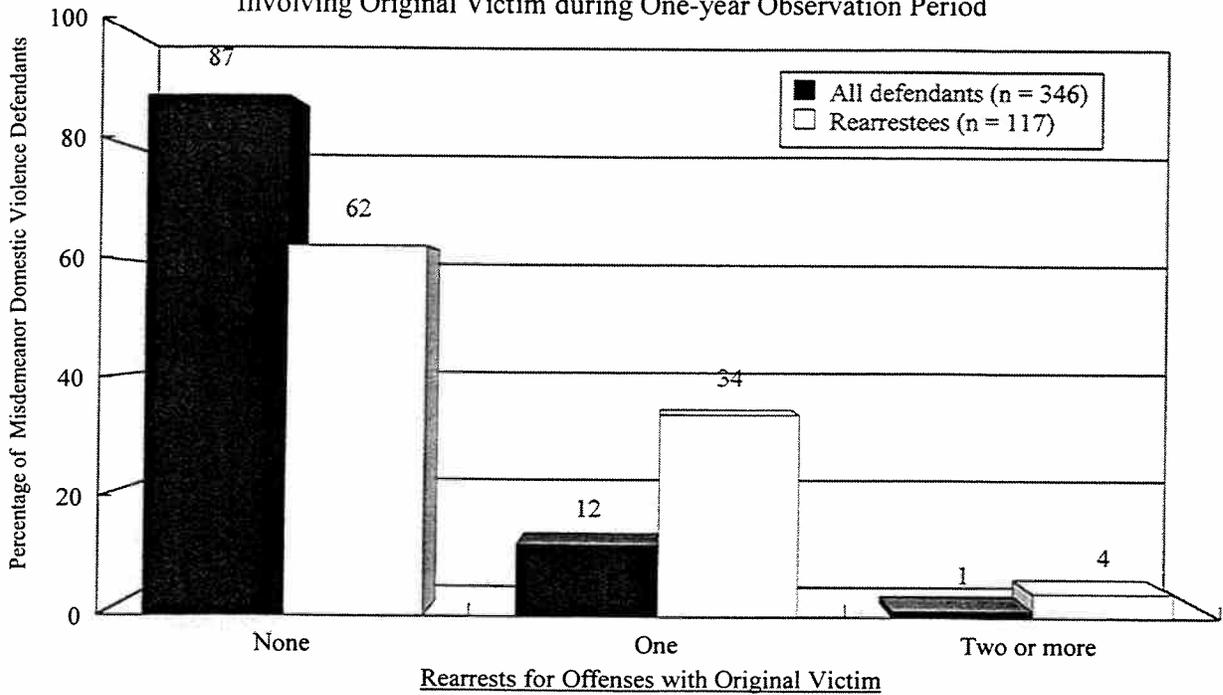


Figure II.38 Rearrests of Misdemeanor Domestic Violence Defendants for Offenses Involving Original Victim during One-year Observation Period, by Legal Status

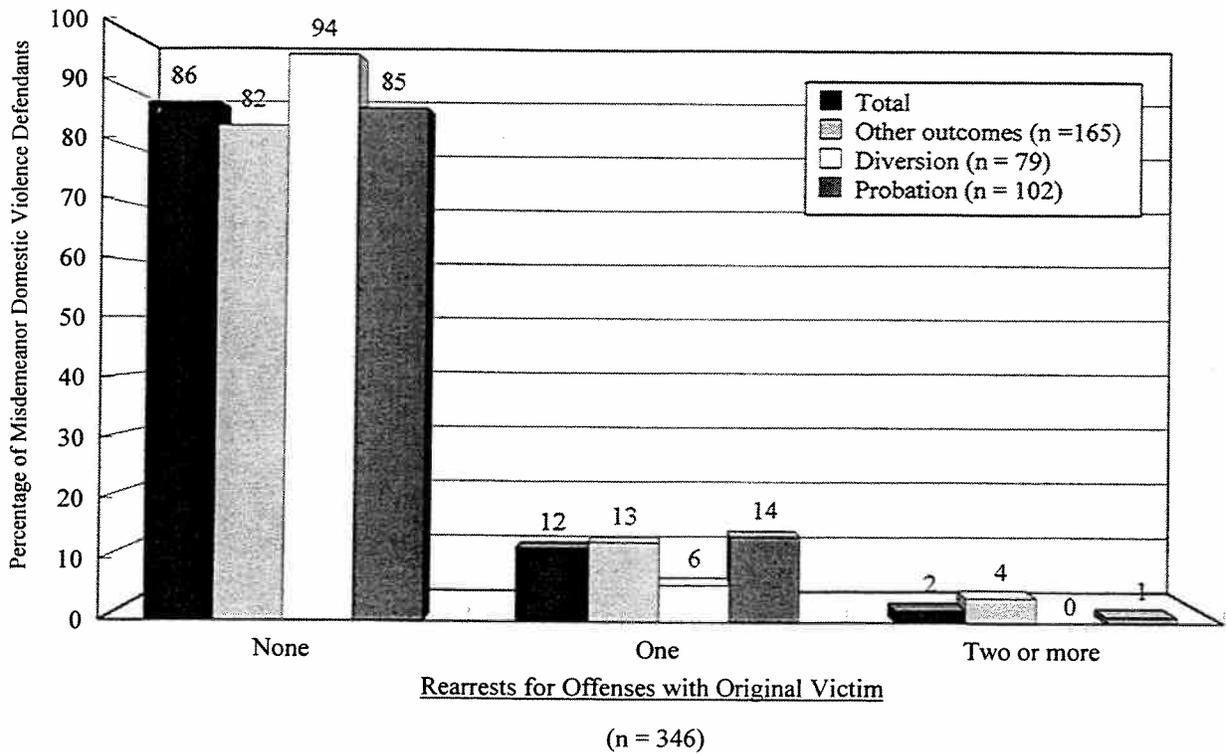
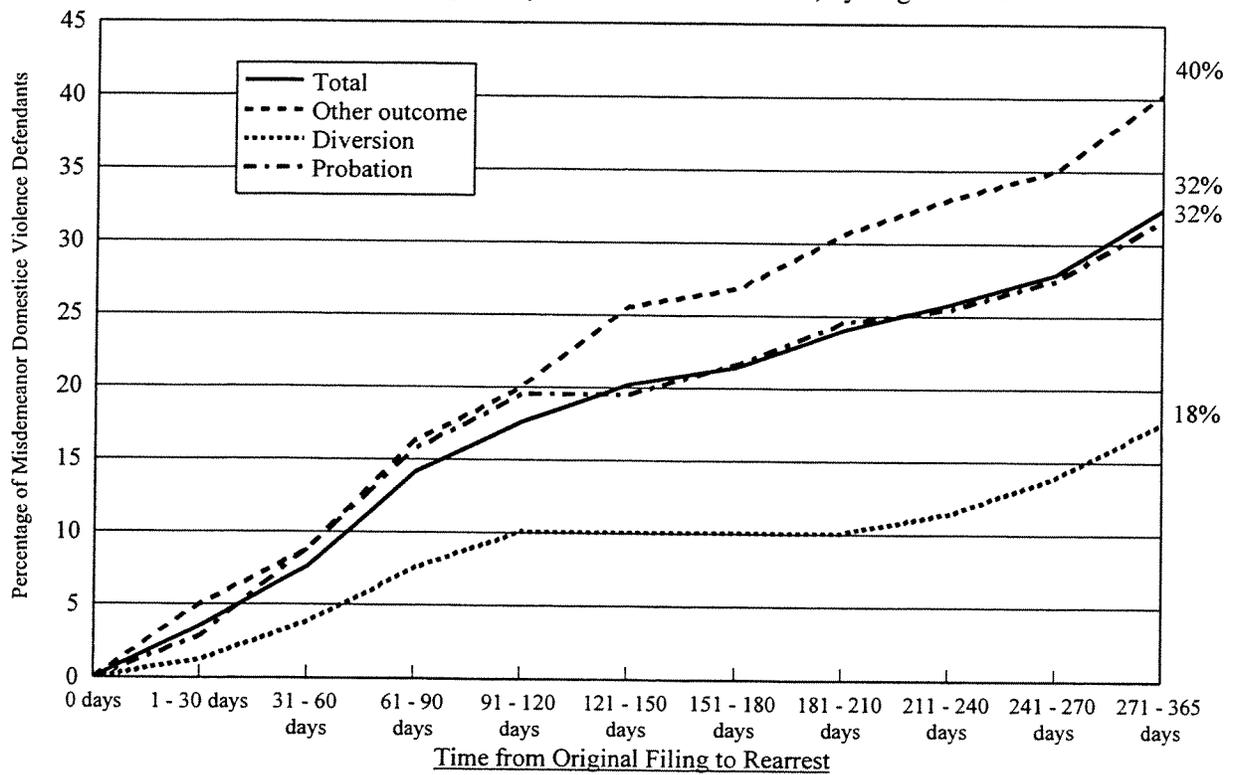


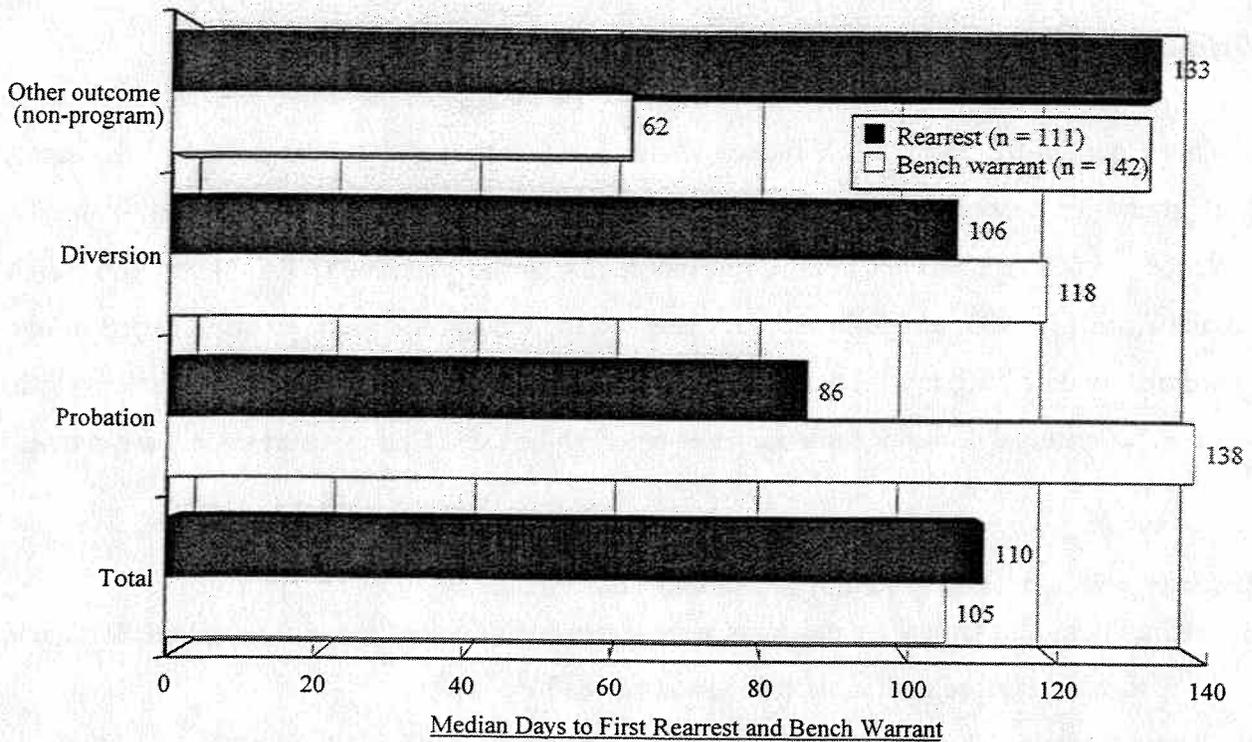
Figure II.39 graphs the time from the filing of the original charges to first rearrest among defendants who were rearrested during the one-year observation period. This figure shows that rearrests appear to occur at a consistent rate throughout the period. The timing of misconduct—rearrests and failures-to-appear—by misdemeanor domestic violence defendants is summarized in Figure II.40.

Figure II.39 Time from Filing to First Rearrest Among Misdemeanor Domestic Violence Defendants during One-year Observation Period, by Legal Status



(n = 339)

Figure II.40 Median Days to First Rearrest and Bench Warrant Among Misdemeanor Domestic Violence Defendants during One-year Observation Period, by Legal Status



Misdemeanor Domestic Violence Defendants as Respondents in Civil Injunction Process Subsequent to Misdemeanor Filings During One-year Observation Period

Another way of measuring the performance of domestic violence defendants, as their cases are processed and/or they attend treatment, is to determine the extent to which they become the subjects of the civil injunction process at a point in time subsequent to the filing of misdemeanor charges during the observation period.

- About eight percent of the defendants in the study were subsequently the subjects of requests for temporary injunctions, the great majority of which were granted.

V. The Processing of Felony Domestic Violence Cases in Circuit Court

Defendants in Felony Domestic Violence Cases: Description of the Sample

To complement the description of domestic violence cases processed as misdemeanors in County Court in the Domestic Violence Division, we collected data that described the cases, background, processing outcomes, and public safety outcomes of all (n=131) felony domestic violence defendants entering Circuit Court (not the Domestic Violence Division) between March 15 and April 15, 1993, and followed the cases and individuals for an observation period of one year from the date of filing.²⁹ Together, the misdemeanor sample and this felony sample provide a portrait of criminal domestic violence cases entering the Dade County court system at the time.

Demographic Attributes of Felony Defendants and Victims

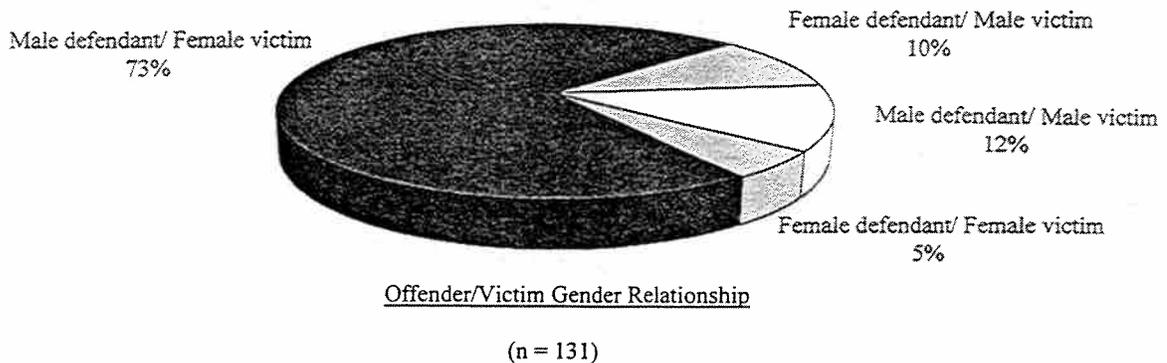
- Felony domestic violence defendants were somewhat younger in age than the misdemeanor defendants described earlier, with a median age of 30 years.
- Approximately 19 percent of felony defendants were white, 55 percent were African-American, and 26 percent were Hispanic.
- Of those defendants for whom employment information was available, about two-thirds (69 percent) reported that they were employed, either full or part-time, a lower rate than misdemeanor defendants but still higher than Dade County defendants overall.
- Eighty-five percent of defendants were male.
- Information describing victims in felony cases was often not available.
- Approximately 78 percent of victims were female.
- Of victims for whom information was available, 15 percent were white, 51 percent were African-American, and 33 percent were Hispanic.
- Approximately 73 percent of the felony cases entering the Circuit Court involved male defendants and female victims; ten percent involved female defendants and male victims; 12

²⁹Because our emphasis was primarily on misdemeanor domestic violence cases processed through the Domestic Violence Court, we did not collect data of nearly the same complexity for felony cases, we were also limited by resources to a smaller sample representative of the same baseline period and focused more narrowly on the information described. We should also point out that, given the particular concern of the Dade County State Attorney, Hon. Katherine Fernandez-Rundle, about domestic violence and its prosecution, a grand jury was convened to investigate domestic violence and issued a report at the end of 1994 while the current research was underway. (See Dade County Grand Jury, November, 1994.)

percent involved male defendants and male victims; and five percent involved female defendants and female victims. (See Figure II.41.)

- About two-thirds of defendants in the felony sample reported living with the victims at the time of the alleged incidents.

Figure II.41 Gender Relationships Among Victims and Offenders in Felony Domestic Violence Case Entering Circuit Court between March 15 and April 15, 1993



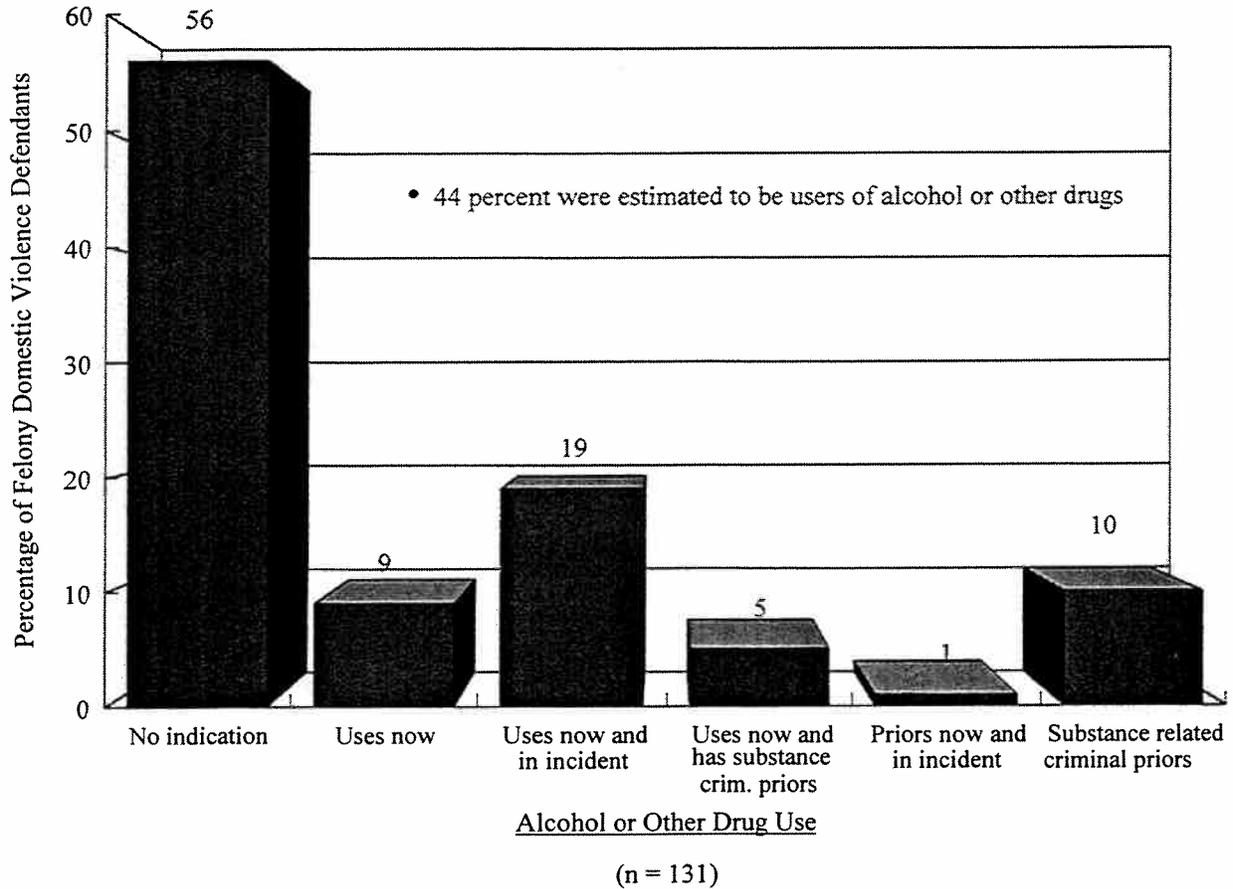
The Role of Substance Abuse

We encountered the same difficulties in determining the role of substance abuse in the alleged domestic violence incidents in the felony data that were found in the misdemeanor data. There were no indications of alcohol use in 73 percent of defendants' cases, with some use noted in 27 percent. Twenty-six percent of defendants indicated current use of alcohol at the time of processing on felony charges and/or use at the time of the incident specifically. About three percent had prior records of arrests for alcohol-related offenses, such as DUI or disorderly intoxication.

Other substances of abuse were indicated less frequently. No indications of substance abuse were found in about three-fourths of defendants' cases. In about 17 percent of the incidents associated with these cases, we found some indication that the defendant was abusing drugs during the general period in which the alleged incident occurred. Very rarely were we able to find documentation indicating that substance abuse was occurring during the time of the

alleged domestic violence incident (less than two percent of the time). We take that to mean, however, that the information is not available, not that such abuse does not occur.

Figure II.42 Estimating the Extent of Alcohol or Other Drug Use Among Felony Domestic Violence Defendants Entering Circuit Court between March 15 and April 15, 1993



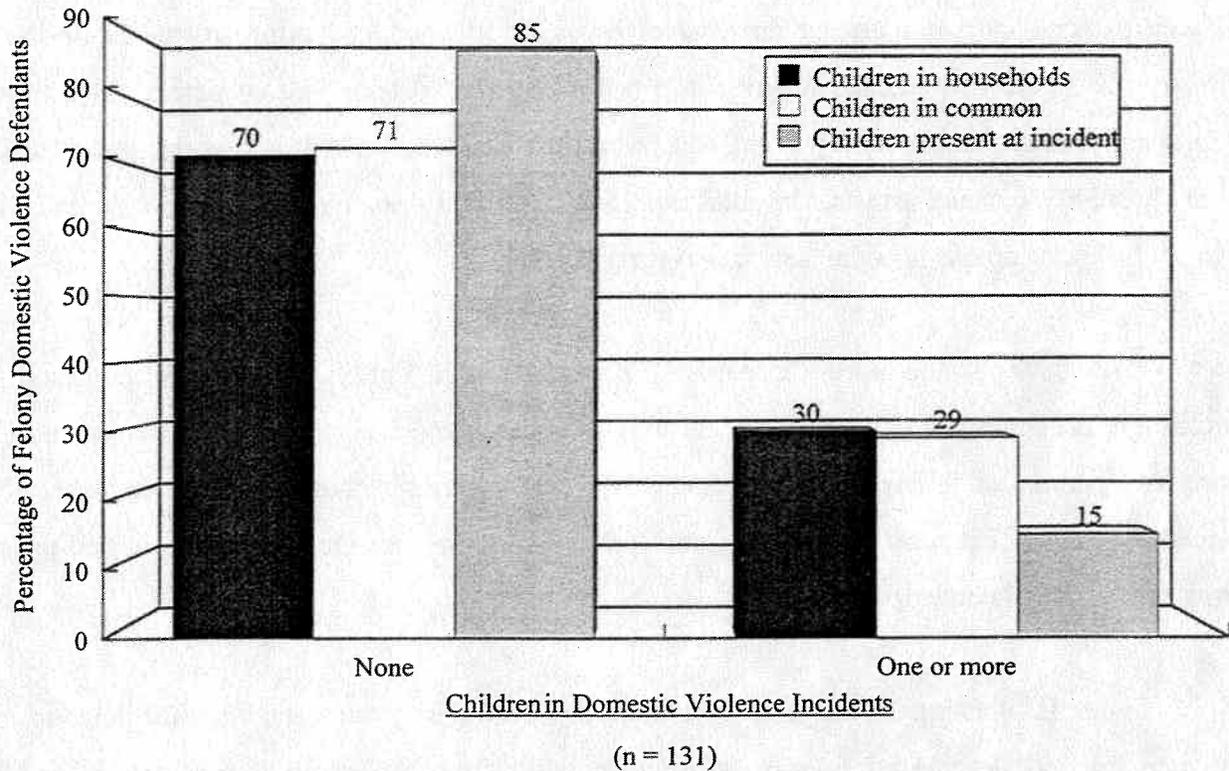
[Note: Sources for estimates of defendant alcohol and drug involvement include arrest reports, criminal histories, Advocate Program initial interviews, and statements of victims and/or witnesses.]

When alcohol and other drugs of abuse are considered together, Figure II.42 shows that under half (44 percent) of defendants showed indications of alcohol or drug involvement. Overall, 34 percent had indications of active, current use including 20 percent apparently at the time of the incident, which 17 percent had prior arrests for drug or alcohol offenses. Specific information describing the nature, extent or frequency of drug or alcohol use among felony defendants was rare.

Mental Health and Prior Domestic Violence (Batterer) Treatment

Information indicating mental health problems, or prior or current treatment for mental health, was not routinely available for felony cases. Thus, these data are not able to shed much light on mental health problems among the felony domestic violence defendants.

Figure II.43 The Prevalence of Children in Alleged Domestic Violence Incidents in Felony Domestic Violence Cases Entering Circuit Court between March 15 and April 15, 1993



Children

About 83 percent of the cases of the felony domestic violence defendants involved male-female relationships. Figure II.43 shows that roughly 30 percent of the alleged incidents associated with the felony charges in these cases involved households with children; 15 percent involved one child, two percent involved two, and 13 percent involved three or more children. Twenty-nine percent of the defendants sampled had children in common with the complaining victim. In about 15 percent of all cases a child was present during the alleged domestic violence incident. Harm to a child was alleged in less than one percent of cases. There was

documentation that HRS was involved with a child associated with the defendant and/or victim in only about one percent of the cases.

Prior Criminal Histories of Felony Domestic Violence Offenders

Two-thirds (69 percent) of the total felony defendants had records of prior arrests; more than half (57 percent) had prior arrests within the last three years: 19 percent had one arrest, ten percent had two prior arrests, and 28 percent had three or more within that three-year period. Sixteen percent had prior arrests for drug offenses; 21 percent had prior arrests for serious property offenses; 13 percent had prior arrests for aggravated battery; five percent had prior arrests for resisting arrest; five percent had prior simple assault arrests; and eight percent had prior disorderly conduct arrests. In addition, 15 percent had prior arrests for burglary and 21 percent had prior arrests for other serious property offenses.

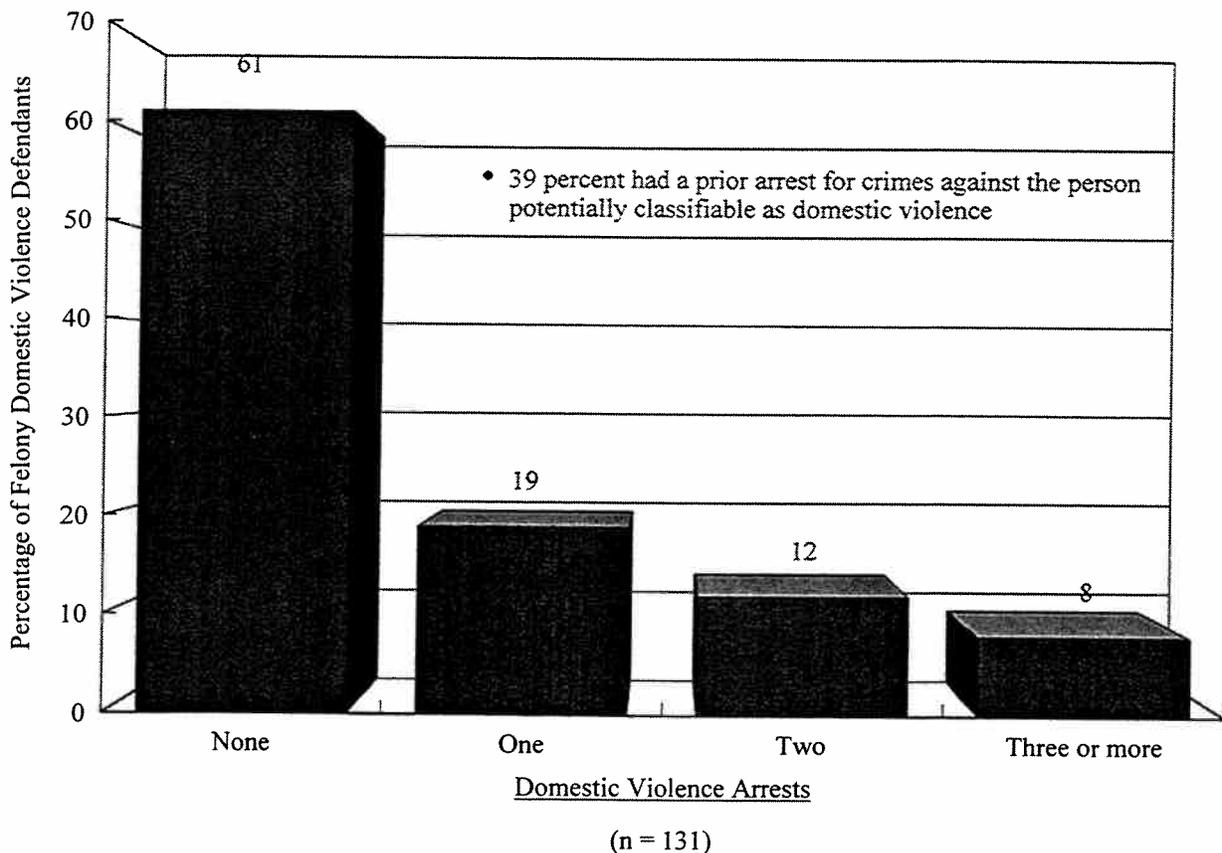
Overall, about one-fourth (25 percent) of defendants had prior arrests for misdemeanors within the last three years; 16 percent had only one arrest and nine percent had two or more. Forty-two percent of felony defendants had prior felony arrests within the last three years; 15 percent had one, 27 percent had two or more prior felony arrests. Only two percent had prior arrests for criminal contempt.

Figure II.44 estimates the prior arrest records of the felony domestic violence defendants by focusing on the role of offenses potentially classifiable as domestic violence-related.³⁰ Approximately 39 percent of defendants had prior arrests for offenses that could be classified as domestic violence-related. Nineteen percent had only one such prior arrest, 12 percent had two, and eight percent had three or more such arrests. Figure II.45 summarizes types of prior arrests and convictions and combinations of types associated with felony domestic violence defendants.

³⁰This figure simply categorizes the prior arrests of defendants for crimes against the person that could be domestic violence crimes. Only a portion of reported crimes for these categories of offenses (e.g., murder/manslaughter, forcible rape, forcible sodomy/fondling, aggravated assault, simple assault, threat/intimidation and others) probably involve domestic violence. However, we are concerned here with prior arrests of persons allegedly involved with current domestic violence incidents. It would be reasonable to assume that this measure, arrests for crimes to the person that could be classified as potentially domestic violence-related, would not greatly overestimate arrests for domestic violence crimes.

Overall, 18 percent of the felony defendants had prior arrests for domestic violence offenses only, two percent had arrests for domestic violence offenses and drug offenses, 13 percent had arrests for domestic violence and other (non-drug) offenses, and seven percent had arrests for domestic violence, drug and other offenses. Nearly 30 percent had prior convictions; 23 percent within the last three years. Eight percent had prior misdemeanor convictions within the last three years; 15 percent had prior felony convictions.

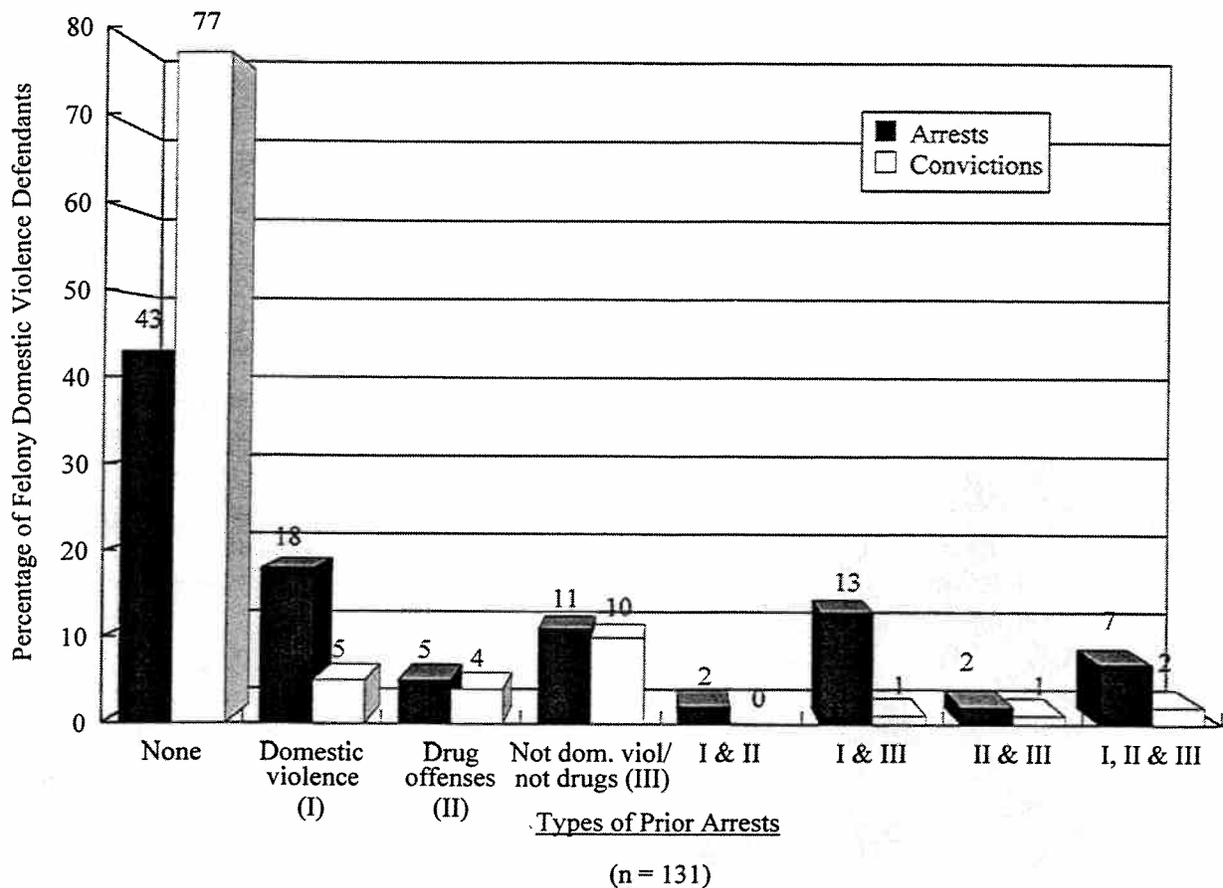
Figure II.44 Prior Arrests of Felony Domestic Violence Defendants for Crimes Classifiable as Domestic Violence Offenses in Cases Entering Circuit Court between March 15 and April 15, 1993



[Note: There is no crime category referred to as "domestic violence"; rather domestic violence can be included in a variety of categories of crimes against the person. This chart measures categories that could have involved domestic violence, although many may not.]

Among those having prior arrests, the average (median) time from the most recent prior arrest to the current arrest for a domestic violence offense was very similar to that found for misdemeanors, 268 days or about nine months. The average time from their most recent prior arrest for an offense that could be classified as domestic violence-related was much longer, about 370 days.

Figure II.45 Types of Prior Arrests and Convictions of Felony Domestic Violence Defendants in Cases Entering Circuit Court between March 15 and April 15, 1993, by Type of Prior Arrests (within 3 years): Domestic Violence, Drug, Other, and Combination of Types



Prior Involvement in the Civil Injunction Process

We were able to determine that about seven percent of defendants in the sample had been the subject of a request for an injunction by the same victim in the recent past. Half involved threats to kill the victim, according to the former petitioner. In all cases temporary injunctions had been granted, but no permanent injunctions were subsequently issued. As we said above relating to misdemeanor cases, given the manual nature of our data search, it is likely that these data underestimate the true extent of felony defendants' prior involvement in the civil process dealing with temporary and permanent injunctions for the protection of victims of abuse.

Other Pending Matters

About nine percent of felony domestic violence defendants had other criminal charges pending at the time of their arrest for the sample domestic violence offense. About five percent of those pending matters involved criminal charges that could be classified as possibly serious assault offenses (murder/manslaughter, aggravated assault, aggravated battery, arson). None involved drug charges. Half involved felony charges.

The Criminal Charges in the Cases of Felony Domestic Violence Defendants

Aggravated battery was the most common felony charge (50 percent of the felony cases) with aggravated assault and battery the second most common category (25 percent of cases). The vast majority (83 percent) of alleged felony offenses involved incidents in which force was used; in 13 percent of cases it was threatened; and in four percent it was neither threatened nor used. Weapon use was threatened in 23 percent of cases and weapons were allegedly used in 44 percent. Weapons allegedly used included knives (16 percent of all cases), guns (11 percent) and other objects or fists in three percent of all cases. Two-thirds (66 percent) of defendants were charged with only one criminal offense, 23 percent had two charges and 11 percent had three or more charges.

Victims reported injury in 69 percent of the felony cases; property damage was alleged in 30 percent of the cases. Twenty-six percent of the cases involved violence by the victims as well.

Criminal Case Processing Outcomes

The time from booking to filing of a felony case in Circuit Court averaged about one day: 36 percent had charges filed on the same day as booking, 60 percent had charges filed within one day, about four percent had charges filed between two and nine days after booking.

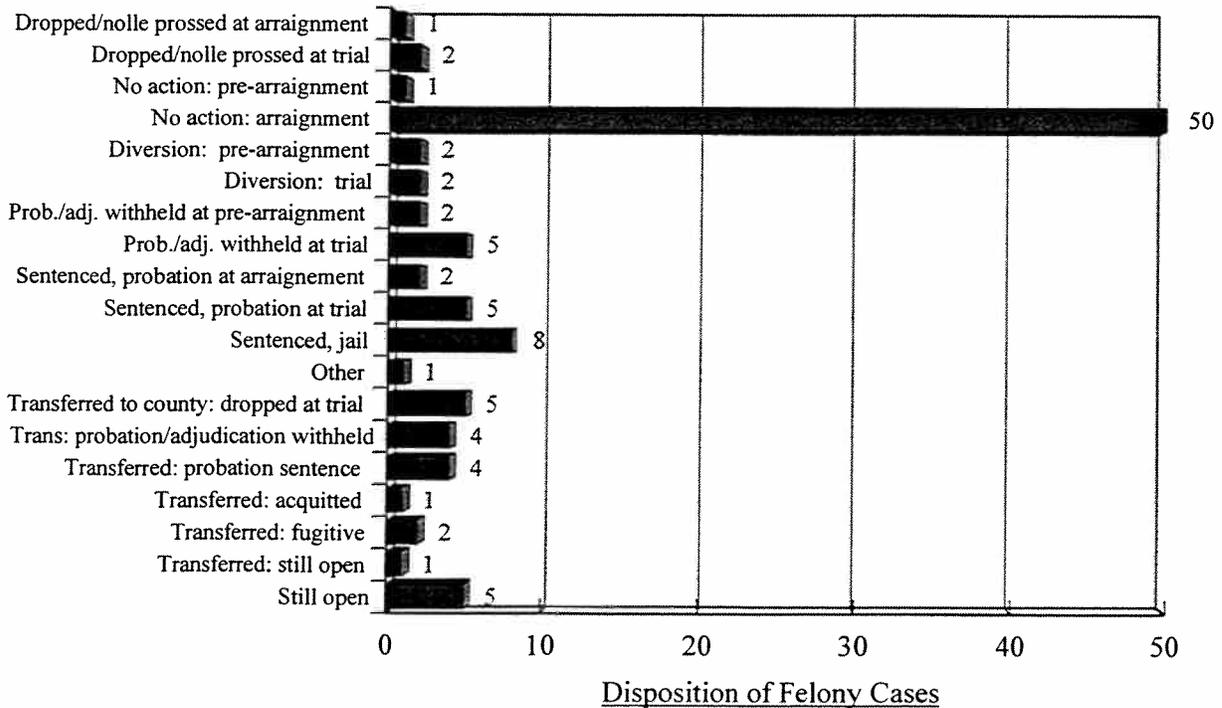
Pretrial Release of Felony Domestic Violence Defendants

Approximately 11 percent of defendants did not have bond hearings because they paid bond specified by the bond schedule to gain immediate release. Very few defendants (seven percent) did not gain pretrial release prior to adjudication of their charges. Forty-eight percent gained release through nonfinancial means, 36 percent paid a surety to gain release and one percent paid their own bond. Nearly all (92 percent) had counsel appointed at the bond hearing, 82 percent had a public defender appointed, and ten percent had private counsel. In addition to the pretrial release and bond decisions made, judges issued stay away orders in 28 percent of cases of the felony defendants.

Adjudication of Felony Charges

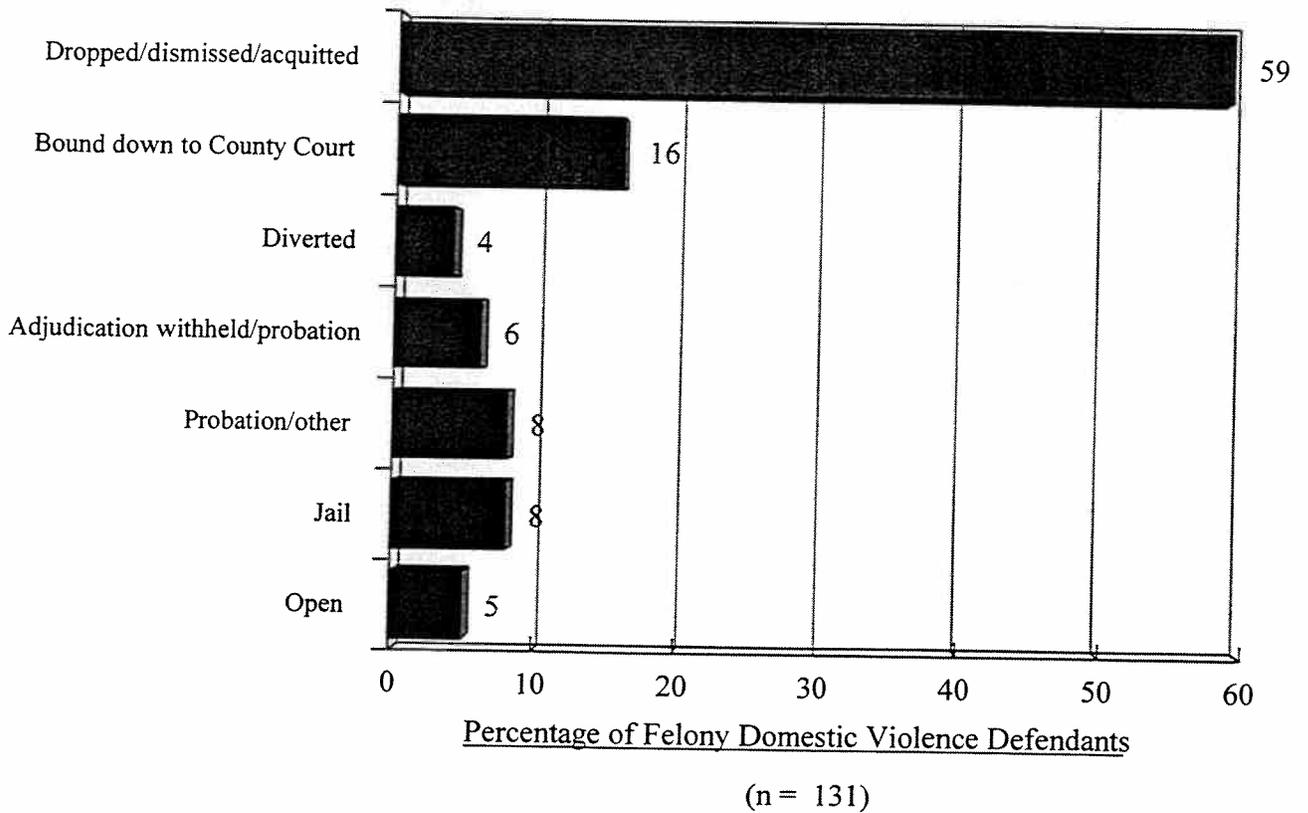
Figures II.46 through II.48 summarize the adjudicatory outcomes of the cases of the felony domestic violence defendants in our 1993 sample using different levels of detail.

Figure II.46 Processing Dispositions of Cases of Felony Domestic Violence Defendants Entering Circuit Court between March 15 and April 15, 1993



(n = 131)

Figure II.47 Processing Outcomes in Cases of Felony Domestic Violence Defendants Entering Circuit Court between March 15 and April 15, 1993 (simplified version)



- Approximately 59 percent were dropped or dismissed (nolle prossed, no actioned or acquitted), the bulk explained by 50 percent of all felony domestic violence cases being no actioned at arraignment.
- About four percent of the felony cases resulted in diversion at the arraignment and trial stage.
- About 14 percent of the felony defendants were placed on probation, six percent with adjudication withheld.
- One in six cases (16 percent) were bound down (transferred) to County Court for adjudication on misdemeanor charges.
- Eight percent were convicted and sentenced to jail or prison.
- About five percent were still open, four percent due to alias capiases.

Figure II.48 Processing Outcomes of Cases of Felony Domestic Violence Defendants Entering Circuit Court between March 15 and April 15, 1993

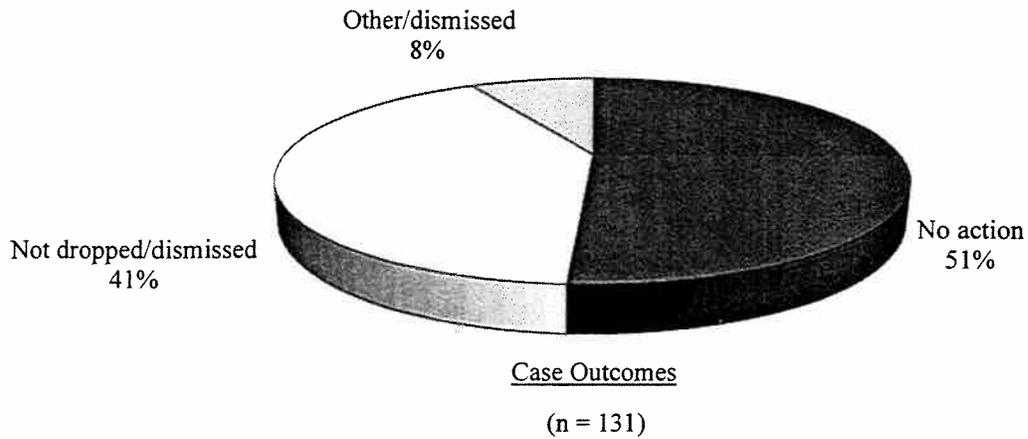


Figure II.49 Processing Statuses of Cases of Felony Domestic Violence Defendants Entering Circuit Court between March 15 and April 15, 1993, after One-year Observation Period

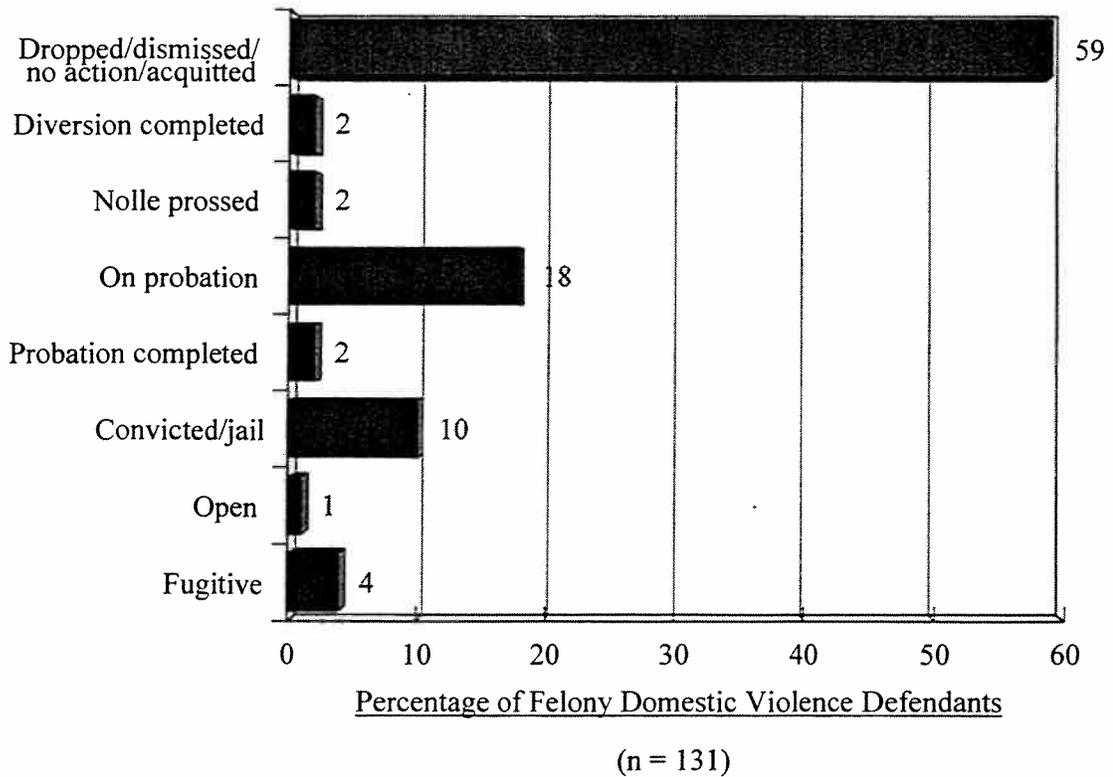
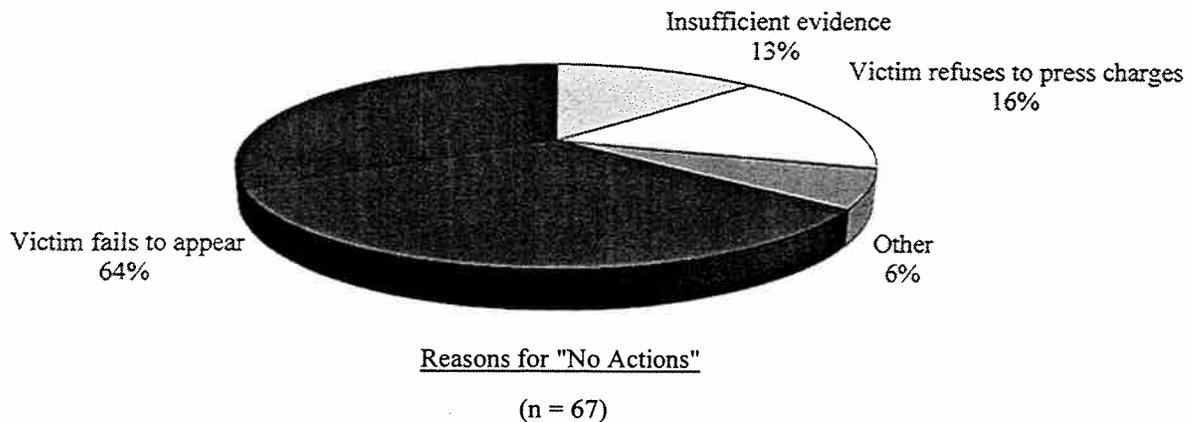


Figure II.49 updates the outcomes of the felony domestic cases after one year. Basically, more cases had been completed, and more defendants had been placed on probation and

sentenced to jail. Overall, little could be learned about the use of treatment options among felony defendants. Approximately 20 percent had been placed on probation (nine percent with adjudication withheld) by the end of the year and three percent had been assigned to diversion.

The most prominent finding related to the processing of felony domestic violence cases was the fact that most (59 percent) resulted in some version of being dropped or dismissed (principally "no actioned"). Figure II.50 shows that this outcome is explained mostly by the actions of the victim/witness, including failure to appear in court in 64 percent of these dropped cases, and in an additional 16 percent of victims refusing to press charges.

Figure II.50 Reasons for "No Actions" in Cases of Felony Domestic Violence Defendants Entering Circuit Court between March 15 and April 15, 1993



Failures-to-Appear (Bench Warrants and Alias Capiases) Generated by Felony Domestic Violence Defendants During the One-year Observation Period

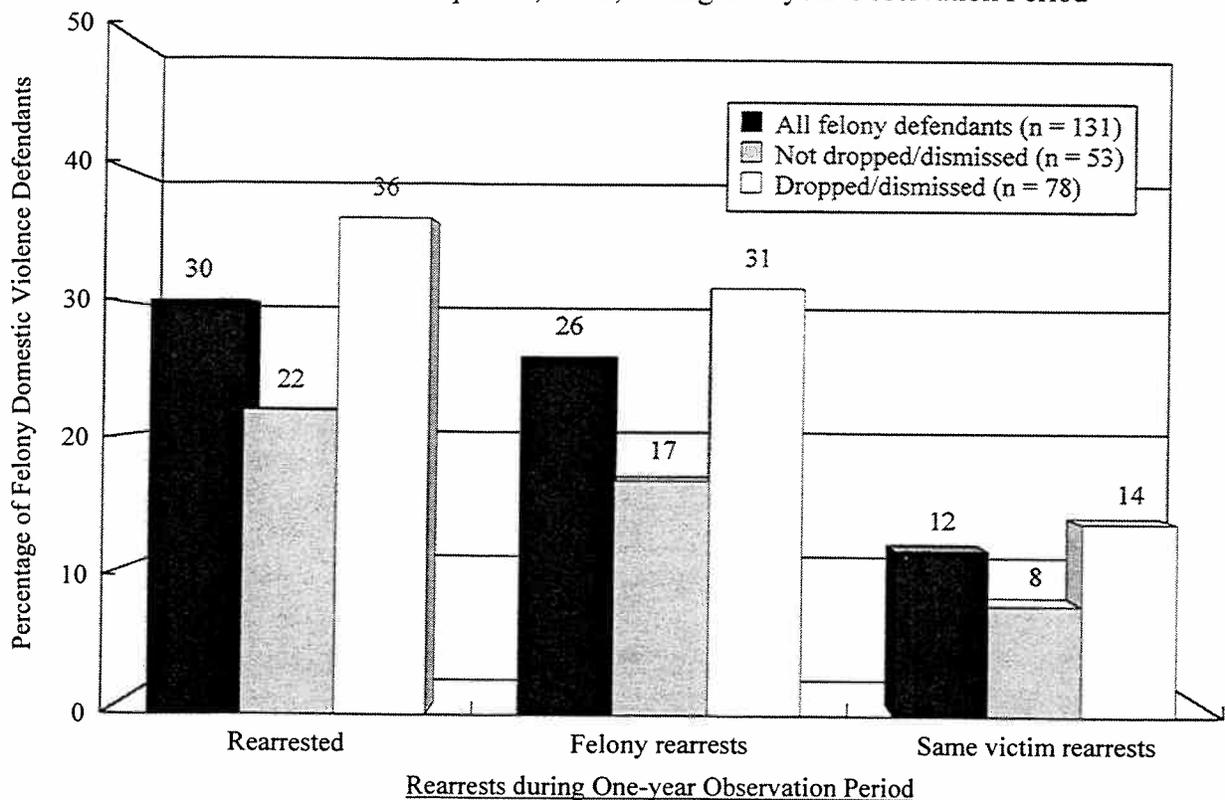
- Overall, 13 percent of felony domestic violence defendants had at least one alias capias or bench warrant issued for failing to attend a court appearance during the one-year period. This comparatively low rate should be understood in the context of the extremely high dismissal rate in felony domestic violence cases. Examined this way, the 13 percent should be understood as applying only to cases remaining in the adjudication process (i.e., not dismissed) and thus represents a far higher rate of FTA, about 32 percent of cases in which court appearances were likely to have been scheduled.

- The median time to the first failure-to-appear was 167 days.

Rearrests of Felony Domestic Violence Defendants During the One-year Observation Period

- Nearly one-third (30 percent) of the study defendants were rearrested at least once during the one-year observation period: 14 percent were rearrested once, 17 percent two or more times. (See Figure II.51.)

Figure II.51 Rearrests of Felony Domestic Violence Defendants Entering Circuit Court between March 15 and April 15, 1993, during One-year Observation Period

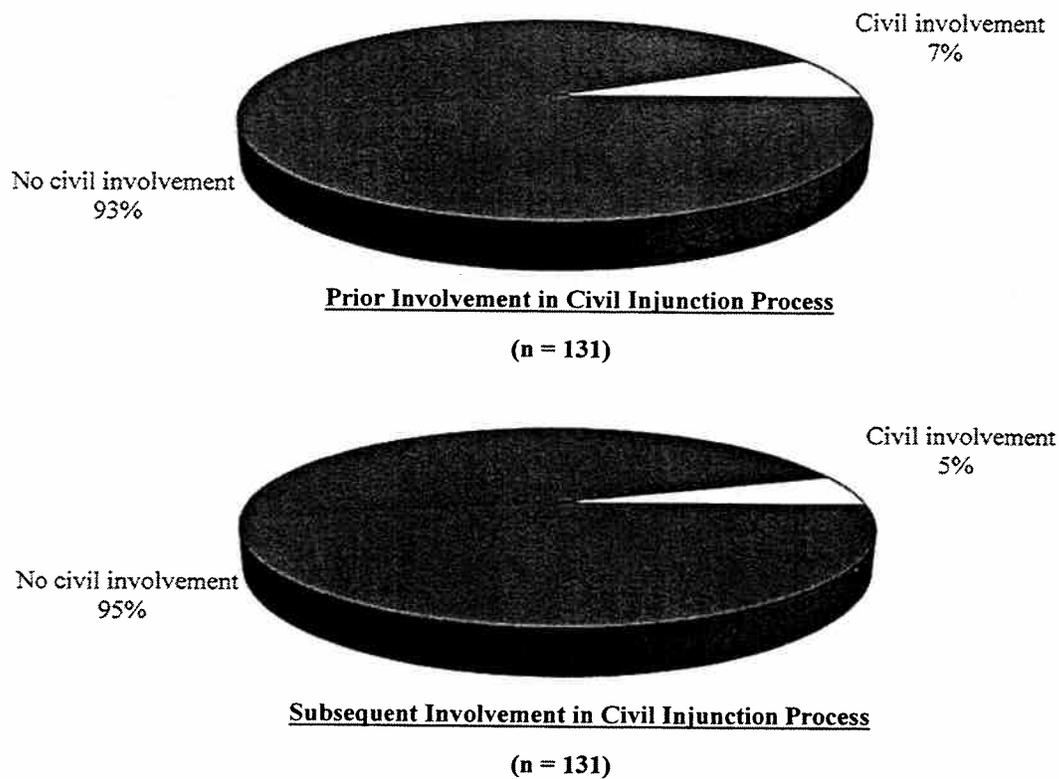


- The overall rate of rearrest was much higher among felony defendants whose cases were dropped/dissmissed (36 percent) than among those whose cases were not dropped (22 percent).
- The great majority of rearrests were for felony charges.
- Twelve percent of felony defendants were rearrested for crimes in which the original victim was again the complaining witness (the victim). These rearrests accounted for 38 percent of all rearrests generated by the sample of felony domestic violence defendants.

Subsequent Involvement by Felony Domestic Violence Defendants as Respondents in Civil Injunction Process During One-year Observation Period

- Figure II.52 shows that about roughly similar small proportions of felony defendants had prior (seven percent) and subsequent (five percent) involvement in the civil domestic violence process.

Figure II.52 Prior and Subsequent Involvement by Felony Domestic Violence Defendants in Civil Injunction Process



Summary: Processing and Follow-up of Felony Domestic Violence Cases in Circuit Court

The demographic attributes of defendants in felony domestic violence cases varied only slightly from those of the misdemeanor defendants described earlier in this report. From available data we estimated that just under half of the defendants may have been abusing drugs or alcohol at the time of the domestic violence incident (although no information was available relating to complainant use of alcohol or other drugs). Among felony defendants, children were also a theme: there were children in 30 percent of the households involved in the alleged

incidents; 29 percent of defendants had children in common with the complainant; in 15 percent of the alleged incidents, children were present; and children were reportedly physically harmed in less than one percent of the incidents.

Felony defendants had rather extensive prior records of arrests, many with possible prior arrests for domestic violence-related offenses. The nature of the charges, quite logically, were more serious than those associated with the misdemeanor caseload. However, the large majority were dismissed (59 percent) and many were bound down (16 percent) for adjudication as misdemeanors. During the year's follow-up, felony defendants showed a lower rate of failing to appear in court (13 percent), but a higher rate of rearrest (30 percent) than misdemeanor defendants. About 12 percent were rearrested for offenses against the same victim, and same victim rearrests accounted for 38 percent of all rearrests generated by the baseline cohort of felony domestic violence defendants. Like misdemeanor defendants, only a small proportion had temporary or permanent protection orders issued in civil court during the follow-up year.

VI. Petitions for Temporary and Permanent Injunctions for Protection in Civil Court

Introduction

The final component of the baseline study of the overall domestic violence caseload entering the Dade County courts involved the civil processing of domestic violence petitions for protection orders. This section focuses on the parallel, and in some respects overlapping, processing of domestic violence cases in civil court, and describes the nature of requests for temporary and permanent injunctions for protection from domestic violence. It also includes the processing, outcomes, and reinvolvement with the civil and criminal justice system by respondents. Our analysis of the civil domestic violence process is based on a complementary sample of civil filings (petitions for injunctions) drawn from a month in 1993³¹ with a one-year

³¹Our original design included a sample of civil filings drawn during the same period we sampled misdemeanor and felony cases in the spring of 1993. When we discovered that files kept by the DVCU were not available for that period, we moved the sample period to July 1993. During July, there were 334 civil filings in Circuit Court relating to domestic violence; we identified a 50 percent sample, purposely smaller due to limited resources.

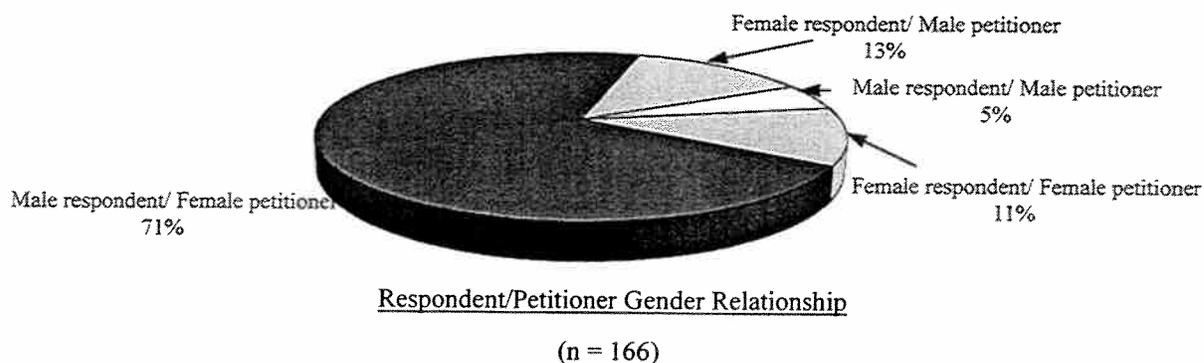
follow-up that is intended to represent a cohort of civil cases parallel to the misdemeanor and felony baseline cases.

Attributes of Respondents and Petitioners in Civil Injunction Filings

The following summarizes key attributes of respondents—and petitioners when available—from the civil baseline sample:

- Age: Like the misdemeanor domestic violence defendants, domestic violence respondents in the civil component of the court averaged 32 years of age (median). Forty percent of respondents were between 31 to 40 years old; about 30 percent were over 40, including five percent who were over 50 years of age. Information on the age of petitioners was not systematically available.
- Race/ethnicity: Respondents were 41 percent African-American, 42 percent Hispanic, and 16 percent white. (There was one Asian-American in the sample.) The race/ethnicity of the petitioners was roughly the same.
- Gender: Among petitioners, there was a greater proportion of female respondents: three-fourths (76 percent) of respondents were male, but one-fourth were female.

Figure II.53 Gender Relationships Among Petitioners and Respondents in Civil Domestic Violence Cases Entering Court during July, 1993

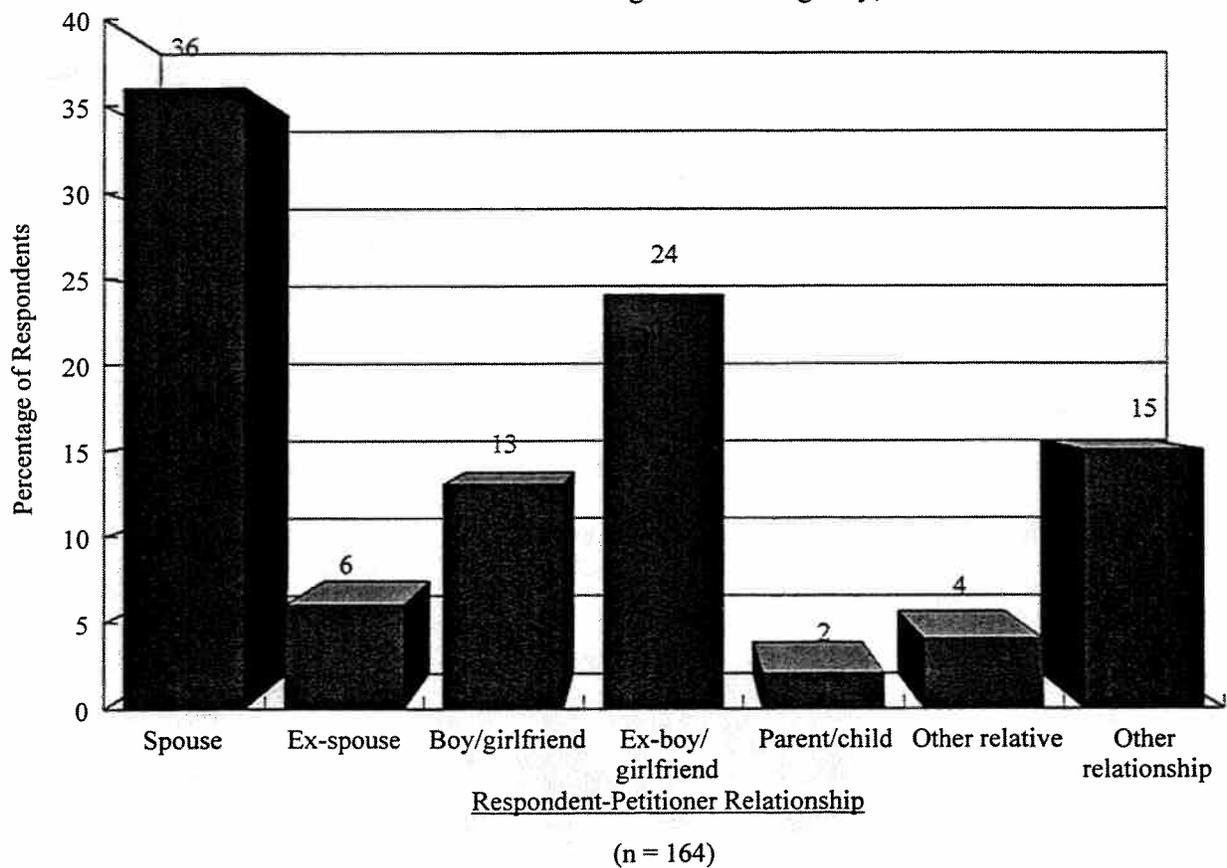


- Gender in petitioner/respondent relationship: Figure II.53 summarizes the gender relationships among petitioners and victims in the civil cases studied: 71 percent of the cases involved male respondents and female petitioners, but other gender dyads were found as

well: 13 percent involved female respondents and male petitioners; five percent involved male respondents and male petitioners; and 11 percent involved female respondents in cases with female petitioners.

- Employment: Of respondents for whom employment information was available, about two-thirds reported that they were employed full or part-time. The same was reported by the petitioners.

Figure II.54 Relationship of Respondent to Petitioner in Civil Domestic Violence Cases Entering Court during July, 1993

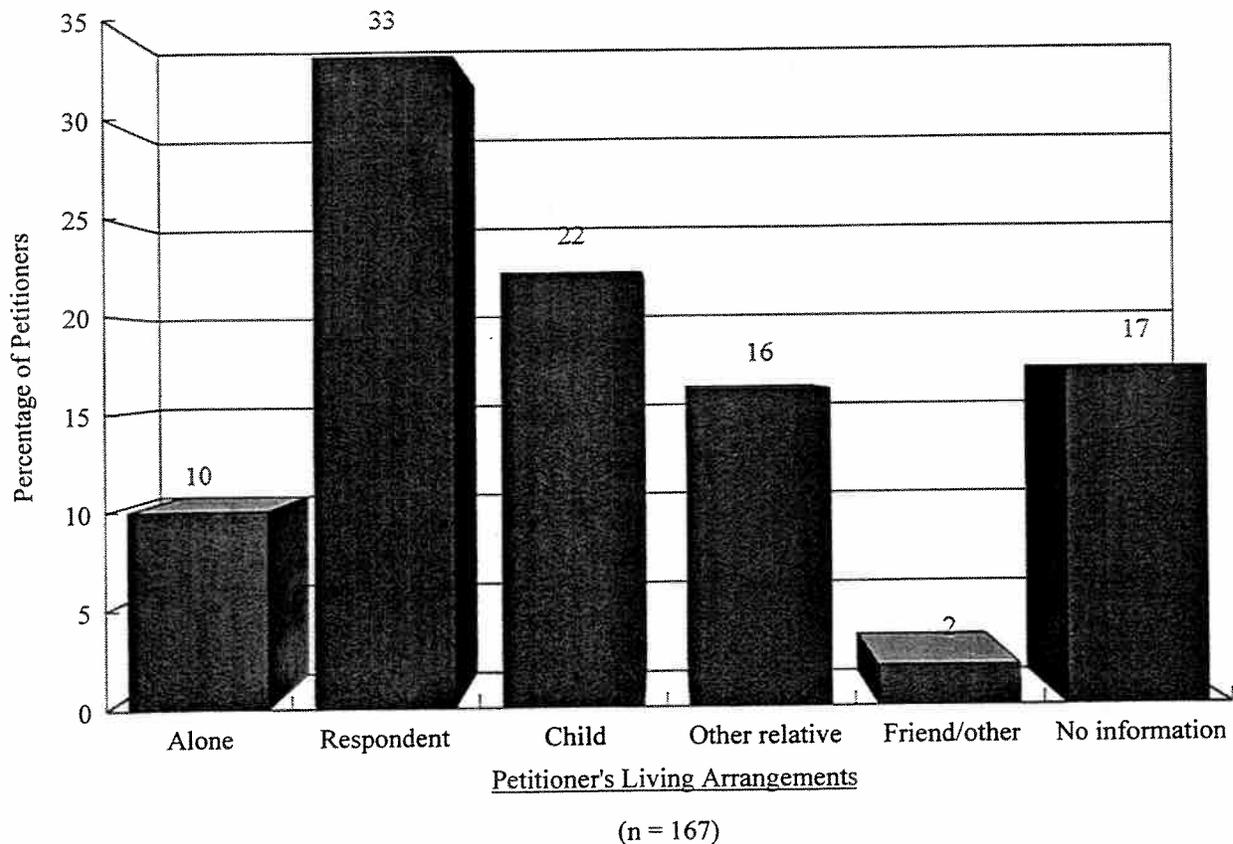


- Nature of petitioner/respondent relationship: Figure II.54 summarizes the relationship of the respondent to the petitioner at the time of the incident that was alleged in the request for a temporary injunction. More than one-third (36 percent) of the petitions involved a married partner with another six percent involving an ex-spouse; 13 percent involved a relationship with a current “girlfriend or boyfriend, with 24 percent involving an ex- “girlfriend or

boyfriend” relationship. Cases involving a parent or child were very rare (two percent). A sizeable number involved an array of other relationships listed as “domestic violence,” including acquaintances, landlord/tenant, neighbor, friend, sister of petitioner’s ex-boyfriend, ex-husband of the petitioner’s fiancée, ex-roommate, and a variety of other relationships.

- Respondent’s living arrangements: Information about the living arrangements of the respondent were not often available in the DVCU or court files. (It was missing in about half the cases.)

Figure II.55 Living Arrangement of Petitioner at Time of Alleged Incident in Civil Domestic Violence Cases Entering Court during July, 1993



- Petitioner’s living arrangements: Information about the petitioner’s living arrangements was more complete: At the time of the incident leading to the request for a temporary injunction the petitioner lived alone in ten percent of the cases, lived with the respondent in 33 percent of the cases, and lived with other relatives in 38 percent of the cases. Although information

was still unavailable in 17 percent of the cases, it is interesting to note that the petitioner and respondent lived together in only about one-third of the cases. (See Figure II.55.)

- Children: Children appeared to be involved more often in the situations of participants in the civil cases. According to DVCU files, approximately 51 percent of petitioners and respondents were reported to have had children in common: 25 percent had one, 17 percent had two, and nine percent had more than two. In 38 percent of the cases the petitioner had custody of the children, in five percent the respondent had custody; in 13 percent, there was joint custody of the children.
- Children Present: In 16 percent of the incidents precipitating the requests for temporary and permanent injunctions, children were present at the time of the incidents.
- Children Harmed: In only two percent of the petitions was it noted that children were physically harmed during the incidents. It was alleged that the respondent had harmed children in previous incidents in about four percent of cases.

The Role of Substance Abuse

In the civil files, information relating to the role of drugs and alcohol was more complete regarding the respondent and was relatively poor for the petitioner or victim. Alcohol was reportedly used at the time of the precipitating incident by 27 percent of the respondents. Drug use was reported in 17 percent of cases. Information on the type of drugs used was not reliably available. The petitioner reported that the respondent had a prior history of alcohol involvement in about 13 percent of cases and of drug involvement in 15 percent of cases. From the information we were able to obtain, we cannot reliably characterize the extent and type of drug or alcohol abuse that may have been used. This level of alcohol or other drug abuse appears notably lower than the levels reported among misdemeanor and felony defendants. We cannot say for certain whether this is due to the limitations of the data (we rely more on one source in the civil study) or due to an actual difference in the role of substance abuse.

Mental Health

Although information relating to mental health history was absent in the case of the petitioner and rarely available for respondents, approximately eight percent of respondents were

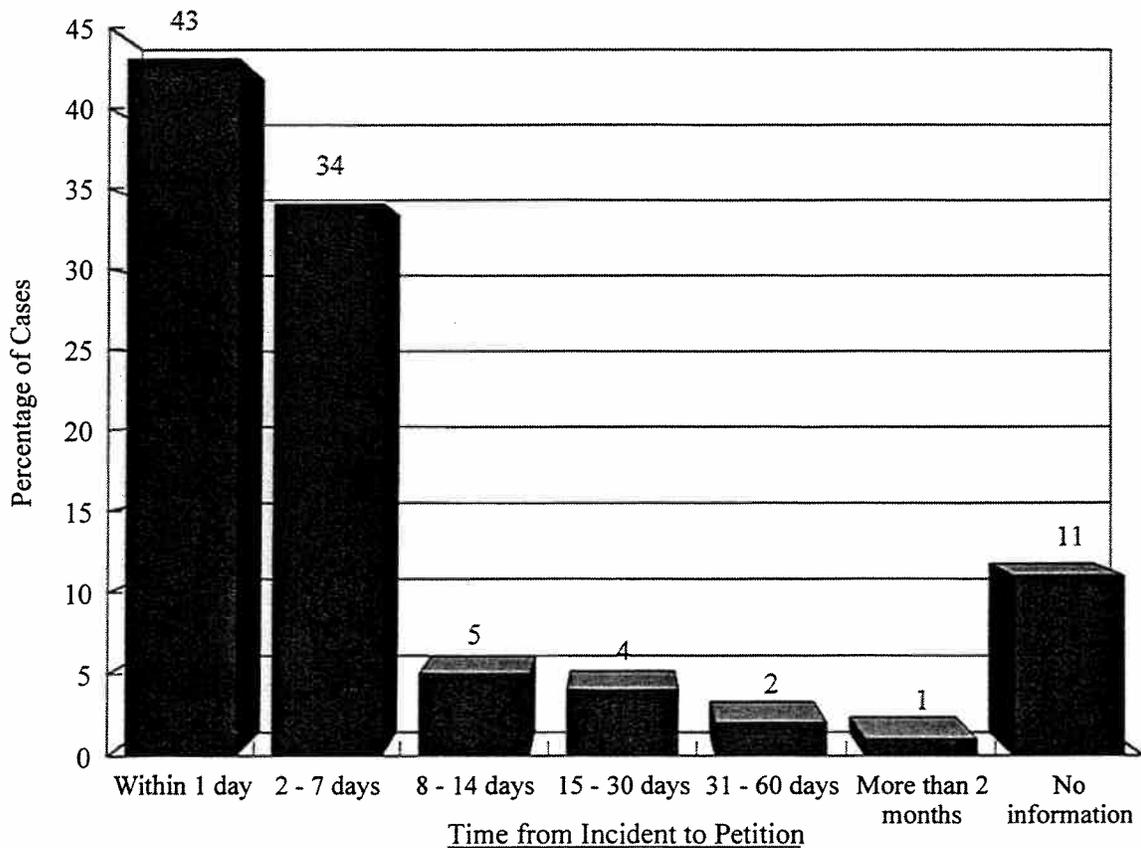
reported to have been diagnosed previously as having a mental illness; about five percent were known to have had previous treatment for “anger control.”

Allegations in the Request for Civil Injunction

Petitions for Temporary Injunctions

Figure II.56 displays the time between the precipitating incident and the day the petitioner filed a request for a temporary injunction for protection from the respondent. The great majority were filed within a week. Under half of the petitions (43 percent) were filed within one day of the alleged incident: 34 percent more were filed within two to seven days after the incident. A small proportion (five percent) were filed from eight to 14 days after the incident, with a handful (seven percent) filed more than two weeks later.

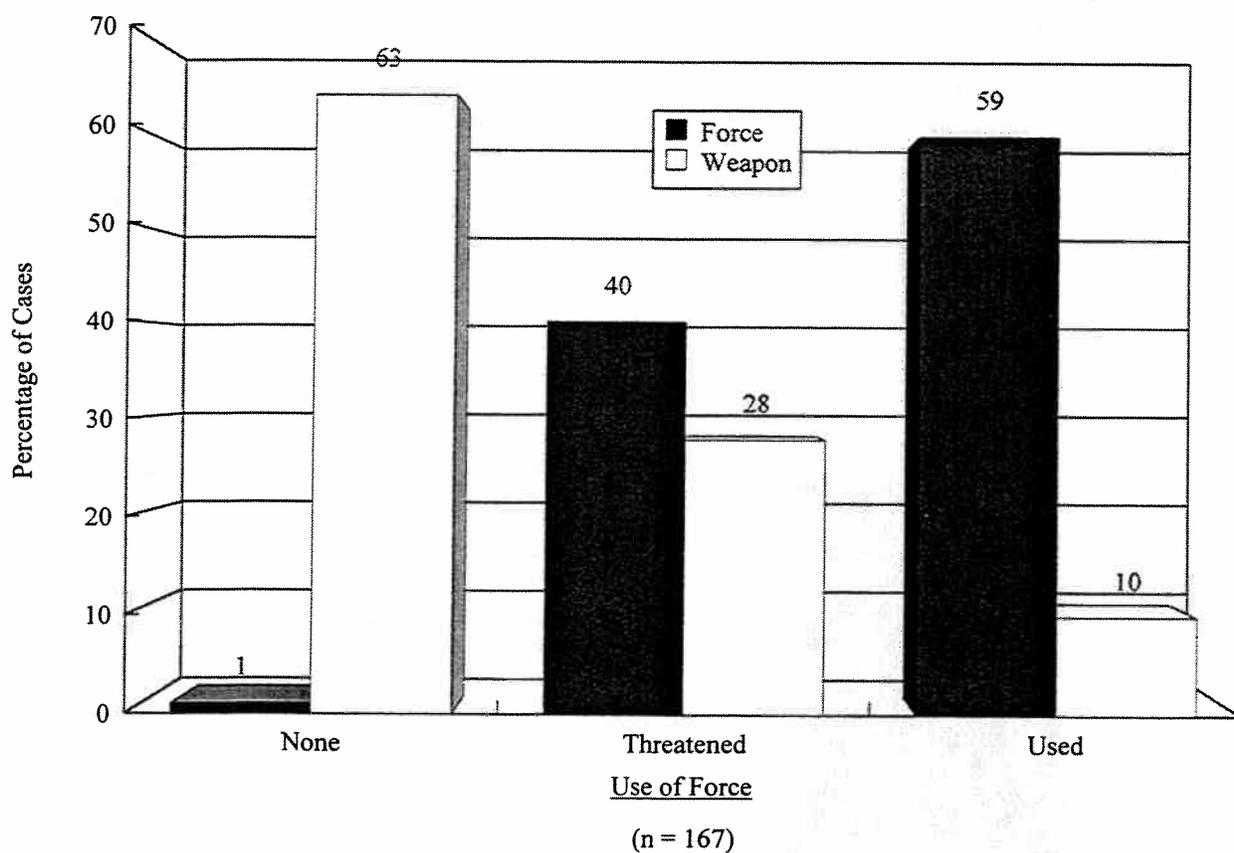
Figure II.56 The Time between the Alleged Incident and the Filing of a Petition for a Temporary Injunction in Civil Domestic Violence Cases Entering Court during July, 1993



(n = 167)

Figure II.57 shows that force was threatened in 40 percent of the petitions and was allegedly employed in 59 percent of the cases. The same figure illustrates that use of a weapon was threatened in 28 percent of cases and a weapon allegedly was used in ten percent. When weapons were threatened or used, guns (35 percent), knives (30 percent) and other weapons (35 percent) were equally common. "Other" weapons included a diverse array of tools from sticks and belts to baseball bats, boards, acid, canes, machetes, shoes, hammers and other objects.

Figure II.57 Use or Threat of Force or Weapon in Domestic Violence Incidents Alleged in Petitions for Temporary Injunctions in Civil Domestic Violence Cases Entering Court during July, 1993

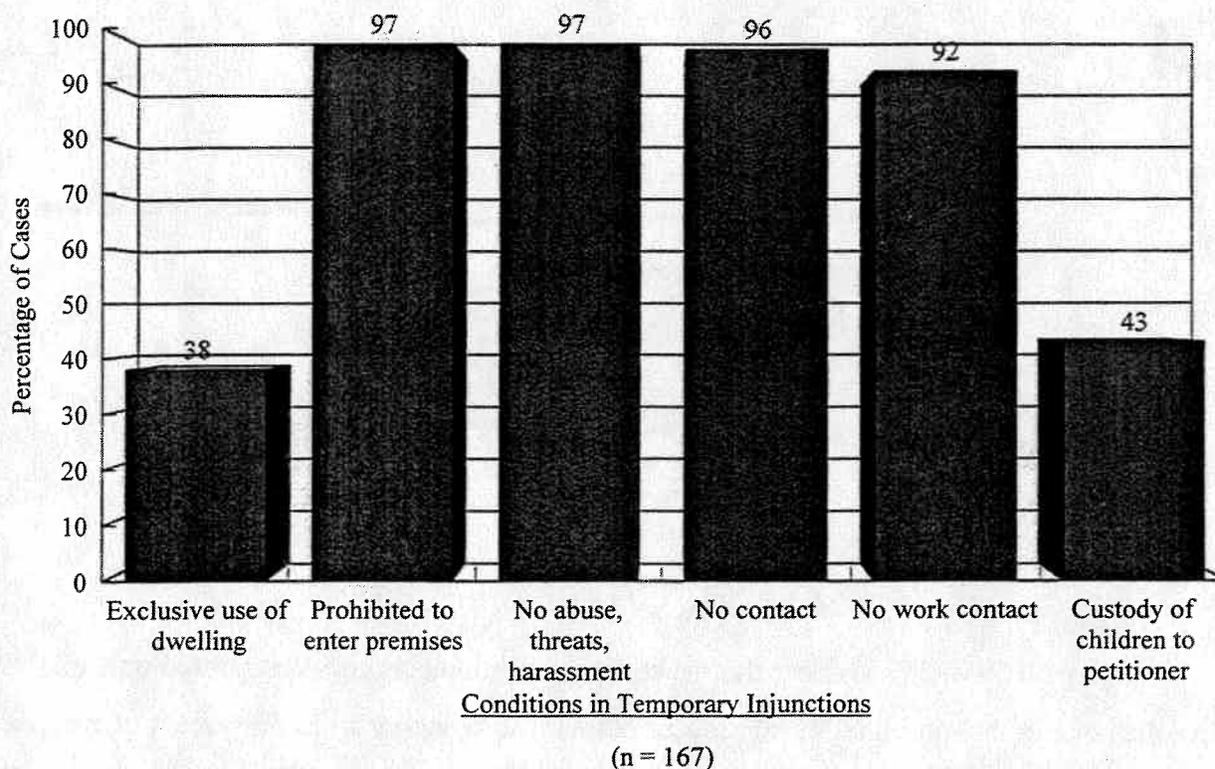


Injury to the petitioner was not noted in two thirds of the incidents precipitating requests for protection orders. Minor injury was reported in 26 percent of the petitions, and more serious injury was alleged in four percent of the cases, with another four percent of unspecified degree. Some form of property damage was alleged in 18 percent of the cases.

Although information on the petitioner was lopsidedly absent in the records available, in four percent of the cases it was noted that the petitioner engaged in violent behavior during the incident. In 96 percent of the cases, the petitioner reported being in fear of the respondent.

The request for a temporary injunction was denied in four percent of the cases (and appealed by the petitioner who requested a hearing in three percent); it was granted in 96 percent of the cases. Figure II.58 summarizes the most common conditions ordered by the judge in approving the temporary injunction. The respondent was almost always ordered not to contact the petitioner, not to abuse, threaten or harass the petitioner and not to enter the premises where the petitioner resides. In 38 percent of the July cases, the petitioner was granted exclusive use of the dwelling.³² In 43 percent, the petitioner was assigned temporary custody of children.

Figure II.58 Selected Conditions of Temporary Injunctions Granted in Civil Domestic Violence Cases Entering Court during July, 1993



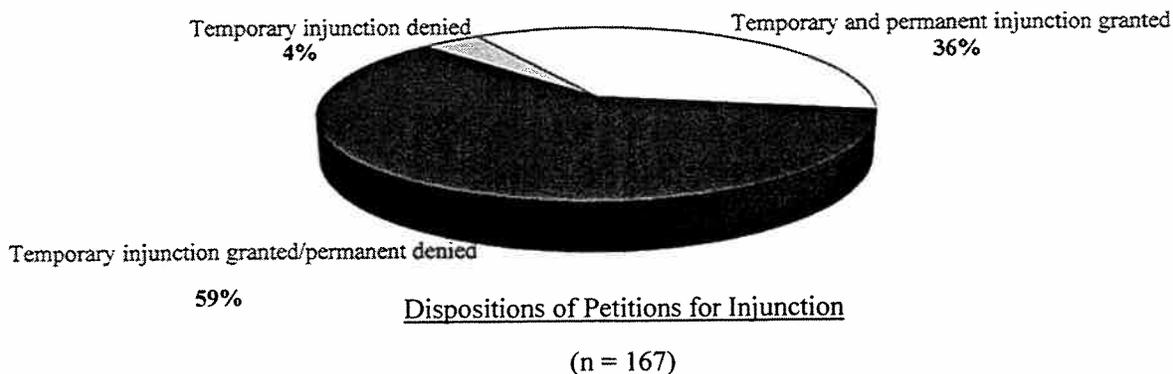
³²Records showed that about 33 percent were living together at the time. In 17 percent of the cases, it was impossible to determine the living arrangements.

In most cases a petition for a temporary injunction was decided on the same day it was filed; service was given either immediately or within several days. Five percent were served on the respondent in two days and seven percent in three days. However, 73 percent were served within four or more days after the request for protection.

Permanent Injunction Hearing Dispositions

According to statute at the time of the study, when a temporary injunction was granted, a hearing to decide on a permanent injunction was automatically scheduled. This was to occur no more than one month later.³³ The petitioner and respondent are asked to attend the hearing where they may or may not be represented by counsel. In fact, 77 percent of the cases in our sample had a permanent injunction hearing within 30 days of the granting of the temporary injunction; an additional 13 percent had hearings between 31 and 60 days later, and ten percent were heard after 60 days had elapsed.

Figure II.59 Dispositions of Requests for Injunctions in Civil Domestic Violence Cases Filed during July, 1993

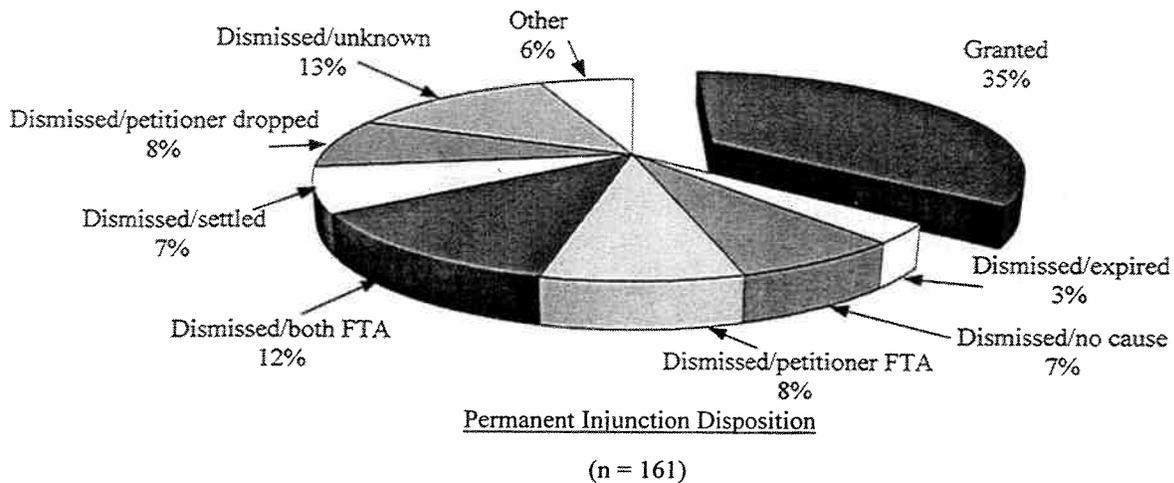


Figures II.59 and II.60 show that when temporary injunctions were granted only slightly more than one in three resulted in subsequent permanent injunctions. In 59 percent of the cases the request for a permanent injunction was dismissed. In only seven percent of cases the dismissal was based on a no cause ruling by the judge. In another seven percent, the problem

³³This has since changed to 15 days.

had been settled between the parties (by request of the petitioner) and was thus dismissed by the court. In at least 28 percent of the cases, the dismissal was due to the action of the petitioner: in eight percent of the cases the petitioner failed to appear at the hearing; in 12 percent neither the petitioner nor the respondent appeared. In another eight percent, the petitioner dropped the request for an injunction at or before the hearing.

Figure II.60 Dispositions of Permanent Injunction Hearings in Civil Domestic Violence Cases Entering Court during July, 1993



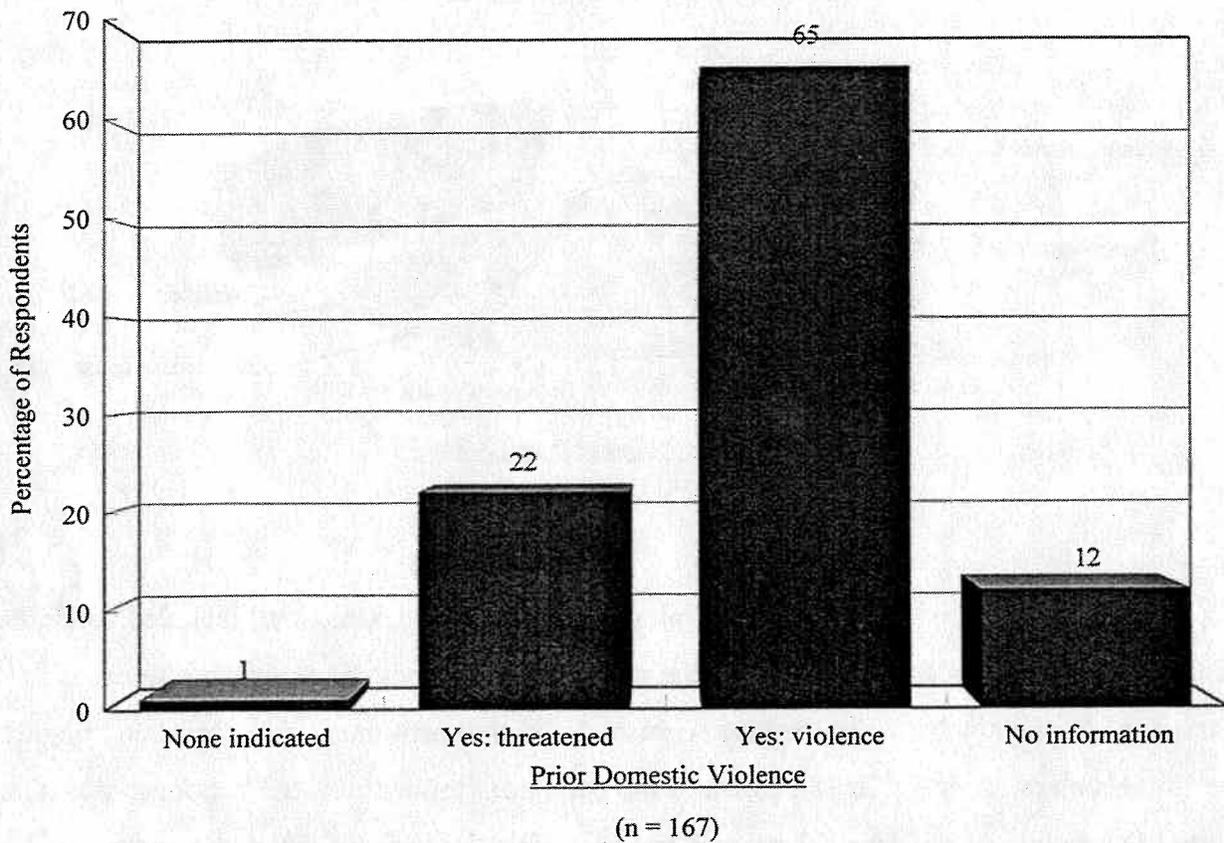
In the cases in which a permanent injunction was granted, almost all included conditions prohibiting the respondent from entering the petitioner's premises, from abusing, threatening or harassing the petitioner, from making contact with the petitioner, and from entering the petitioner's place of work. In 38 percent of the permanent injunctions, the petitioner was given custody of a child or children, 22 percent arranged visitation rights for the respondent, and 22 percent required child support from the respondent. In about one-third of the permanent injunctions granted, or 11 percent of all cases, the respondent was ordered to report to the Advocate Program for assessment and placement in treatment.

Respondents' Prior History of Domestic Violence as Reported by Petitioner

According to the interview of the petitioner by DVCU staff prior to the temporary injunction, 87 percent of petitioners reported prior incidents of domestic violence with the

current respondent. Figure II.61 shows that 22 percent had previously been threatened with harm by the respondent in the study case and 65 percent had actually experienced some form of violence by the respondent. File information was insufficient to determine how recent and frequent the previous domestic incidents had been.

Figure II.61 Prior Domestic Violence Incidents by Respondent Against Petitioner in Civil Injunction Cases Entering Court during July, 1993

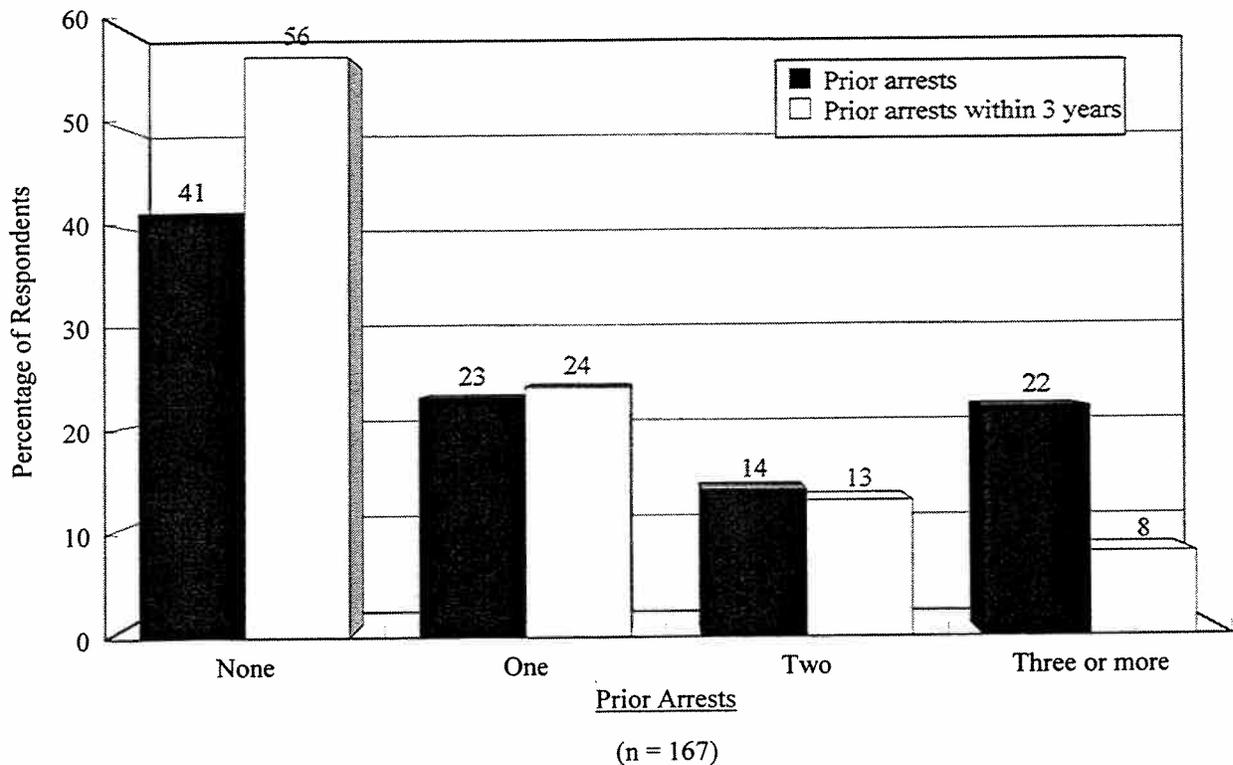


Even with large amounts of missing information, we still found that 47 percent of petitioners reported that respondents had previously threatened to kill them. A minimum of 24 percent of petitioners reported that the respondent owned a gun at the time of the incident and 22 percent of respondents had threatened to use the gun previously. More than one-third (35 percent) of all petitioners reported being previously threatened by use of other weapons by the respondent. About 20 percent reported having been injured previously.

Respondents' Prior Criminal History

Most (59 percent) respondents had prior records of arrest: 23 percent had one prior arrest, 14 percent had two and 22 percent had three or more prior arrests (see Figure II.62). Twenty-three percent had prior misdemeanor arrests and 27 percent had prior felony arrests. Prior arrests were for a wide variety of offenses, including battery (13 percent) and drug offenses (14 percent). More than one-fifth had prior convictions. Figure II.63 displays the prior arrests and convictions of respondents for potentially domestic violence-related offenses: Approximately 23 percent had one or more prior arrests in that category, while ten percent had prior convictions for this type of offense.

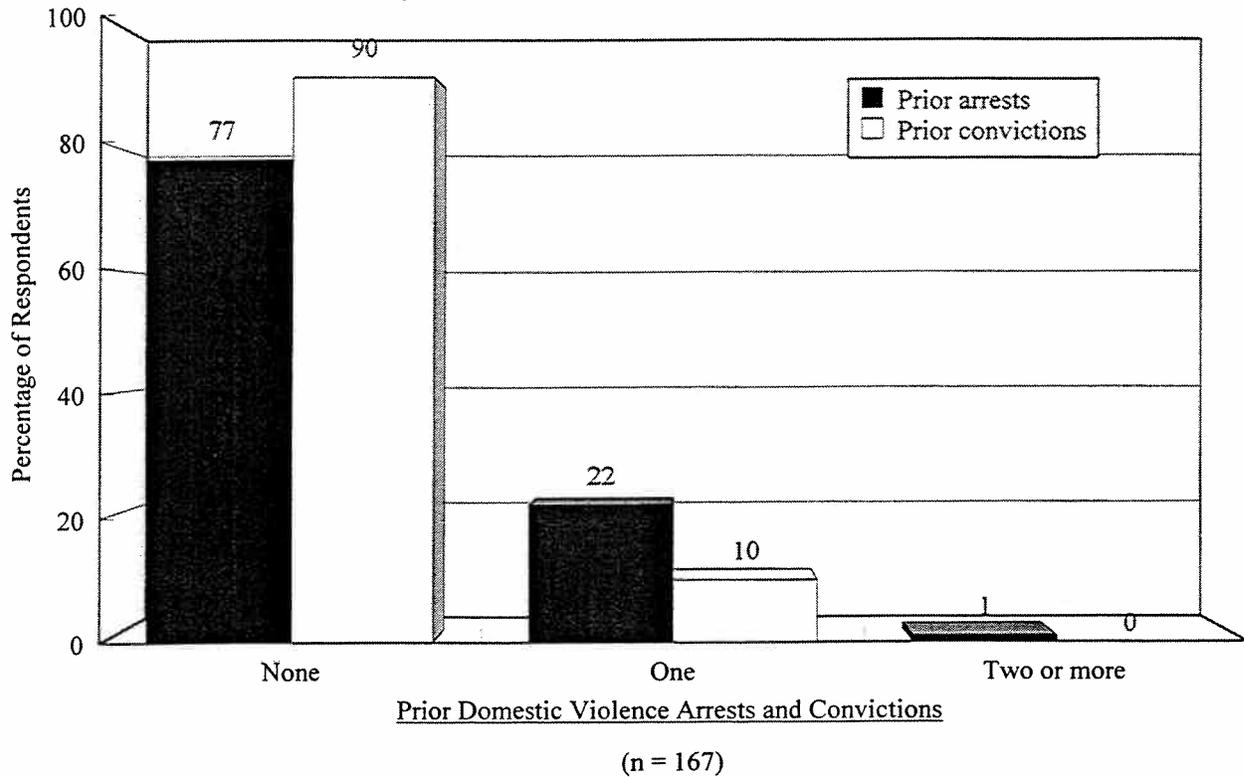
Figure II.62 The Prior Arrest Histories of Respondents in Civil Injunction Cases Entering Court during July, 1993



Other Pending Matters

In about 11 percent of the cases, divorce proceedings were pending at the time of the temporary injunction. Custody matters were being decided in five percent of the cases.

Figure II.63 Prior Arrests and Convictions of Respondents for Domestic Violence Offenses in Civil Injunction Cases Entering Court during July, 1993



Respondent's Prior History of Involvement in Civil Injunction Process

Approximately 11 percent of respondents had been named previously in requests by the same petitioner for protection through the injunction process. Approximately two-thirds (67 percent) of the previous petitions had occurred within the past year. In these prior involvements, temporary injunctions had been granted 94 percent of the time, but permanent injunctions were only granted in 25 percent of the cases. Permanent injunction petitions were dismissed because the order had expired (13 percent), the petitioner withdrew from the process (19 percent), or for unknown reasons (44 percent).

Advocate Program Assessment

At the permanent injunction stage, 11 percent of the sample respondents were ordered to the Advocate Program for assessment and, if necessary, treatment. Of this small number only

about one-third showed up. The missing information and the small number of cases make further analysis of little value.

Arrest of Respondents During One-year Observation Period

Figure II.64 illustrates that about 32 percent of the respondents in the July, 1993, civil injunction sample were arrested for criminal offenses during the one-year period following the initial request for a temporary injunction by the petitioner. Twenty-one percent were arrested once, while five percent were arrested twice and six percent were arrested three or more times during that period. Twenty-two percent were arrested for felony offenses and ten percent were arrested for misdemeanors. About half of the rearrests occurred within 90 days.

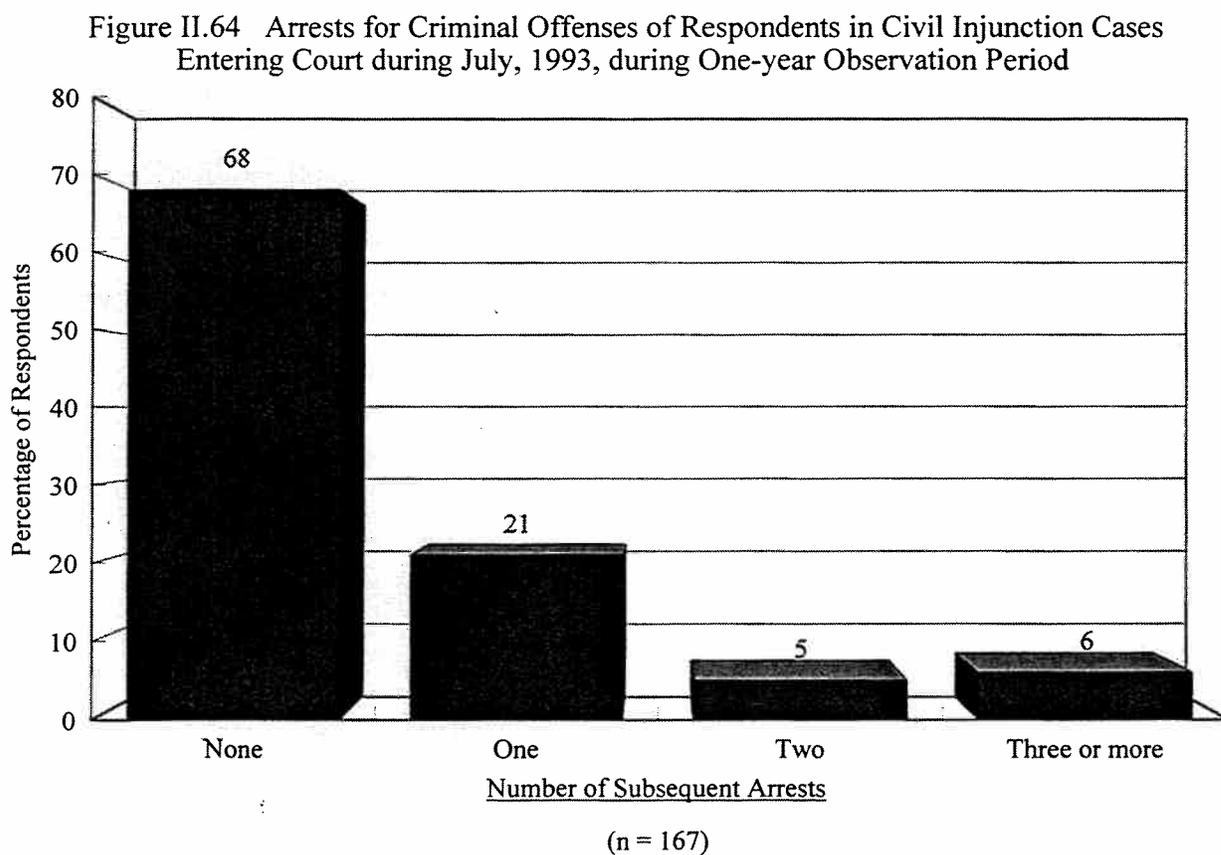
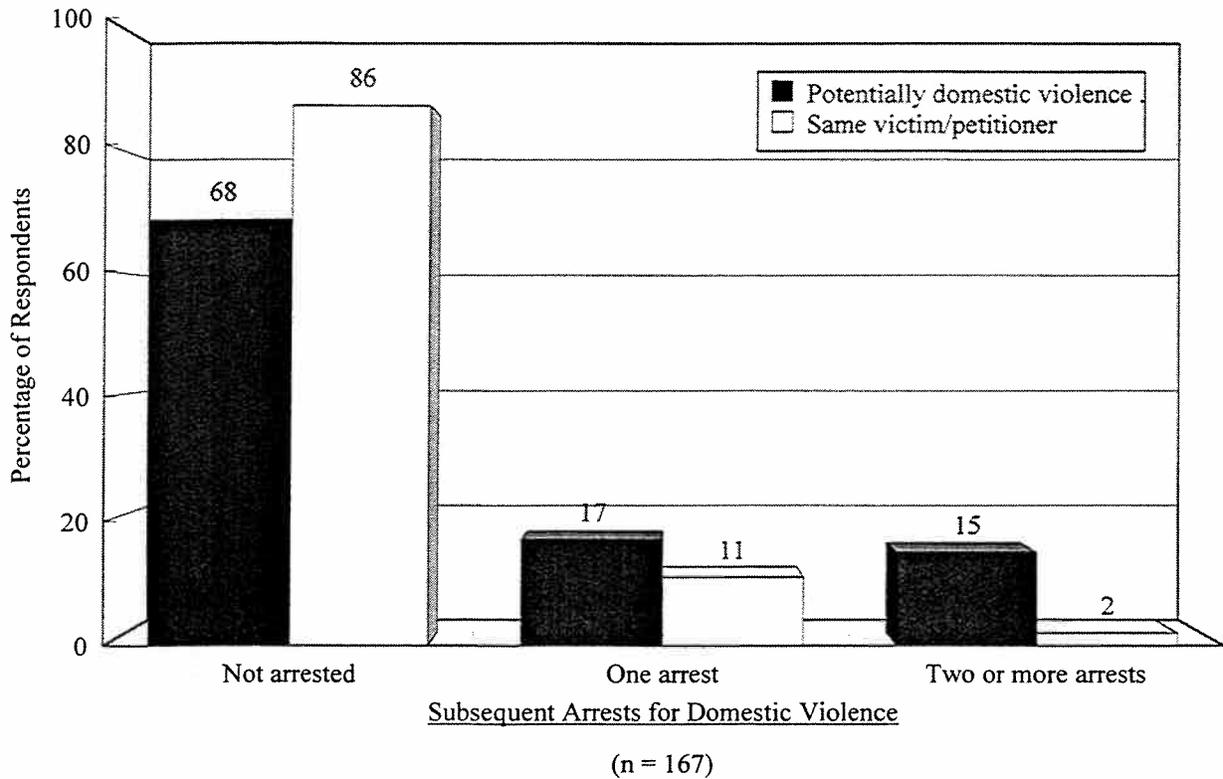


Figure II.65 Arrests for Domestic Violence-Related Offenses of Respondents in Civil Injunction Cases Entering Court during July, 1993, during One-year Observation Period

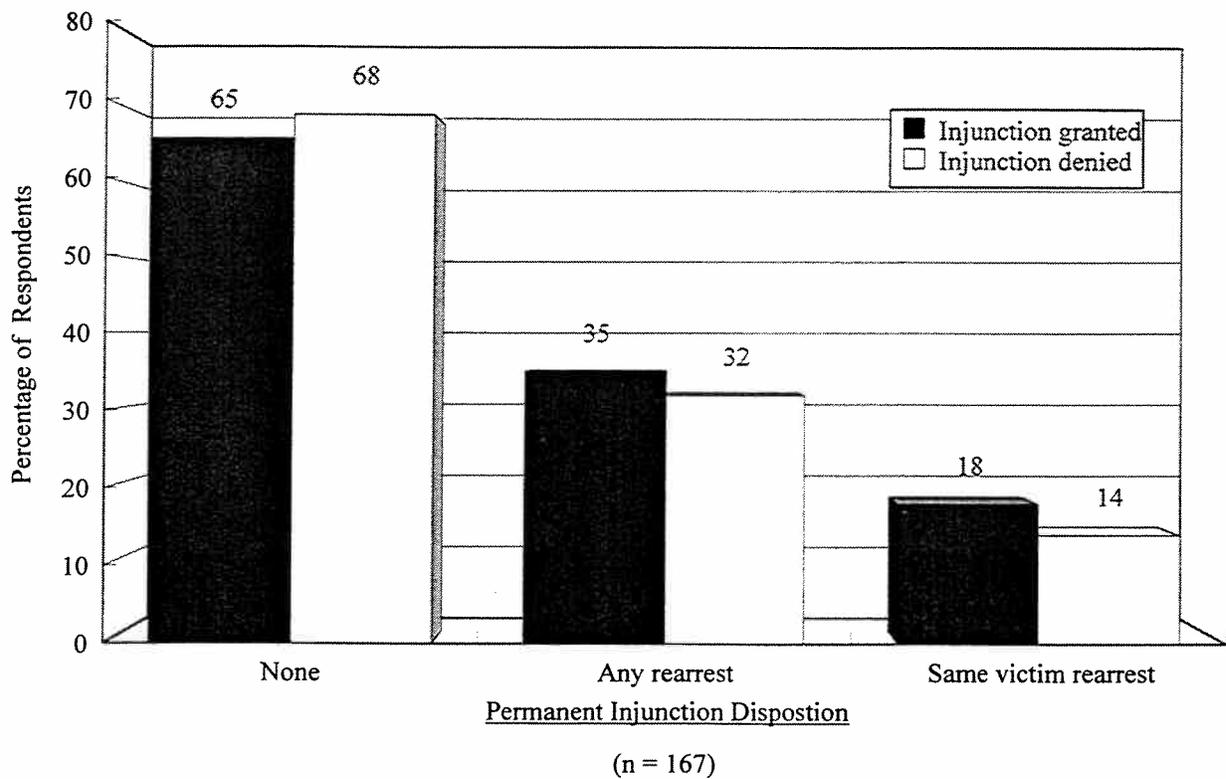


To estimate the rate at which respondents were rearrested for domestic violence related crimes, we classified offenses as potentially domestic violence related or not.³⁴ Figure II.65 suggests that approximately one-third (32 percent of respondents) were rearrested during the follow-up for crimes of the sort potentially related to domestic violence. In addition, we attempted to determine whether arrests of respondents during the follow-up period involved the original petitioners as complainants. The same figure shows that we were able to document that 14 percent of respondents were arrested for crimes with the petitioners indicated as victims. Because the name of the alleged victim was not included in about seven percent of the arrest forms, we consider 14 percent an underestimate.

³⁴The following offenses for which respondents were arrested were classified as potentially domestic violence related: murder/manslaughter, aggravated assault, battery intentional, aggravated battery, stalking, kidnapping, sexual battery, and show cause. As we have noted before, this is a necessarily crude and over-inclusive measure of likely domestic violence arrests.

Figure II.66 contrasts arrests between two different groups of respondents, those against whom permanent injunctions were granted, and those against whom permanent injunctions were denied. Comparable proportions of each group recorded subsequent arrests. However, because two-thirds of the permanent injunction hearings resulted in dismissals, respondents without injunctions ordered against them contributed disproportionately to the arrests of the overall civil sample during the one-year observation period.

Figure II.66 Arrests of Respondents in Civil Injunction Cases Entering Court during July, 1993, during One-year Observation Period, by Permanent Injunction Disposition



Jailing of Respondents on Criminal Matters During One-year Observation Period

Approximately 25 percent of the sample respondents found themselves in jail at least once during the one-year follow-up period. We estimated that about half of these (13 percent of all respondents) were jailed in connection with offenses potentially classified as involving domestic violence.

Subsequent Civil Action During One-year Observation Period

Slightly more than one-third of the civil cases we studied resulted in an order by a judge for a permanent injunction. During the follow-up period, 14 percent of respondents against whom injunctions were ordered were shown to have violated at least one condition of the permanent injunction, and about ten percent of respondents had new petitions for injunctions filed against them by the same petitioner.

Summary: Nature and Processing of Civil Requests for Protection Orders

Information sources in the civil cases differed in quality from those available for the misdemeanor and felony samples. For example, there were fewer sources from which to determine the likely role of substance abuse in the alleged incidents and very little information on the petitioner. However, there was more extensive prior history information given by the victim (petitioner) to the DVCU staff. While we acknowledge the information limitations, the descriptions of the alleged incidents in the injunction process were striking in several respects.

First, the types of incidents described appear serious, in many ways the equivalent of incidents found in some misdemeanor and even felony cases studied. Secondly, the prior histories of domestic violence or abuse reported by the petitioners were dramatic; nearly half had reported previous death threats by the respondent. One-fourth reported previous threats using guns. The injunction cases differed in other ways. While the dominant alleged victim-offender gender dyad was still male-female, a larger proportion involved female respondents (alleged offenders) and male and female petitioners (alleged victims) than in the criminal caseloads studied. Children were somewhat more often involved in the living situations, in the personal relationships, and in the incidents than was apparent in the criminal cases. A smaller proportion of the injunction cases involved spouses or ex-spouses than in the criminal baseline samples. Evidence of alcohol or substance abuse involvement in the alleged incidents was much less frequent in the injunction cases; however, this may be due to major data limitations or petitioner reluctance to disclose such information, not to actual levels of substance abuse. Finally, injunction cases involved respondents who had prior problems with the justice system. A majority had records of prior arrests, a minority for offenses of the type possibly associated with

domestic violence. About one-third were rearrested for the same types of offenses during the follow-up period, about 14 percent for offenses with the same victim.

VII. Summary and Discussion of Findings from the Baseline Study of the Dade County Courts' Domestic Violence Caseload

The purpose of the first phase of the domestic violence court research in Dade County has been to provide information about the nature and impact of domestic violence cases on the court system, about how cases are processed and about the judicial impact on reoffending during the baseline period. The baseline research provides descriptive findings relevant to some of the key research questions outlined in Part One of this report and provides a frame of reference for the second phase of research, which focuses more narrowly on substance abuse and batterer treatment. In this section, we conclude by discussing some of the principal themes and issues that are raised across the different components of the overall domestic violence caseload in the Dade County Courts.

A Note on Method

In the introduction to Part Two, we argued that the baseline data help address questions about the nature of the domestic violence caseload, the role of the courts in the disposal of domestic violence cases, and the impact of the courts on domestic violence incidents, with special emphasis on the misdemeanor Domestic Violence Court. These data have helped to characterize the population of domestic violence cases that enter the court system and, within the constraints of the various sources of data, to characterize the role of substance abuse and treatment in the Dade County setting.

Evaluation of these questions is difficult because of the degree of dynamic change that has occurred in society and criminal justice generally, and in the courts in Dade County specifically, in the area of domestic violence. We were not able to employ an experimental design in this component of the research to tease out the impact of the court reform of domestic violence processing. The recent history of rapid change and practicality have pre-empted that

possibility. Moreover, we were not able even to devise a fully satisfying “before” and “after” comparison (with the exception of our comparison of misdemeanor filings in 1990 and 1993) as a second-best approach because of constantly changing justice practices.

Perhaps the biggest obstacle has to do with how domestic violence offenses were identified in the recent past. Until very recently in Dade County, “domestic violence” was not an offense category specifically designated at the time of arrest. Rather, domestic violence might be subsumed as an element of one or more of a wide variety of possible person and property offenses. Currently, domestic violence arrests are better identified in Dade County, though such identification is still not absolutely reliable and depends on what different County policing agencies identify as domestic violence at the arrest stage. As a result, it would be very difficult to draw a sample of pre-existing domestic violence cases for comparison with current caseloads.³⁵

To add to the obstacles in the way of even pre-post comparison of domestic violence case samples over time, the legal definition of domestic violence has also changed. It is now much broader and more inclusive of a variety of behaviors and relationships not formerly specified in law (nor popularly thought of) as domestic violence. As a result of these measurement and definitional complexities, the baseline sample employed is taken from a period just after the first year of operation of the Domestic Violence Division in Dade County. In fact, without this reform of traditional court practices in this area, we would not have been able to identify a representative sample of domestic violence cases quite so well. (In fact, improvements associated with the implementation of the Domestic Violence Division set conditions in place that made this study of domestic violence in the Dade County court system possible.) Thus, analysis of the baseline data reflects reform procedures in their earliest stages of implementation. The baseline data prepare the way for the treatment experiment—a study of reform within a reform—presented in Part Three of this report.

³⁵With the assistance of court Domestic Violence Coordinating Unit staff, we did locate a sample of misdemeanor case filings from the spring of 1990 for comparison with the 1993 misdemeanor sample described in the baseline study. However, this could only be done by reading all 1990 files in related offense categories to determine whether a case actually involved domestic violence. This approach was extremely labor-intensive and would have been impractical on a larger basis.

The Nature of the Domestic Violence “Caseload”

In order to ask questions about the impact of the courts in disposing of domestic violence matters, it was first necessary to examine the larger context of the “overall” domestic violence caseload. In 1993, approximately 16,000 domestic violence cases were filed in the Dade County court system. About 47 percent of these were civil injunction filings, 30 percent were misdemeanor cases, and 23 percent involved felony charges. (Domestic violence filings accounted for a small but significant part—from six to eight percent of civil, misdemeanor and felony caseloads—of the overall work of the courts in 1993.) Based on the interrelationship among civil and misdemeanor, misdemeanor and felony, and criminal and civil cases, the analysis of the Domestic Violence Court dealing with misdemeanor cases began with an attempt to understand the larger context. Thus, this first phase of the study examined a cohort of domestic violence cases that entered the Dade courts, and sampled contemporaneous civil, misdemeanor and felony cases. In analyzing of the separate caseload components, the aim was not only to identify characteristics of the processes and caseloads that distinguished one component from another, it was also to find general themes illustrative of the domestic violence caseload of the courts as a whole.

Common Threads

Common themes were found that helped characterize the separate civil injunction, misdemeanor and felony cases. This confirms the importance of understanding particular aspects of the specific caseloads in relation to knowledge of the attributes of the “overall” domestic violence caseload.

- Age, Race, Gender, Employment: The age, gender and racial/ethnic make-up of participants in domestic violence caseload varied little by case type (civil injunction, misdemeanor, felony). Domestic violence defendants and respondents were somewhat older than other Dade County defendants (with an average of 32 years). Most—but not all—defendants /respondents were male; ten percent of misdemeanor defendants, 15 percent of felony defendants, and 25 percent of civil respondents were female.³⁶ A majority were employed—a

³⁶ We were unable to determine how often cases involved mutual arrests or “cross-injunctions.”

finding not in line with attributes of other populations of criminal defendants in Dade County.

- Gender in Offender-Victim Relationships: Although the majority of offender-victim (defendant-complainant) relationships were male to female, female-male, female-female, and male-male relationships were also found in domestic violence incidents in both civil injunction and criminal cases. These findings reflect not only the diversity of domestic or family violence incidents but also illustrate the broadened scope of the law relating to domestic violence as it includes other types of personal and familial relationships.

The issue of gender “symmetry” (a.k.a. “sexual symmetry”) in domestic violence has been discussed in the literature from opposing perspectives, with Steinmetz (1977) and Straus and Gelles (1988), for example, suggesting that it is more common than supposed, and Dobash et al (1992) dismissing it as a myth. Our findings do not show gender symmetry in domestic violence incidents which reach the courts, but do suggest that, in a minority of incidents, relationships other than male-to-female are involved. This finding of greater diversity in gender relationships raises questions for batterer treatment programs designed only for male offenders.

- Types of Offender-Victim Relationships: Over 40 percent of misdemeanor and civil injunction cases involved spouse/ex-spouse relationships. In contrast, boyfriend/girlfriend (or ex-boyfriend/girlfriend) relationships were common in felony and misdemeanor cases (46 percent and 45 percent, respectively) and less frequent in civil injunction cases (roughly one-third). “Other relative” relationships figured much less prominently in felony cases (12 percent) and non-family domestic relationships were involved in 15 percent of the civil injunction cases. Parent/child relationships made up a small proportion of all three types of cases, although they accounted for a somewhat larger percentage of felony cases (eight percent).
- The Role of Children: A prominent theme across civil injunction, misdemeanor and felony cases involved the direct and indirect impact of domestic violence incidents on children. In roughly half of domestic violence cases, children lived in the household where the incidents allegedly occurred. From 30 to 50 percent of the parties had children in common. Children were present at the incidents in from 14 to 16 percent of cases and were themselves

physically harmed in the incidents less than one to four percent of the time. Together these measures demonstrate the potentially large impact of domestic violence on children, whether directly or indirectly, physically, psychologically, or in other related ways.

- The Role of Substance Abuse: A conservative estimate is that from 40 to 50 percent of defendants or respondents in domestic violence cases used alcohol or other drugs of abuse at or near the time of the precipitating incident. These findings make a strong case that, for a very large proportion of persons in domestic violence cases, substance abuse plays a significant role in the problem to be addressed by the courts.
- Prior Criminal History and “Escalation”: Part of the rationale of the Domestic Violence Court in focusing on misdemeanor domestic violence offenders rested on the perspective that domestic violence “escalates” from less serious into more serious behaviors. According to this reasoning, misdemeanor cases represent offenders that typically have reached a serious stage of “development” in their abusive histories, but not yet involving the extremely dangerous type of behavior more likely to be associated with felony-level cases, when preventive interventions might be viewed as too late. Extending this reasoning, one might hypothesize that, in general, respondents would have less extensive (“pre-criminal”) prior and current histories in civil injunction cases, more serious histories in misdemeanor cases, and most serious histories in felony cases.³⁷ However, while the findings from the baseline data on offender background were mixed, they do not appear to offer strong support for the “escalation” perspective.
- Few “Specialists”: Defendants and respondents in the three types of cases were not often “specialists” who showed no other record of prior involvement in criminal justice except for domestic violence.
- Few “First-Timers”: Apart from a small minority who were indeed, “first-timers,” according to official records at least, most had prior records of arrest and convictions comparable to other criminal court populations. A majority of defendants and respondents had prior histories of arrest (59 percent of civil injunction respondents, 65 percent of misdemeanor

³⁷ This hypothesis oversimplifies the three caseloads somewhat. In fact, while many civil injunction cases are not accompanied by criminal charges, some petitioners have petitioned for temporary injunctions on advice from the State Attorney after an arrest. Similarly, a notable proportion of felony cases were subsequently forwarded down to the Domestic Violence Division for processing as misdemeanors.

defendants, 69 percent of felony defendants). Many had prior arrests for felonies in the last three years (27 percent of civil, 32 percent of misdemeanor, and 42 percent of felony defendants). Twenty-three percent of respondents, 36 percent of misdemeanor defendants, and 39 percent of felony defendants had assaultive prior arrests potentially classifiable as domestic violence related.

- Overlap Between Civil Injunction and Criminal Cases: In fact, both in their attributes and in the processing of their cases, civil injunction, misdemeanor, and felony defendants “overlapped” considerably—as they showed involvement in more than one category of the caseload and/or moved from one court jurisdiction to another.
- Differences in Form and Seriousness of Incidents in Current Case: These data do not offer strong support for the notion that the three types of cases represent persons in different stages of development or “escalation” in their domestic violence behaviors. Instead, the data may support the interpretation that, by the time these matters have reached the courts, the cases involve both fairly serious allegations and participants with prior experience in the criminal justice system, regardless of the path they have taken into the court system. The fact that the three populations of alleged offenders do not differ greatly in prior history may suggest that they differ mainly in the form and seriousness of the alleged abuse that has come to the attention of police and the different courts *in this instance*.
- Prior Histories of Domestic Violence Reported by Petitioners/Complaining Witnesses: The backgrounds of prior arrests of civil injunction respondents appeared less extensive than either misdemeanor or felony defendants in the specific area of domestic violence offense. However, the accounts provided by petitioners in those cases revealed that most respondents (87 percent) had long histories of abusive incidents with the same petitioner. Although such interview data did not exist for the misdemeanor and felony samples, we estimate similar abuse histories across case type.
- Prior Involvement in the Civil Injunction Process: Relatively small proportions of respondents and defendants had been involved in civil cases with the same victim within the last year (11 percent of respondents, seven percent of felony defendants, and four percent of misdemeanor defendants). Because of the difficulty in accessing information and cross-

identifying parties in criminal and civil matters in files, we believe these to be notable underestimates.

Caveat: Limitations of Available Data in Portraying Domestic Violence Incidents from Court Sources

These findings and others described in the text above do begin to shed light on the nature of the domestic violence incidents and respondents/defendants in civil and criminal cases reaching the courts. They present a picture of what the court system is dealing with in processing the totality of domestic violence matters, as cases entering the civil injunction, misdemeanor and felony processes. In drawing inferences from these court-based sources about the nature of domestic violence itself, however, it is important to keep in mind that the data are “biased” from a research perspective in important ways. First, domestic violence cases differ from all domestic violence incidents in that they have come to the attention of the courts because a victim has petitioned in civil court for protection or the police have been notified and the incident resulted in the arrest of a defendant. Either means of entering the court system certainly represents a small and more serious portion of all domestic violence incidents. Second, most of the information we have gathered has been directly or indirectly supplied by the “victim,” represented in our samples as petitioner or complaining witness. Thus, often we are reporting on the victim’s perspective of both the incident and the “offender” (respondent/defendant), whether stated directly or conveyed by police, prosecutor or court agency. Often, for example, it is from the victim’s characterization of the defendant’s substance abuse that we make our estimates of the role of alcohol and drug abuse in domestic violence. Finally, the data are further filtered by official agencies and their recording practices. Thus, police and prosecutorial data represents facts about alleged incidents once-removed from the victim, “as told to” the police or prosecutorial staff, and organized and interpreted by them for official purposes. One interesting artifact of this situation is that we have little information about the victim or petitioner, her/his background, use of drugs or alcohol, or role in the domestic incidents with which to complement offender data. These “filters” should be kept in mind when drawing inferences from the data about the nature of domestic violence incidents, the role of substance abuse, and its apparent correlates.

Adjudication of Domestic Violence Cases

- Case “Drop-out” as an Obstacle to Judicial Decision Aims: Civil injunction, misdemeanor and felony cases shared the “drop” phenomenon (albeit flexibly defined). A very high drop rate (59 percent)—dismissals, no-actions, and nolle prosses—characterizes the processing of felony cases which is even more pronounced in light of the fact that many of the remaining cases are also transferred to the misdemeanor court, leaving only about one-fourth of felony matters to be adjudicated in felony court. Similarly, if not granting a permanent injunction is a rough functional equivalent, the “drop” phenomenon is a feature of the civil injunction process as well, where more than 60 percent of temporary injunctions do not result in permanent injunctions. The exception is found in the Domestic Violence Court where misdemeanor cases are now dismissed at a notably lower rate (37 percent). (This is a reduction from past practices.)

The “dropping” of cases of any of these types can be understood in more than one way. From a due process perspective, it may be fair to conclude that, in large numbers of alleged domestic violence matters, evidence did not support further judicial action. From a different perspective, prosecutors and judges who are concerned about the system’s ability to respond to domestic violence have raised questions about the “drop” phenomenon in domestic violence cases, arguing that cases in which serious abuse has occurred have sometimes been thwarted by actions taken or not taken by the victim because of her/his fear of personal consequences for testifying or otherwise pursuing criminal or civil actions. To the extent that this perspective is accurate, case drop-outs represent a major problem for the goals of prosecution, adjudication, and societal intervention in domestic violence cases. When cases are dropped or dismissed, it can be argued, victims cannot be protected from the offender. If the prosecutor cannot present evidence, the court cannot intervene appropriately. From this perspective, because of the heavy burden placed on the petitioner, complaining witness or victim, the judicial aims of specific deterrence, treatment, and even desert cannot be realized if a large number of the targeted offenders drop from judicial processing.

- Diversion and Probation Common/Incarceration Rare: Among the cases remaining in the criminal process, the use of confinement was rare (one percent of misdemeanor and eight

percent of felony cases); probation and diversion were more common (53 percent of misdemeanor and 18 percent of felony cases).

Intervention and Treatment in Misdemeanor Cases

In Part Three, we report on the results of an experiment designed to test the impact of a redesigned method to provide treatment to substance abuse-involved domestic violence offenders. The baseline data in the Domestic Violence Court's misdemeanor cases provide useful background relating to the overall use of treatment against which the attempted improvements can be assessed.

- The Frequency of Treatment Dispositions: Treatment information was not available for felony defendants (and likely was not employed in more than the 18 percent of cases placed on diversion or probation, or some portion of the 16 percent bound down to misdemeanor court). Judges set treatment conditions as part of permanent injunctions in about ten percent of injunction cases, and as terms of diversion or probationary periods in 53 percent of all misdemeanor cases entering the Domestic Violence Court. Among misdemeanor defendants, about half were referred to batterer treatment. Forty-one percent of those were referred to a second treatment program, most to TASC for evaluation of substance abuse and possible referral.
- Treatment Outcomes among Misdemeanor Divertees and Probationers: At least 38 percent of all defendants/probationers ordered to batterer treatment were "revoked" by the treatment program at least once, though half were subsequently readmitted. About one-third of diverted defendants and probationers were either terminated or had no record of attendance at the batterer program within 90 days. About 42 percent were still in the 26-week treatment program after nine months; 24 percent were still in treatment at the one-year mark. After one year, 38 percent of those ordered to batterer treatment had successfully completed the program (47 percent of divertees, 33 percent of probationers). The records of participation in supplemental substance abuse treatment programs could not be reliably determined.

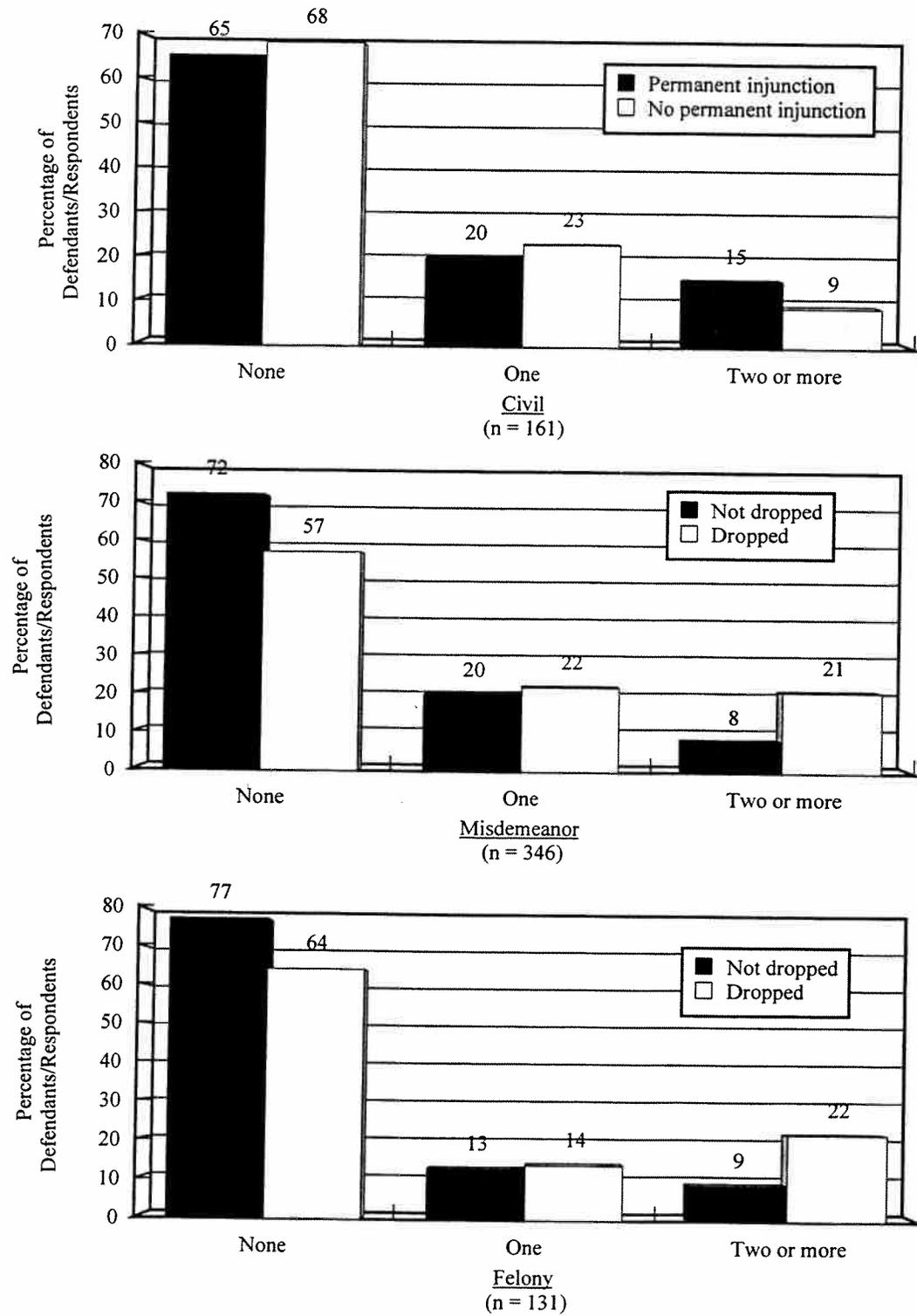
Reinvolvement of Defendants/Respondents in the Civil and Criminal Justice Systems

- Similar Rates of Rearrest across Case Type: Roughly one-third each of civil injunction, misdemeanor and felony respondents/defendants were rearrested for a criminal offense within one year of the initial filing.
- Similar Rates of Same-Victim Reoffending: From 12 to 15 percent of domestic violence respondents or defendants, depending on the type, were rearrested in the follow-up year for offenses in which the original complaining witness or petitioner was allegedly the victim.
- Reinvolvement in the Civil Injunction Process: Five percent of felony defendants, 13 percent of misdemeanor defendants, and ten percent of respondents in civil cases were the subject of filings in civil requests for injunctions in the follow-up year.

The Impact of Case Dispositions on Rearrest of Respondents and Defendants

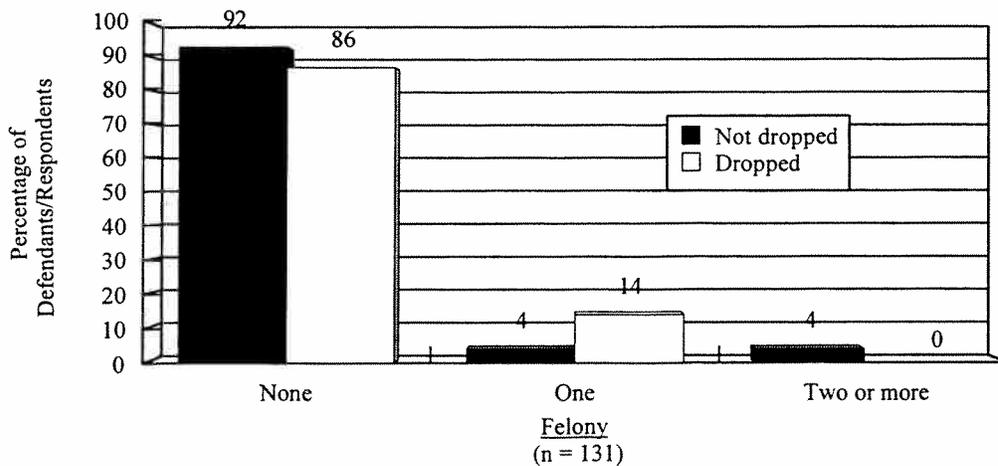
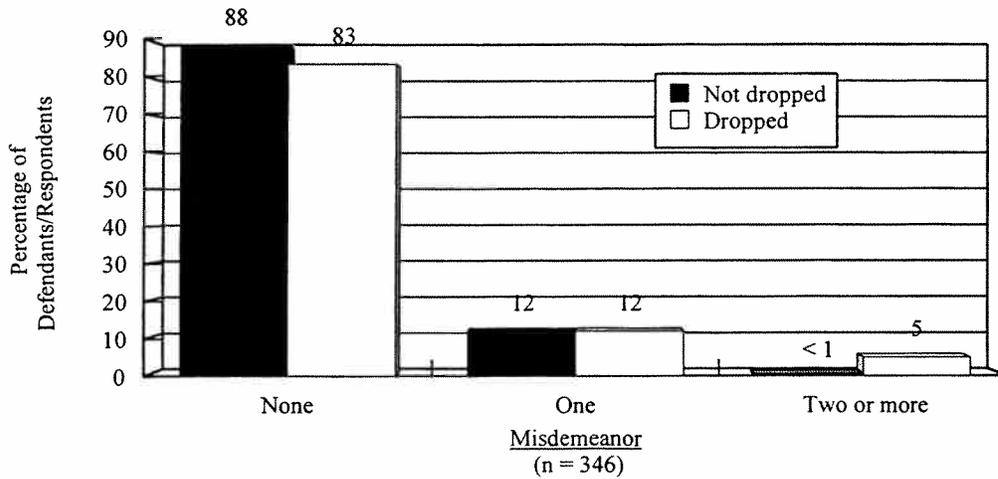
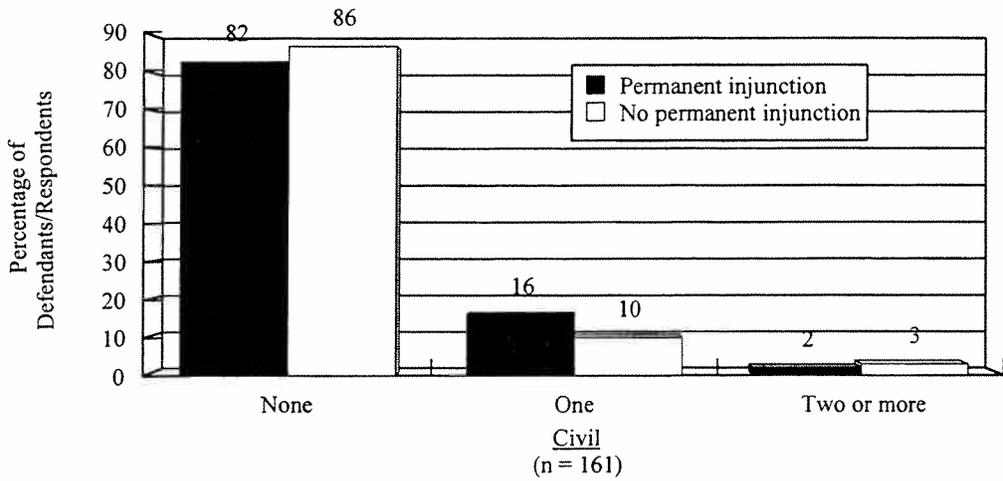
In different ways and among other goals, court processes in the civil, misdemeanor and felony areas are concerned with minimizing reoffending among offenders generally and in preventing further domestic abuse specifically. Although, as we have noted, this baseline research did not have as one of its aims the experimental evaluation of the three related court domestic violence processes (it is hard to conceive of the control groups for each system), some of the findings do raise issues about their relative impact—and about the reoffending proclivities of respondents and defendants and/or, at least, successive complaints of abuse by the same victims. Roughly one-third of the defendants or respondents in each type of case were rearrested for some criminal offense during the next year.

Figure II.67 Arrests of Defendants/Respondents during One-year Observation Period in Domestic Violence Cases in the Dade County Court System, by Type of Case and Case Disposition



Arrests during One-year Observation Period

Figure II.68 Arrests of Defendants/Respondents with the Same Victim during One-year Observation Period in Domestic Violence Cases in the Dade County Court System, by Type of Case and Case Disposition



Arrests during One-year Observation Period: Same Victim

Figure II.67 shows an apparent relationship between rearrests during the next year and drop-out (dismissal) in the misdemeanor and felony adjudication process. Defendants in cases that were dismissed had notably higher rates of rearrest than cases continuing on to adjudication. If one translates “continuing in processing” in the civil injunction process as having a permanent injunction ordered or not (and, admittedly, the analogy is not perfect), the question for the civil process is to determine the impact of court intervention beyond the initial two-month effect of the temporary injunction. (Cases not granted permanent injunctions are, in this analogy, the equivalent of cases dismissed in the criminal process.) Figure II.67 shows a very slight negative difference in later rearrest rates of respondents in civil matters, based on the granting of permanent injunctions. (Those with injunctions were rearrested slightly more often.) These results are repeated, on a smaller magnitude, for each type of case when the measure is more specifically rearrest for same-victim offenses in Figure II.68.³⁸

These findings are admittedly rough when examined at this level. In fact interpretation of case drop-out is not so simple. However, drop-out does raise important issues about the nature of court intervention in the civil and criminal processing of domestic violence cases. In the civil arena, a major question concerns the impact of temporary and permanent injunctions—which, after all, have different goals. Temporary injunctions are designed to prevent abuse temporarily pending a more in-depth consideration of the request for protection. Thus, temporary injunctions would be successful if further incidents did not occur within the period of the temporary injunction. Permanent injunctions aim to prevent domestic incidents (and address other concerns) for the subsequent year. The impact of permanent injunctions cannot be effectively assessed, therefore, without considering the judicial decision to grant or not to grant protection and the reasons for not granting it. These issues are not addressed in this research.

The findings related to the misdemeanor and felony processes are also provocative. They suggest that the highest rates of reoffending (at least as measured by rearrest) are generated by defendants who are involved in cases that are dismissed from the system at early stages and who

³⁸Note that the smaller differences are roughly comparable when the lower base rate for same-victim rearrests is taken into account.

are thus not the subjects of further court-imposed intervention, restraint, treatment, or punishment. Because we are admittedly talking about a rough correlation between case “drop-out” and reinvolved, we need to look more closely at what it is about “continuing in processing” that serves to reduce the chances that defendants will be reinvolved in crime and in same victim crimes during the subsequent year.

In the misdemeanor process, our hypothesis is that the Domestic Violence Court has shifted persons from the more common “credit-time-served” dispositions of the pre-Domestic Violence Court period, into treatment in diversion and probationary statuses and that “continuing in processing” is, for that court, mostly explained by diversion and probation treatment. We are not able to determine whether it is because of treatment effectiveness or something else about the processing of divertees and probationers, such as increased judicial contacts (judicial “reviews”) or supervision in the treatment process that is associated with a drop in reoffending. These data present at least good circumstantial evidence of that. As the Domestic Violence Court has reduced dismissals and credit-time-served dispositions and increased supervision and treatment of defendants/offenders, there has been a beneficial impact on reoffending during the following 12 months. We will explore treatment-effectiveness questions in more depth in the next part of the report.

Specific Evidence Relating to the Impact of the Domestic Violence Division

We have explained that this study has not been (and could not have been) designed to evaluate the full impact of the court reform and reorganization which resulted in the Domestic Violence Division and/or its special misdemeanor focus. We can say that the effect of reform is evident in much of what the research has been able to examine. The new procedures have made it possible to identify the domestic violence population entering the courts in a way that would have been difficult previously. Under these procedures, treatment services have been centralized, a staff has been specifically assigned to assist petitioners in the civil injunction process, and information previously unavailable has been assembled. By reorganizing and reconceptualizing the processing of domestic violence cases in the courts, court reform has set the stage for its empirical study in a way not possible earlier.

In the one specific pre-/post comparison we were able to make, we contrasted the outcomes of misdemeanor filings under the new regimen (in the spring of 1993) with a parallel sample drawn from the spring of 1990. We found a reduction under the Domestic Violence Court in the number of misdemeanor cases dismissed, a major reduction in "credit-time-served" as a primary disposition (from nearly one-third of cases in 1990 to zero in 1993), and a major increase in the use of diversion and probation dispositions placing the defendant in treatment. These differences mark an apparent notable shift in the kinds of dispositions in misdemeanor cases from the previous period to procedures associated with the implementation of the Domestic Violence Court. We have further noted above that a beneficial side-effect of this shift in case dispositions appears to be lowered rates of reoffending among defendants whose cases are not dropped from the court process in the early stages.

Conclusion: Information Needs in Judicial Disposition of Domestic Violence Cases

Practical Information Issues

This phase of the research has shown a number of critical information needs that are central to the appropriate and effective handling of domestic violence cases.

- Information from civil filings was not readily accessible in subsequent civil and/or criminal matters where knowledge of previous incidents and system intervention could be critical. In addition, this lack of information meant that little could be known about compliance with earlier court-based interventions or their effectiveness in preventing domestic incidents.
- It proved very difficult, although perhaps not surprisingly, to link civil information and criminal information on a systematic basis.³⁹ It was difficult to check, for example, whether a defendant had outstanding injunctions from the civil process or whether civil parties had prior or outstanding criminal matters relevant to decisionmaking in the current cases. This difficulty with related information made it less likely that the aims of the system to protect victims or prevent further occurrences could be accomplished.
- The nature of substance abuse-related problems among respondents and defendants, and

³⁹It may be more productive when the victim sits with the interviewer and assists in identifying cross-linked information in individual cases.

petitioners and victims is very difficult to determine reliably through current sources and procedures. The reason for this is the major role circumstantial information plays in court proceedings. Current procedures do not provide reliable information “up front,” at the early stages of processing when decisions about treatment are made. In addition, little information from TASC assessments makes its way back to a central repository for monitoring and review of cases and programs. In fact, there is no way the Dade courts could know about which defendants or respondents had relevant alcohol or other drug abuse problems, what drug assessments ultimately showed, and/or how defendants fared in treatment, if they were assigned to treatment, or if they ever attended it.

- It was very difficult to gather data and therefore learn about the petitioner or victim in domestic violence cases. Again, perhaps not surprisingly, the information compiled mainly focused on the respondent or defendant. As a result, it was not possible to draw inferences about joint attributes or problems that might characterize domestic violence incidents, such as the use of alcohol or controlled substances, living arrangements, etc. This lack of information also circumscribes the kinds of approaches that could be deployed in different kinds of cases, particularly relating to the needs of the victim and other family members.
- The baseline study showed that, except for the basic information recorded by the Advocate Program which served as the central screening agency, data relating to attendance and participation in batterer or other treatment programs and other activities was practically non-existent, or at least not accessible within current resources. This raises questions about the accountability and effectiveness of programs and participants. The content of treatment, and the services that are actually delivered and experienced, remained mostly a mystery from the perspective of documentary evidence derived from the baseline study.
- From the data available during the baseline study, there was no way to determine how well the petitioner or victim was being served by the actions taken in civil and criminal cases on the victim’s behalf—except when rearrests occurred or injunctions were violated. Even though this is a very sensitive area and needs to be addressed with great care, development of some form of feedback would help determine whether victim-directed assistance, and services directed at the defendant or respondent, have been effective from the point of view and experience of the victim.

Principal Information Needs for Judicial Decisionmaking

Collectively, the findings from the baseline research in the civil, misdemeanor and felony courts in Dade County point to five principal issues or core information problems for judicial decisionmaking in domestic violence cases:

1. Quality of Factual Data Regarding Case and Caseload for Judicial Decisionmaking
2. Promoting Victim Safety
3. Addressing Other Needs of Victim and/or Family for Assistance
4. Determining Appropriate Options for the Offender
5. Assessing Treatment Needs, Amenability and Safety Risk of the Offender

1. Quality of Factual Data Regarding Case and Caseload for Judicial Decisionmaking

There are at least two kinds of information needs facing judicial decisionmaking in domestic violence cases in civil and criminal matters: a) a need for complete and accurate information forming the evidentiary basis for the judicial decision in individual cases, and b) a need for a body of information regarding the types of cases and situations encountered in the domestic violence caseload, the problems they present, and the solutions they require. The first type of information need goes to the quality of the factual information available for judicial decisionmaking.

Case-Level Information: Great improvements have occurred in the civil system in Dade County with the establishment of the Domestic Violence Coordinating Unit, which deals with victims requesting protection and assembles pertinent information for the judge who will decide petitions. The quality of information at the initial stage of the civil process is critical because the judge's decision to grant a request for a temporary injunction is based largely on the information provided by the petitioner about a respondent and is decided *ex parte*. At the time of this research, the terms of a temporary injunction, once issued, went into effect for a period of 30 days. (More recently, this period has been shortened to 15 days.) At stake in the temporary injunction decision is the safety of the victim (and possibly other family members), on the one hand, and the rights of the respondent on the other. Failure to address the emergency situation of a victim being abused could mean serious injury or worse, when a timely temporary injunction might have prevented it. From the respondent's perspective, poor or untrustworthy information before the judge can lead, at least temporarily, to a loss of access to home and family, and make

him or her subject to other serious restrictions in movement or activity. In instances when the allegations prove later not to be founded, the respondent will already have been exposed to the embarrassment and shame of such an order and can only await the permanent injunction hearing to have the situation corrected. Given the necessity to make the decision to grant a temporary injunction in a very short period of time (and the fact that nearly all temporary injunctions were granted in our study), the availability and quality of factual information to support the judicial determination are critical to achieving just outcomes in this difficult area. The same issues are involved at the permanent injunction hearing stage, although there is more time to collect and review information, and both parties may be present with or without counsel at a hearing before the judge.

The adjudication of domestic violence cases in the misdemeanor and felony courts have traditionally faced difficult evidentiary issues, due to the fact that the main evidence often offered is the testimony of the complaining witness. The burden this places on a victim sometimes proves too great and results in a reluctance to testify or to attend court proceedings. The findings in the felony baseline sample showing 59 percent of felony charges dismissed were explained mostly by the actions (or inaction) of the complaining witness. This dilemma—how to provide support for victims who are afraid—represents a long-standing and traditional information /evidence problem associated with the prosecution and adjudication of domestic violence crimes, one that has stubbornly resisted police and prosecutorial strategies to overcome it (through mandatory arrest and prosecution policies, for example).

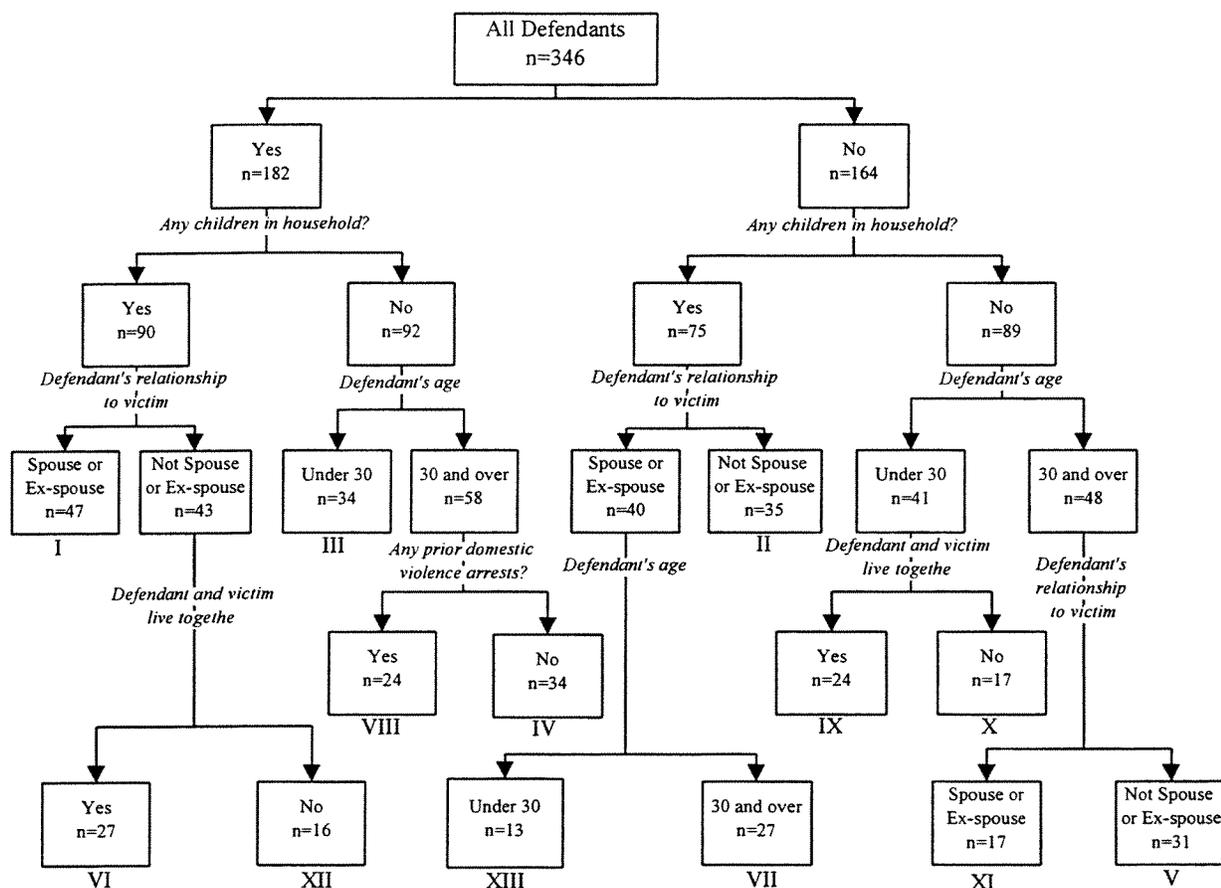
Caseload-Level Information about the Dimensions of Domestic Violence Cases: Setting aside the information difficulties associated with legal decisionmaking in criminal and civil injunction matters, judges face a larger and perhaps more fundamental information problem. This relates to the knowledge of the diversity of incidents, problems and relationships associated with domestic violence as it appears in cases before the courts. Even if we assume that the requirements for effective legal decisions could be addressed, judges will still face major challenges when trying to understand the particular situations before them and in feeling confident about the kinds of options that are most likely to be appropriate under different circumstances, because all domestic violence cases and incidents are not alike. Although experienced judges will accumulate a “mental map” of domestic violence cases, all judges could

benefit from an empirically-derived “domestic violence incident typology” which would display the kinds of cases usually dealt with by the court and the kinds of options that could be productively considered—based on the jurisdiction’s own caseload.

Such a typology would answer the question, “What kinds of situations are most commonly encountered in the Dade County Domestic Violence Court?” Debate and problem-solving could then center on the best ways of responding to the salient features of each type of case. To illustrate the role of this kind of information resource, we could draw on the findings presented above describing the nature of the misdemeanor caseload. One could argue, for example, that several case attributes or themes meaningfully divide cases into different categories of relevance to the judicial decisionmaker. (The appropriateness and relative importance of such attributes is a matter for discussion.) To begin, one might posit that cases differ notably according to whether the parties had been living together or not at the time of the allegation, assuming that the nature of the problems may differ between live-in partners and those not in joint living relationships. Second, the specific nature of the personal relationship between victim and offender might also meaningfully divide cases into different types: Does the relationship involve a spouse or ex-spouse versus some other type of relationship (“boyfriend-girlfriend,” sibling, offspring-parent, etc.). A third key case attribute may be the gender relationship between alleged offender and victim and be related to the two previous definers in identifying potentially different kinds of domestic violence situations. While cases involving male-on-female incidents were by far the most common, other gender relationships were also in evidence in our data sets. From ten to 25 percent of the samples, depending on the type, involved alleged female protagonists, in female-on-female as well as female-on-male incidents. Moreover, some of the cases involve male-on-male incidents. The age of the respondent or defendant might serve as a fourth key variable in differentiating types of incidents or problems presented to the judge in particular cases. Defendants in different cases differed greatly in their ages (half were over 32 years of age): Were the incidents involving below-30 “boyfriend-girlfriend” relationships substantively the same as those involving spouses over 50? A fifth important definer could be the prevalence of children in the situations or incidents themselves: Roughly half of the incidents in all samples involved households with children, half of that number involved incidents in which the parties had children in common. Does the apparent prior history of

criminal or more specifically domestic violence offending, a sixth criterion, also make an important difference to a judge in characterizing the type of case being presented? And, finally for the purposes of this illustration, one might also argue that the involvement of alcohol or substance abuse should set some cases apart as presenting special problems for the judge to address. (Some might place this criterion at the first level.)

Figure II.69 Developing a Domestic Violence Incident Typology from Misdemeanor Cases Entering Dade County's Domestic Violence Court, March 15-April 19, 1993



Quite likely, each judge involved in domestic violence case decisionmaking has some conceptual framework within which she/he classifies the incidents presented in the cases using similar criteria. Figures II.69 through II.71 illustrates how empirical classification of the misdemeanor domestic violence caseload in Dade County based on these criteria results in 13 principal "types" of domestic violence cases. Figure II.69 is an upside-down tree chart that successively splits the misdemeanor sample based on the criteria just mentioned, though in a

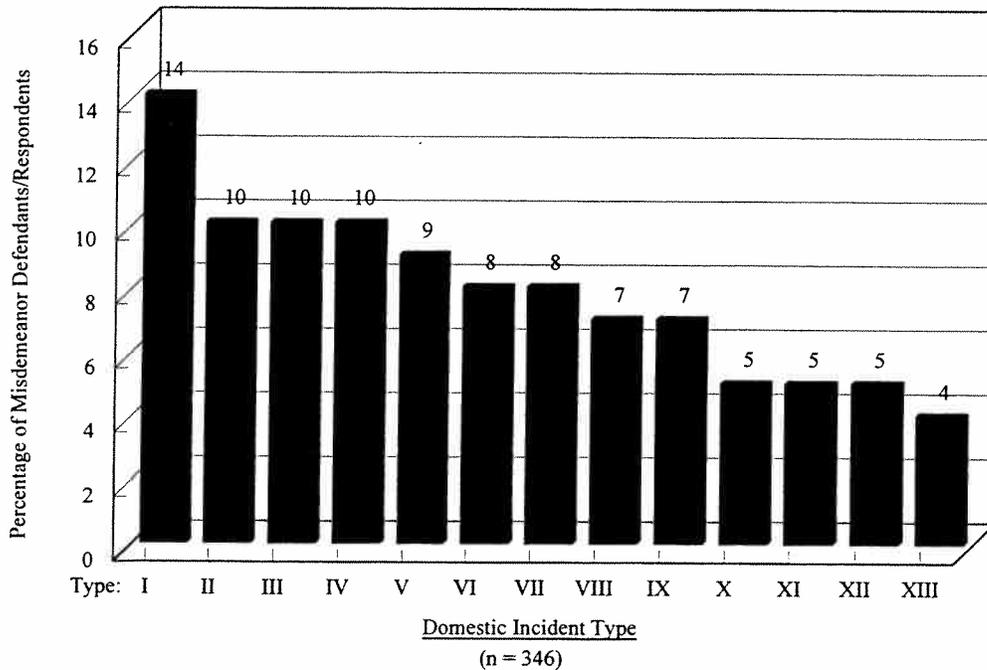
different order. First, cases with and without apparent substance abuse involvement are divided. Then each of the two resulting groups are further divided by whether there were children in the household or not. On the next level, each of these four categories are further sorted into eight groups based on the defendant relationship to the victim and the defendants age. Living arrangements, prior history of domestic violence arrests, age and personal relationship are used to produce final splits. Divisions of categories stop based on too few numbers of cases remaining in a group. The result is 13 final categories or end-groups. By reading from the terminal group back up the path, one finds the descriptors that define each class of domestic violence case/incident.

Figure II.70 Definition of "Types": Domestic Violence Incident Typology from Misdemeanor Cases Entering Dade County's Domestic Violence Court, March 15 - April 19, 1993

Type	Description	N	% of all
Total	All defendants	346	100.0
I	Indication of defendant drug and/or alcohol involvement; children in the household; defendant and victim are or were married	47	13.6
II	No indication of defendant drug or alcohol involvement; children in the household; defendant and victim were never married	35	10.1
III	Indication of defendant drug and/or alcohol involvement; no children in household; defendant is under 30	34	9.8
IV	Indication of defendant drug and/or alcohol involvement; no children in household; defendant is 30 or older; defendant has no prior domestic violence arrests	34	9.8
V	No indication of defendant drug or alcohol involvement; no children in household; defendant is 30 or older; defendant and victim were never married	31	9.0
VI	Indication of defendant drug and/or alcohol involvement; children in the household; defendant and victim were never married; defendant and victim live together	27	7.8
VII	No indication of defendant drug or alcohol involvement; children in the household; defendant and victim are or were married; defendant is 30 or older	27	7.8
VIII	Indication of defendant drug and/or alcohol involvement; no children in household; defendant is 30 or older; defendant has prior domestic violence arrests	24	6.9
IX	No indication of defendant drug or alcohol involvement; no children in household; defendant is under 30; defendant and victim live together	24	6.9
X	No indication of defendant drug or alcohol involvement; no children in household; defendant is under 30; defendant and victim do not live together	17	4.9
XI	No indication of defendant drug or alcohol involvement; no children in household; defendant is 30 or older; defendant and victim are or were married	17	4.9
XII	Indication of defendant drug and/or alcohol involvement; children in the household; defendant and victim were never married; defendant and victim do not live together	16	4.6
XIII	No indication of defendant drug or alcohol involvement; children in the household; defendant and victim are or were married; defendant is under 30	13	3.8

Figure II.70 summarizes the 13 resulting classes or “types” in the typology, its defining attributes, and its relative prevalence among misdemeanor domestic violence cases. Figure II.71 displays the relative frequency of defendants with the attributes defined in the domestic violence incident typology. This classification is only illustrative but is presented here to demonstrate how, through an empirical and theoretical process, a classification of domestic violence case “types” could be developed. The purpose would not only serve as an informational reference for judges to show how a particular case fits the general characteristics of a certain “type,” but also would form a framework within which the Domestic Violence Court could begin to build a directory of suggested options that would address the problems associated with each of the incident types.

Figure II.71 Prevalence of Types of Domestic Violence Incidents in Misdemeanor Cases Entering the Dade County Domestic Violence Court, March 15 - April 19, 1993



2. Promoting Victim Safety

Most domestic violence cases present problems of assuring the personal safety of the petitioner or complaining witness (victim). This concern is at the heart of conditions set forth in civil temporary and permanent injunctions and stay-away orders issued in the criminal process.

Although in the civil and criminal process, decisions have to be made promptly to address safety concerns, information relating to the circumstances of the victim and defendant or respondent is critical to assessing the risks to the victim. Beyond the instructions in the different types of orders designed to assure the safety of the victim of domestic violence, characteristics of the situation may require that other arrangements should be made, perhaps through third parties or available support or service networks, to fully assure victim safety. Development of data and information guidelines that estimate the level and type of safety risk posed to victims represents an important need for the judicial decisionmaker in domestic violence cases.

3. Addressing Other Needs of Victim and/or Family for Assistance

In addition to questions of assuring the personal safety of the victim(s), particular cases may bring to light other needs associated with the victim's situation that should be addressed to prevent the recurrence of abuse. The judge needs accurate information about whether the victim requires temporary housing, counseling or other support services after incidents of abuse—and during court proceedings—to help return to normal functioning. The victim may need alcohol or drug treatment. Given the finding that in a large number of cases children were at least present in the household and were in some cases present during the alleged abuse, children may need special services to address the impact the domestic incident(s) have had on them. (Dade County's Domestic Violence Court has recognized the risk to children associated with domestic violence and has programs from public and private sources for counseling and treating the children associated with domestic violence cases.)

4. Determining Appropriate Options of the Offender

Judicial decisionmaking in domestic violence cases may involve any one or a combination of several goals when it comes to the "offender" (by offender, we refer to the respondent, defendant, or convicted offender). In the civil injunction process, restraint (through "partial" or total incapacitation) of the offender to prevent access to the victim, and specific deterrence (based on the threat of jail and criminal prosecution for violation of restraining orders) are the primary, preventive goals of judicial decisionmaking. Restraint (incapacitation) requires knowledge of the petitioner's and respondent's situation and the kinds of measures that would most likely be fair and effective. In our observation of the injunction process, treatment for

alcohol, drugs or abusive behavior was a secondary judicial goal in some cases and was based on information derived from the petitioner, respondent or others about problem behaviors.

In the criminal system, those same concerns are common, although in the misdemeanor court, treatment has been given a much greater emphasis. In fact, treatment while on diversion or probation occurs in the context of specific deterrence, in which the defendant or probationer risks revocation and possible jailing if offending reoccurs or if conditions of diversion or probation, including participation in treatment, are not adhered to. In considering these types of goals, the judge also weighs the safety risk (to the victim and/or public) posed by the offender. This could be addressed by employing a classification based on empirically derived indicators of probable safety risk. In the misdemeanor and felony court processes, punitive (desert) aims also play an important role depending on the amount of harm involved in the offense and the prior history of the defendant. It may overshadow other aims in the adjudicatory process, especially at the felony stages of processing. The realization of these aims, their interrelationships, and the options available and most likely to be appropriate, also present important information challenges for judicial decisionmaking in domestic violence cases.

5. Assessing Treatment Needs, Amenability and Safety Risk of the Offender

The emphasis on batterer and substance abuse treatment for the offender in the misdemeanor Domestic Violence Court (as will be discussed in more depth in Part Three of this report) presents significant information issues. These relate to determining the treatment “needs” of the offender, assessing the amenability and appropriateness of the defendant/offender to available treatments, identifying the kinds of treatment options or services most likely to be effective with particular types of domestic violence offenders, and balancing treatment options with estimates of public safety risks that the offenders are believed to present.⁴⁰ The social science classification issues presented in each of these areas are challenging, given that the judge would like to be able to consider the implications for (at least) two types of treatment, batterer and substance abuse (although mental health, physical health and other treatment services may

⁴⁰Fagan (1996:36) argues that approaches to date fail “to recognize the importance of differentiated responses for different types of batterers.”

also come into play), as well as have a reliable way to estimate the likelihood of reoffending and/or reoffending with a particular victim. Ideally, classification for treatment and risk should point to effective options for particular types of offenders and/or particular types of domestic violence incidents (see the discussion of an incident typology above). Court systems are at the early stages of developing the kinds of resources that could assist a judge in addressing these different types of information needs most appropriately.

**PART THREE:
INTEGRATING BATTERER AND SUBSTANCE ABUSE TREATMENT
IN DADE COUNTY'S DOMESTIC VIOLENCE COURT:
EXPERIMENTAL ASSESSMENT OF TREATMENT OUTCOMES**

**I. Integrating Batterer and Substance Abuse Treatment for Domestic Violence:
The Domestic Violence Court Experiment**

As a natural extension of efforts to reorganize the way domestic violence cases were processed in Dade County, court system leaders turned their attention to the role of substance abuse as a factor associated with large numbers of civil and criminal cases. In the planning process, which culminated with an implementation grant from the State Justice Institute, court officials sought to redesign the treatment process to accomplish several aims.⁴¹ First, and perhaps most difficult, they wished to create a treatment program that integrated substance abuse and batterer treatment into one experience. The rationale was based on the recognition that, if domestic violence and substance abuse were interrelated, treatment needed to recognize the participant as one person and address the two problems together. The new approach contrasted sharply with the treatment practices depicted in the baseline study of misdemeanor cases, where all defendants or probationers on diversion or probation were ordered to batterer treatment (via several providers) and persons with substance abuse problems were “referred out” for a separate, sometimes disconnected treatment process. The conceptual basis for this dichotomy in treatment services can be traced to the “Duluth Model,” of batterer treatment employed in Dade County, which excluded men with substance abuse problems from its program (Pence and Paymar, 1993:23).⁴² The practical result of this approach was to treat the two types of problem behaviors as if they were unrelated. It also meant that sometimes substance abuse problems were seen as disruptive to batterer treatment and that substance abuse treatment did not receive equal or

⁴¹For a program manual describing the planning process and the new program, see the court’s Dual Diagnostic Treatment Manual for Substance Abuse and Domestic Violence, Dade County Court Domestic Violence Division (forthcoming) to be available through the State Justice Institute. The State Justice Institute contributed funding to this part of the National Institute of Justice evaluation.

⁴²Other approaches to treatment of domestic offending are based on other assumptions about battering behaviors and would approach alcohol or substance abuse differently. See, e.g., the “ecological” approach of Edelson and Tolman (1992), the “domestic conflict containment” approach of the Department of Defense (Neidig and Collins, 1985).

sufficient emphasis. The result was that often the participant got lost among programs with different schedules, unrelated methods, and diverse locations.⁴³ Our analysis of the 1993 baseline misdemeanor data showed a large drop-out rate, among those assigned. Of those, more left from substance abuse referrals than from batterer treatment. The proposed integrated treatment approach (named “DSORT” by site officials) also sought to identify substance abusing domestic violence defendants more effectively, particularly at the earliest stages of processing, to improve the content of their treatment, to retain them in treatment longer with greater accountability, and to “graduate” more successes, thereby reducing domestic violence reoffending.

Implementation planning for the new integrated treatment approach had to address a number of difficult logistical issues. However, by far the most challenging aim was the “integration” of two treatment disciplines, batterer treatment and substance abuse treatment, that differed in perspective, method, substance, timeframe and the training background of staff.

The Duluth Batterer Treatment Model

For a number of years, persons were referred to treatment for domestic abuse through the Advocate Program intake screening and were placed in programs that employed a 26-week regimen based on the “Duluth” model. The Duluth batterer treatment model, which is oriented toward education and counseling, is didactic in style, and based on the conception that battering is a problem of power and control. This assumes that men have learned to use violence and abuse to maintain or exercise power over women (see Pence and Paymar, 1993). The model does not view itself as an “anger control” approach. Designed to move from the “Power and Control Wheel” model of interaction to the “Equality Wheel” model, the program, initiated in Duluth in the early 1980s, spends three weeks on each of eight themes in a series of educational/counseling sessions that deal with specific aspects of the abusive relationship assumed

⁴³The task of monitoring programs and their clients was formidable. In the baseline study misdemeanor sample we found a minimum of 11 batterer treatment programs and six substance abuse programs in use.

to be at the heart of behaviors of batterers.⁴⁴ Although 11 different providers were employed to provide batterer treatment to defendants and probationers during the period of the baseline study, it was reported that they were all trained and certified in the Duluth method.

Given the recent studies and commissions on violence,⁴⁵ the use of this form of treatment for domestic violence raises a number of questions, separate from those faced when the program was “integrated” with substance abuse treatment. One basic issue centers on the likely effectiveness of individualized treatment for violent behaviors and on the uniqueness of “domestic” violence as opposed to other forms of violence. In other words, the empirical literature is not optimistic that treatment will be effective in changing violent behaviors in general. Is domestic violence different? And if so, is it better able to lend itself to individual treatment? Some have argued against placing domestic violence offenders in treatment programs while in a diversionary status because they believe that diversion makes light of the seriousness of the offense, and that conviction and probation offers a preferable route to treatment (see Edelson and Tolman, 1992:131). The Duluth Model was not designed to treat persons on diversion from the courts. Although the research cannot “prove” the desert argument, the Dade court employed both diversion and probation forms of treatment and, as a result, this research has been able to shed some light on the relative effectiveness of treatment on the two populations. (The baseline research showed that the Domestic Violence Court placed more persons with serious prior records in probationary status into treatment and that these probationers showed higher rates of reoffending and treatment failure during follow-up than their counterparts on diversion.)

⁴⁴The themes treated in sequence over 26 weeks include nonviolence, non-threatening behavior, respect, support and trust, accountability and honesty, sexual respect, partnership, negotiation and fairness.

⁴⁵See for example Reiss and Roth (1993); Fagan (1989); Weis (1989).

The Substance Abuse Treatment Component

In designing the substance abuse treatment component, the courts chose to incorporate and modify existing Dade County treatment services that were designed for the Dade Drug Court in Circuit Court. The Drug Court treatment regimen provides mostly outpatient services in four phases estimated to take about 12 months to complete. It begins with detoxification in Phase I for a period of at least 12 days (seven consecutive negative urine tests). When this phase has been completed the participant then moves to individual and group counseling in Phase II, vocational and educational assessment and training in Phase III, and graduation in Phase IV. Each phase must be successfully completed. Under this substance abuse treatment approach, residential treatment is available but is employed selectively. Acupuncture is available throughout the process as an adjunct to treatment and drug testing is carried out regularly in conjunction with attendance at treatment sessions. (It is sometimes required at court hearings.) The substance abuse treatment tailored for the Drug Court offender was designed not to accept persons with violent behaviors. Within its nonviolent criminal clientele, however, a key operating assumption was that criminal (and other dysfunctional) behavior is best addressed by first dealing with addiction.

Where the Twain Shall Meet: Forging a Treatment Synthesis

The proposed DSORT treatment innovation began with the simple recognition that, for as many as half of the protagonists in the domestic violence cases entering the Dade courts, substance abuse played a contributing role and presented a formidable obstacle in the way of effective batterer treatment. (Note that the Duluth Model was intentionally not equipped to deal with substance abuse.) The major question the Domestic Violence Court faced was how to draw from both treatment methodologies to shape a new, integrated, unified treatment process likely to address the interrelated problems of substance abuse and domestic violence effectively. Some of the conflicting values and assumptions of the two methods are highlighted as follows:

Conflicting Values and Assumptions in the Two Treatment Methods

Substance Abuse Treatment

- Addiction is a serious health problem or disease which must be addressed first before other areas of dysfunction can be corrected.
- Substance abuse treatment may require a number of modalities but begins with detoxification and requires monitoring throughout the treatment process.
- Persons with violent behaviors are not appropriately dealt with in the outpatient-based approach favored in Miami for Drug Court defendants.
- Treatment is likely to be a difficult process with “slips” and “relapse” occurring over a long period (minimum of one year) with after care to follow.
- Staff are trained in addictive behaviors and certified for substance abuse treatment.
- Program failure may result in relapse into substance abuse and related property offending.

Domestic Violence Treatment

- Domestic violence or abuse may be explained by a number of factors. Alcohol and substance abuse should be dealt with separately (under the Duluth Model).
- The abusive and violent behaviors of offenders are given first priority in the treatment process.
- A positive change can be accomplished in a period of about 26 weeks.
- Staff are trained in domestic abuse treatment approach and have background in domestic violence.
- Program failure may result in not preventing serious injury or death of a victim.

Given these differences in values and assumptions about the problem behavior and how to correct it, the task of somehow integrating these approaches appears quite challenging. Among the questions that had to be addressed were the following:

- How does one “merge” the different conceptualizations of the problems the two treatment methodologies were designed to address: addiction as an illness requiring a long period of treatment versus violence as a behavior based on the “power and control” perspective regarding personal relationships?
- Which of the problems (violence or addiction) takes precedence and how does one sequence detoxification and acupuncture, for example, with components of the batterer treatment curriculum of the Duluth program model?
- How does one employ staffs with different backgrounds, styles, outlooks and training? Can staffs be cross-trained so that both types of treatment staff can do both? Do staffs alternate in leading treatment sessions of different types?
- How does one fit the integrated approach into 26 weeks (given that this represents a short treatment period from the perspective of substance abuse treatment)?

- How does one define success (and, more practically, how does one define success in 26 weeks, not in 12 months)?

In addition to these kinds of questions, a number of other issues are raised by the integrated DSORT treatment concept:

- The Domestic Violence Court idea has integrated some of the characteristics of the Drug Court approach in which the judge and the courtroom are adapted to more frequent and more “hands-on” involvement in the treatment process. It therefore faces some of the same treatment versus case processing challenges posed by the treatment drug court model.
- Like drug courts, the Dade Domestic Violence Court has attempted to devise a custom-made treatment approach to a specific population of offenders. In so doing, it has had to develop a working relationship between the criminal court and treatment that did not previously exist.
- The aim of treatment of domestic violence offenders is to reduce violent behavior. It thus assumes that, at least in some instances, such violent offending is amenable to treatment, particularly at the misdemeanor level.
- The integrated treatment approach (DSORT) is based on an assumption that, beyond the already difficult attempt to marry justice processing and treatment, two different treatment disciplines can be merged or integrated substantively and operationally to deliver a new hybrid treatment approach that will have the desired results.

These and other problems of substance and method characterized the implementation process that sought to produce a more streamlined, accountable and effective treatment process. The obstacles encountered in trying to assemble this approach and to implement these aims are complex, even more so than those encountered in the creation of the original Drug Court in Dade County. Many of the findings we present in this section of the report should be understood in the context of these difficult implementation problems.

Design of the Treatment Evaluation: An Experimental Assessment and Pilot Victim Survey

The following summarizes the elements of the experimental research design employed in the evaluation of the DSORT treatment innovation.

- Substance-Abuse-Involved Defendants/Offenders in Treatment: An Experimental Design: An experimental design was employed to examine the treatment of domestic violence defendants and offenders identified as substance-abuse-involved, comparing an “experimental” group (sent to the DSORT program) with a contemporaneous control group (sent through the normal, “County/TASC” program which referred participants out to separate substance-abuse treatment centers as “add-on” treatments). The sampling period included all cases received at Advocate for intake between June 9, 1994, and February 28, 1995 (experimental n=210, control n=140).⁴⁶ The progress of persons in both groups was followed for a seven-month observation period to determine treatment status, and to chart reinvolvement in the criminal and civil justice systems. The last case accepted in the sample entered processing in February of 1995, thus the follow-up concluded at the end of September, 1995. Extensive data were collected from a variety of sources including civil and criminal files and various treatment agency records.
- Criminal Justice Follow-up of Non-Substance Abusing Domestic Violence Divertees and Probationers Assigned to Treatment: The experimental design was supplemented by a contemporaneous sample (n=150, a 12 percent random sample) of divertees and probationers who were *not* identified as having substance abuse problems and were assigned only to batterer treatment during the same period. The purpose of following this non-equivalent comparison group was to collect some information on the performance of non-substance abuse-involved divertees and probationers. Due to resource constraints, we did not study the treatment outcomes of these individuals, and were only able to collect data on rearrest during the seven-month observation period.
- Pilot Survey of Victims/Complaining Witnesses: Early in the research process it was determined that there was no source of information that could provide feedback to the Domestic Violence Court about the experience of the victims whose situations were to be

⁴⁶Because the control group appeared to grow at a faster rate than the experimental group due to the “exceptions” policy, we opted to stop sampling the control group at the end of November 1994. When the rough random assignment procedures were “edited” to exclude inappropriate inclusions, the control group actually was smaller than the experimental group. While we would have wished to increase the sample size of the control group if we had anticipated the smaller n, by the time we could inspect the cases in the random allocation closely to screen out inappropriately included cases, data collection had been completed and there was no possibility of adding to the control group. However, both groups are total populations, not samples, of the two types of cases assigned to treatment and received at Advocate for intake during the study period.

improved by the treatment of the offenders and by related victim support services. As a first step to address this need, we designed a pilot victim survey to be carried out for a sample of victims in cases coming into the Domestic Violence Court in which persons were assigned to treatment. The survey asked victims a number of questions about their statuses at three points in time, roughly one, two to four, and four to six months after their cases entered the court.⁴⁷ Although an aim was to tie particular victims surveyed to specific experimental and control samples, so that case outcomes could be linked to victim responses, several initial glitches prevented this. The information gathered by the survey on roughly 100 victims is, as a result, a non-probability sample. Nevertheless, it is illustrative of the issues faced by complaining witnesses in most cases. The pilot survey was intended as a field test of a way to obtain victim feedback. It was confidential and anonymous, and was collected for research purposes only.

In assessing the impact of the early stages of implementation of the DSORT integrated batterer/substance abuse treatment program, we adopted a new experimental research design, because of its comparative rigor when compared to other proposals, and its capacity to offer the most informative test of the concept. The approach was designed to answer questions about the impact of the integrated (DSORT) method when compared to the “normal” or “usual” modes of treating domestic violence divertees and probationers with substance abuse problems. With the baseline research findings as a backdrop, the intent was to compare two groups, each consisting of similar defendants (divertees) and probationers (offenders), going through the same court system in the same moment in time. The aim of the experimental method (through random allocation) was to produce these two groups “identical” in all ways, except for the type of treatment process to which they had been exposed. This approach ideally permits a better assessment of the impact of the treatment innovation and helps insure that any differences in outcomes are not because the two groups studied differed in composition (and were, therefore, “apples and oranges”).

⁴⁷The interviewing of victims was done under the direction of the DVCU and DIP, with the results computerized and analyzed by the Crime and Justice Research Institute.

A glance back at Figure II.31 shown earlier in Part Two of this report shows the central role of the Advocate Program in screening and intake. Whether in diversion or on probation, all persons assigned by the Domestic Violence Court judge to treatment must report to the Advocate Program first for intake before being sent to their respective treatment programs. While the baseline research presented earlier focused on a cohort of all misdemeanor domestic violence cases entering the court system at the first stage of judicial processing, the treatment experiment focused on the subsequent intake stage when about half of all original cases, including persons placed only on either diversion or probation, must be centrally screened by the Advocate program before starting treatment. The experimental sampling procedures which examine divertees and probationers who entered treatment a little more than a year after the baseline study, set aside considerations of what occurs to the other half of all cases in judicial processing between arrest and the Advocate intake stage. Thus, instead of considering the overall adjudication and disposition of cases in Domestic Violence Court, the experiment focuses only on the treatment process. (Given the findings of case dropout from the baseline research, the experiment should be understood in the larger context of the overall adjudicatory process and its selective screening of cases toward treatment, see Figure III.1.) The principal research questions focus on the progress of divertees and probationers into and through treatment, and on the extent of criminal and civil reinvolvement with the justice process during a seven-month observation period from June 1994, through February 1995, which begins with the Advocate intake prior to placement in actual treatment. More specifically, we seek to describe the relative impact of the integrated treatment model (DSORT) compared to the standard, separate batterer and substance abuse treatment approach used in Dade County.

Figure III.1 Processing of Domestic Violence Offenders into Domestic Violence Court Treatment Program Prior to DSORT

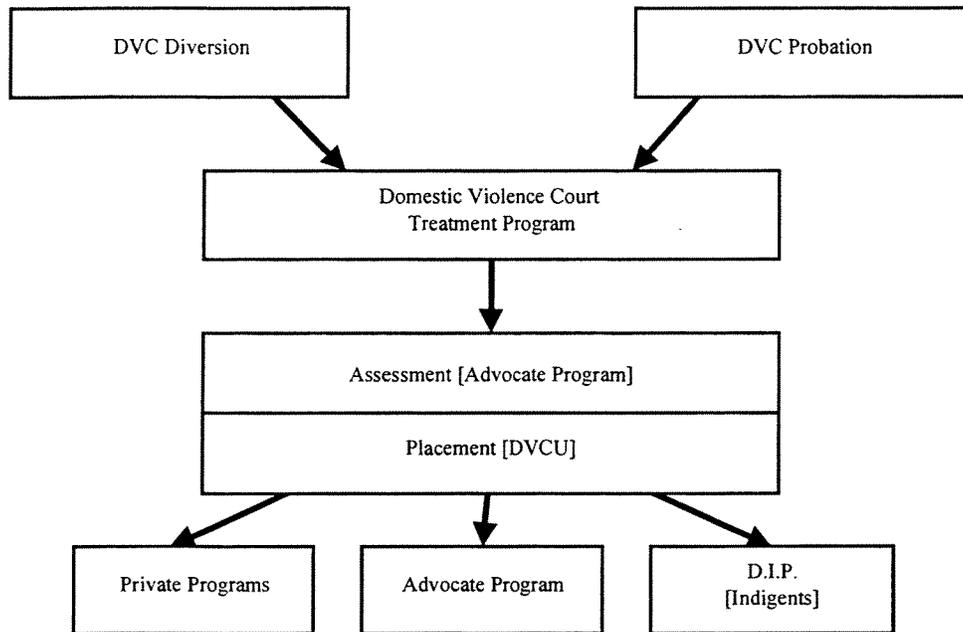


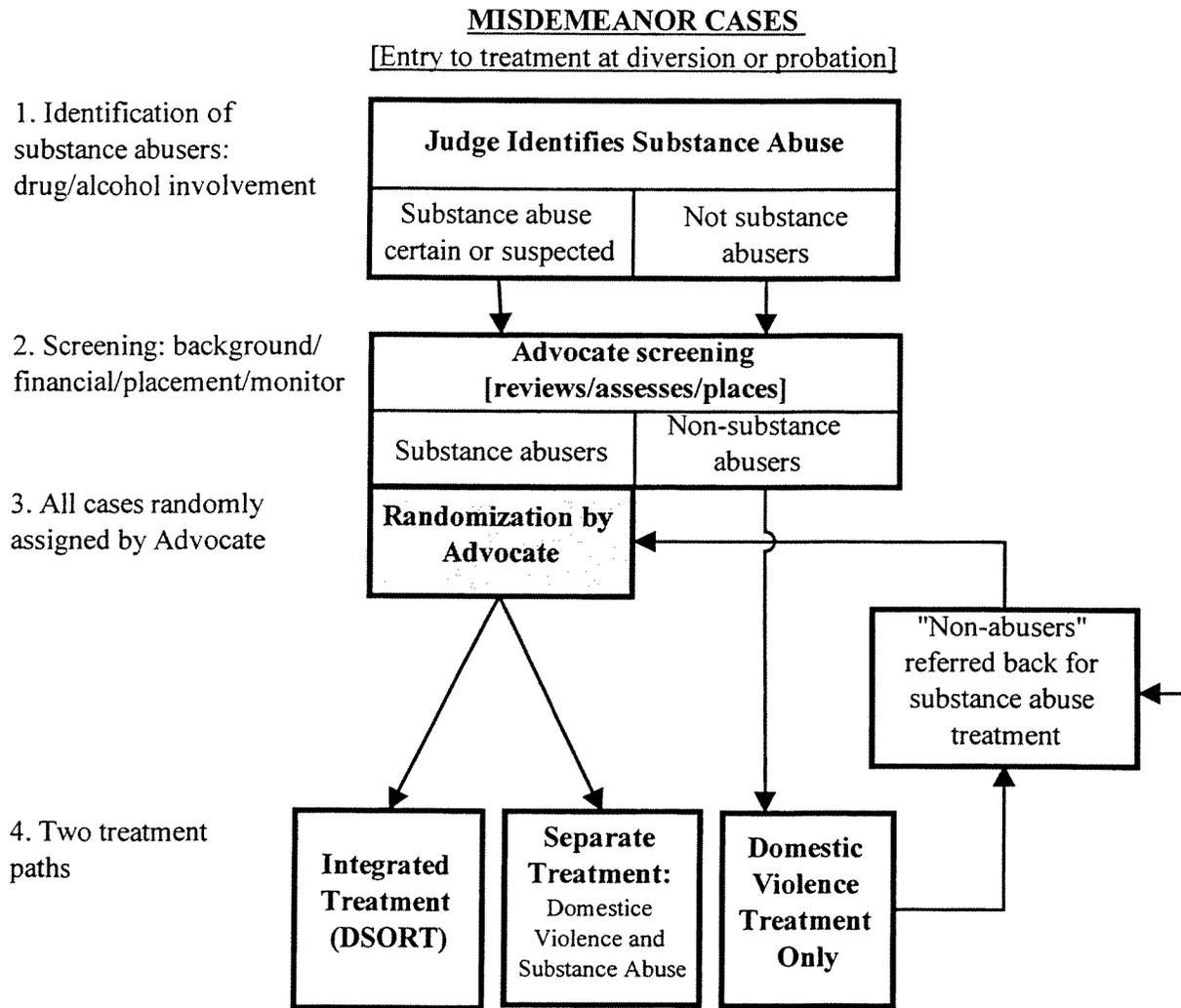
Figure III.2 depicts the design of the treatment evaluation in which defendants or offenders identified as substance abuse-involved are ordered to report to the Advocate Program for intake screening prior to placement in treatment. According to the experimental design, once divertees or probationers were confirmed to be substance abusers at the Advocate screening interview, they were randomly assigned to the DSORT (experimental) and “County”/TASC (control) paths for treatment on the basis of even-odd last digits of the case number.⁴⁸ Exceptions were made when assignment to either program would represent a geographic hardship (the person assigned would have to travel unreasonably far across Dade County) or when the program times would conflict with a person’s employment. It was reasoned that, because exceptions could be made in both directions, they would even out in the long run and that this policy would not interfere with the experimental design. This procedure for randomly assigning treatment participants to the two approaches was known in advance to provide a “rough” allocation reasonably likely to be random in its effect.⁴⁹ It was reasoned that some cases would be included

⁴⁸DSORT accepted only males, thus causing all females to be assigned to the control group.

⁴⁹While it was feasible to have the Advocate staff randomly assign divertees and probationers to experimental and control treatment approaches based on the odd-even last digit of a case number, it was not practical for staff to

in this procedure that would have to be excluded once the “draft” control and experimental groups were identified and reviewed.

Figure III.2 Summary of the Randomization of Domestic Violence Cases to Integrated Treatment ("DSORT") and County Programs for Separate Substance Abuse and Domestic Violence Treatment



refine the sorting any further at the time. Thus, cases that would not have been candidates for the study were also randomly assigned with the result that our first “sorting” required some editing, excluding cases not appropriately included in either group. The editing of random assignment reduced the initial experimental group from 240 to 210 cases and the control group from 253 to 140. (See Cook and Campbell, 1979.) Two of the principal reductions in the control group were due to dropping females (because the experimental program accepted only males, all females went to the control group in the initial allocation, but were then dropped entirely from the study) and to excluding all persons assigned to a private treatment program which accepted overflow experimental cases from the control group. (“Lifeline,” the private program employed a treatment model similar to the DSORT approach and thus it was inappropriate to include its cases in the control group.)

Analysis of the sampling data suggest that the random assignment was in fact reasonably implemented. Due to the overinclusive nature of the random assignment process, however, the two groups were found to differ in composition in several ways that needed correction prior to analysis of the outcomes:

1. Although Advocate processed all divertees and probationers assigned to treatment, the integrated treatment program (DSORT) accepted only male offenders during the study period. The Duluth Model was designed for “men who batter” (Pence and Paymar, 1993). Females were assigned exclusively to the control group sent to the other County treatment referrals. Females were dropped from the control group in the analyses.
2. Second, some participants were sent to the control group as “overflow” or “exceptions” from the experimental group due to its fixed capacity. While the use of an “overflow” treatment provider was considered essential to the processing of the domestic violence treatment cases, it was excluded from experimental comparisons because it employed a modality similar to the integrated DSORT experimental approach. It would have been inconsistent to include these participants in the control group given its dissimilarity to the other control group approaches, yet they were also not appropriately viewed as experimental group members (they were not in DSORT).
3. Third, we dropped County defendants/offenders from the control group who were sent to TASC assessment and were not found to have a substance abuse problem requiring treatment (by definition, the treatment study focused on substance-involved batterers only).⁵⁰

Evaluation During the Early Stages of Implementation: Some Important Cautions

The data collected for the baseline study of the domestic violence cases in the Dade court system were drawn from a very early period in the operation of the newly formed Domestic Violence Division. This part of the research thus examined an innovation in its earliest stages of implementation. Although the officials responsible for initiating the program might have felt more comfortable undergoing evaluation at a later stage, when some of the operational problems

⁵⁰It is somewhat puzzling that about one-third of control group members who were referred by the court to TASC for substance abuse assessment were not found to be in need of treatment. Either initial court-stage indications of a substance abuse problem are erroneous in one of three cases assigned to diversion and probation, or the TASC assessment fails to recognize the substance abuse problems of a great many offenders.

would have been smoothed out, the experiment we describe here began as the attempts to implement the integrated treatment program started. Although such an early evaluation may not necessarily show a program in its ultimate “best light,” early-stage evaluative research can nevertheless serve a constructive purpose in providing feedback for program modification and mid-course correction. In fact, a number of questions which surfaced in preparing for and carrying out the research have been addressed programmatically, as implementation of the DSORT program progressed. We should add that, because continuation funding for the DSORT program was not available, the attempted treatment innovation was suspended just after the conclusion of the evaluation. Thus, these findings may be important in offering lessons for how a new version of the program might be redesigned, if and when sufficient funding can be found. Moreover, the early-stage experiment was able to capture what was probably the first such attempt at treatment integration in any court system with implications beyond just the success of the program in Miami.

The most difficult implementation question the program had to answer was, “How does one create a batterer-treatment-substance-abuse-treatment hybrid?” The proposed program anticipated that batterer and substance abuse counselors would be cross-trained, and that the different staffs would somehow meld their approaches to create a synthesis of the two treatment methodologies, which are based on different philosophies and perspectives and are not naturally compatible. Changes in strategy and approach occurred in the implementation process prior to and during the period of this research. Predictably, issues surfaced along the way that were unanticipated, and sometimes “unanticipatable” by the implementers. Examples include trying to devise an effective means for determining, at the first stages of court processing, whether a defendant in a domestic violence case has a substance abuse problem. To be effective, early and accurate identification is essential, yet how one does this expediently in a misdemeanor setting turns out to be a challenging problem. As part of the solution, the State Attorney’s Office implemented a form to indicate the probability of substance abuse involvement in the domestic violence incidents by drawing on victim statements and police reports.

Another issue was how to provide the DSORT treatment to all divertees or probationers regardless of financial background, when ordinarily the ability to pay for services was a factor in assigning persons to private or public treatment. Ethnic, cultural and language differences among the treatment participants also posed serious challenges in ways that were initially unforeseen. Staff had to make adjustments in the content and structure of the program to deal more effectively with the actual (rather than the anticipated) clientele. The question was whether such adaptations would affect the content and impact of the delivered treatment, given the expected regimens of the two treatment methods.

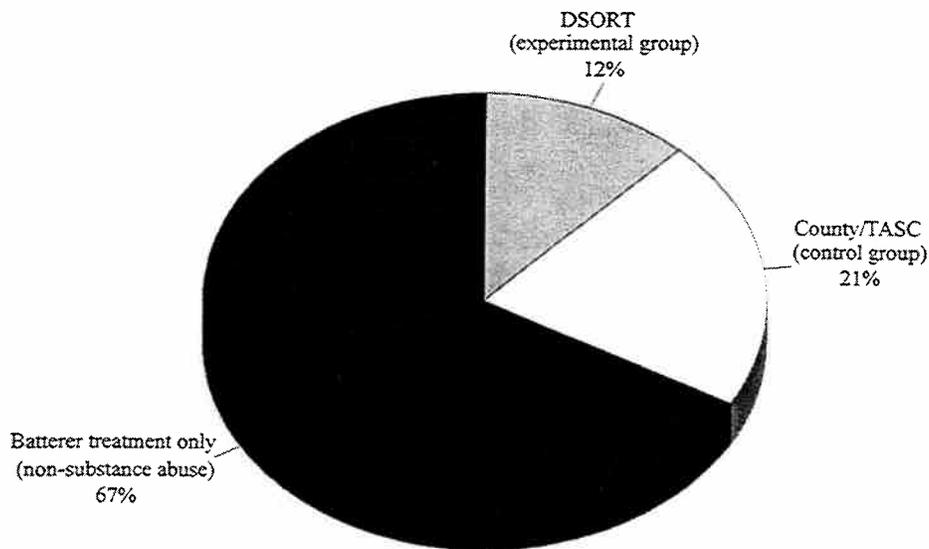
An inadvertent side-effect of the new procedures designed to identify target population treatment candidates was to concentrate what turned out to be some of the most difficult "dual" treatment candidates into one program. Ordinarily, they would have been more randomly mixed throughout the treatment process and dealt with in a more "diluted" fashion by the treatment programs. The DSORT staff felt that this made the resulting enrolled DSORT treatment candidates a far tougher client population than the planned integrated treatment approach had anticipated. The fact that most DSORT clients were heavily involved in substance-abuse raised difficult challenges for the delivery of the batterer treatment program and required some modification in the delivery of services. (Program staff had confronted the fact that participants who were not sober or clear of drugs were not receptive to the educationally-oriented batterer treatment method.) These and other issues required flexibility in problem-solving that could not have been anticipated in advance and were typical of how the program functioned during the evaluation.

The program continued to evolve through the entire period of the research as the local program administrators, officials and staff met on an ongoing basis to address difficulties and solve problems as they surfaced. The treatment experiment, therefore, knowingly addressed a "work in progress," one that had not had a chance to work out all of the "bugs" in advance. The implementation problems that emerged and formed the context of the study, however, should be kept in mind in interpreting the findings.

II. Overview of Domestic Violence Divertees and Probationers Assigned to Treatment

Figure III.3 characterizes the total population of domestic violence divertees and probationers who appeared at the Advocate Program for intake during the nine-month sampling period of the Domestic Violence Court treatment experiment. The primary emphasis of the treatment study is on the 33 percent who were sent to Advocate for intake screening by the court for presumed substance abuse and batterer treatment (the pieces of the pie represented by DSORT and County/TASC). Basically, comparative analysis of the attributes of the domestic violence divertees and probationers in the experimental (DSORT) and control (County/TASC) groups found them to be quite similar, suggesting that the rough random assignment procedure had been reasonably successful.⁵¹

Figure III.3 Population of Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995



Domestic Violence Diversion and Probation Population Assigned to Treatment

(n = 1,819, 9 month period)

⁵¹The control group was larger over the nine month period for several reasons: all females were sent to the control group, experimental group “overflow” were sent to a private program labeled initially as control group, and the “exceptions” policy in the random assignment sent persons in the experimental group to the control group when geography and work schedules made it unrealistic to expect attendance at the DSORT program.

Figure III.4 Attributes of Domestic Violence Divertees and Probationers Assigned to Treatment: Comparing Experimental (DSORT) and Control (TASC/County) Groups

<u>Age</u>			<u>Victim Age</u>		
	<i>DSORT</i>	<i>County/TASC</i>		<i>DSORT</i>	<i>County/TASC</i>
Median	*35 yrs.	32 yrs., median	Median	33 yrs.	34 yrs.
<u>Offender Gender</u>			<u>Alcohol-related Prior Arrests</u>		
	<i>DSORT</i>	<i>County/TASC</i>		<i>DSORT</i>	<i>County/TASC</i>
Male	100%	100%	Yes	19%	21%
<u>Race</u>			<u>Alcohol Use</u>		
	<i>DSORT</i>	<i>County/TASC</i>		<i>DSORT</i>	<i>County/TASC</i>
White	13%	11%	No indicat.	5%	10%
African Am.	33	38	Uses now	92	88
White/Hisp.	51	46	In incident	57	57
Black/Hisp.	3	4	Other	19	21
Other/Hisp.	0	1		[Does not add to 100%]	
<u>Employed</u>			<u>Drug-related Prior Arrests</u>		
	<i>DSORT</i>	<i>County/TASC</i>		<i>DSORT</i>	<i>County/TASC</i>
Yes	85%	83%	Yes	18%	16%
<u>Relation to Victim</u>			<u>Drug Use</u>		
	<i>DSORT</i>	<i>County/TASC</i>		<i>DSORT</i>	<i>County/TASC</i>
Spouse	49%	42%	No indicat.	*42%	51%
Ex-spouse	2	1	Uses now	*43	28
Boy/girl fr	*40	23	In incident	5	7
Ex-b/g.	4	7	Other	27	27
Parent	1	4	<u>Any AOD Substance Abuse</u>		
Child	0	8		<i>DSORT</i>	<i>County/TASC</i>
Other relatv.	<1	8	Yes	99%	97%
Other	3	6	<u>Case Outcome/This Case</u>		
<u>Living with at Time of Incident</u>				<i>DSORT</i>	<i>County/TASC</i>
	<i>DSORT</i>	<i>County/TASC</i>	Diversion	34%	28%
Victim	82%	81%	Probation		
Alone	3	4	adj w/hld	25	32
Other	16	12	Probation	38	39
Missing	9	13	Other	3	1
<u>Victim Gender</u>			<u>Prior Arrests</u>		
	<i>DSORT</i>	<i>County/TASC</i>		<i>DSORT</i>	<i>County/TASC</i>
Female	*98%	88%	Yes	69%	71%

[Experimentals, n=210; Controls, n=140; June 9, 1994-February 28, 1995]

Figure III.4 highlights some of these attributes. Basically, similar though the DSORT and County/TASC groups might appear overall, several differences could nevertheless be identified. (See the asterisks in the figure.) Experimental and control group individuals were similar in race/ethnicity, employment status, living arrangements at the time of the incident, the victim's age, the case dispositions in the current case (whether placed on diversion or probation to enter the treatment process), and prior arrests. Yet, within the overall similarity, there were differences potentially of note in the composition of the two groups studied, including:

- Defendant/Probationer Age: The average age (35 years, median) of experimental group participants was older than control group members (32 years).
- Defendant/Probationer Relation to Victim: Slightly more DSORT (49 percent) than County/TASC participants (42 percent) had spousal relations with the victims; a notably greater proportion (40 percent) of DSORT than of County/TASC participants (23 percent) were in “boyfriend/girlfriend” relationships. This may reflect the DSORT model’s “preference” for the traditional male-female relationships that may have been anticipated in some way. As a result, the control group had a greater proportion in parent, child, sibling and other types of personal relationships.
- Victim Gender: Even after excluding cases with female defendants/offenders from the experiment (because DSORT did not accept females), the two groups differed in the gender of the victims involved in the domestic violence incidents. Nearly all (98 percent) of victims in experimental group cases were female; only 88 percent of the victims in control group cases were female (i.e., a greater proportion involved male-to-male offender-to-victim relations).
- Drug Use (as Measured in Sources Before Treatment): While the two groups were similar in the reported use of alcohol “now”(indicated by victim report to the prosecutor—92 percent of experimentals and 88 percent of controls) and “in the incident” (indicated by police in their incident report—57 percent of both groups), they appeared to differ in use of other drugs of abuse. Fifty-one percent of controls showed “no indication” of drug use, compared with only 42 percent of the experimentals. They differed as well in reported drug use “now” (43 percent of experimentals versus 28 percent of controls) but apparently not “in incident” (five percent of experimentals versus seven percent of controls). Given that these data come from

a variety of sources reflecting police, prosecutor or victim reports, we do not know whether these differences are due to data limitations or reflect real differences between groups. Potentially, however, they suggest slightly greater alcohol use and notably more other drug abuse (“now” at the time of arrest) among experimentals.

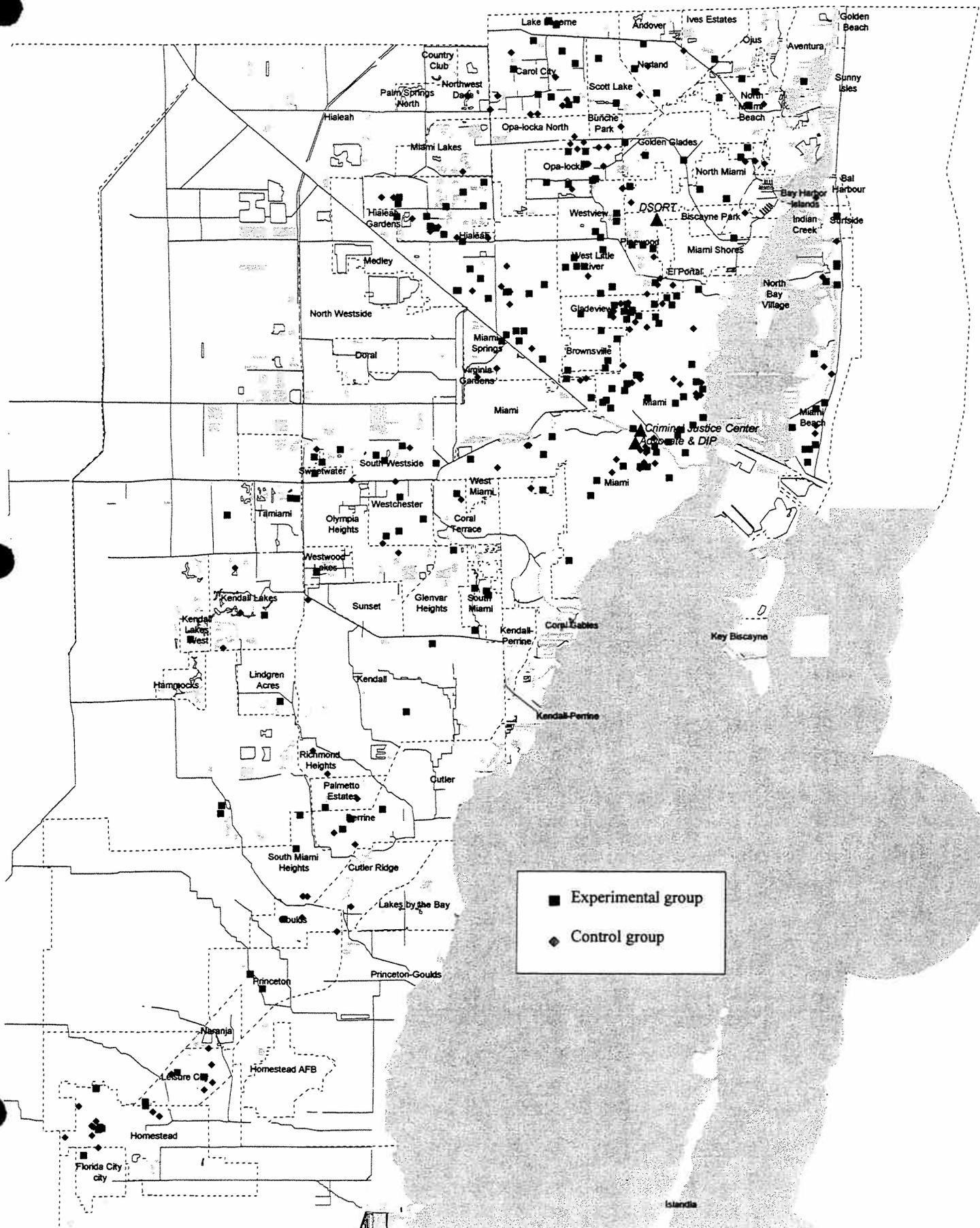
These differences in the attributes of control and experimental group divertees and probationers are worth noting when considering differences in treatment and justice outcomes. In fact, the differences may be interrelated. If more male victims, that is a larger proportion of male-on-male violence with no apparent indication of substance abuse, and thus fewer “boyfriend/girlfriend” or spousal relationships, are factors associated with greater treatment success and a lower likelihood of reoffending, then we could expect in advance that control group divertees and probationers would produce better outcomes.⁵²

Residence Location

In addition to comparing the attributes of divertees and probationers in the study samples, we were also able to chart the location of their residences within Dade County. Figure III.5 contrasts the distribution of the residences of the experimental and control groups across Dade County. In fact, very similar proportions of the two groups were located within a five-mile and a ten-mile radius from key program sites. Thus, the residential patterns of the two groups appear to be comparable, allowing us to conclude that one group was not more disadvantaged geographically in access to the treatment programs.

⁵²In considering final outcomes, analyses will have to address the issue of selection differences raised by these findings.

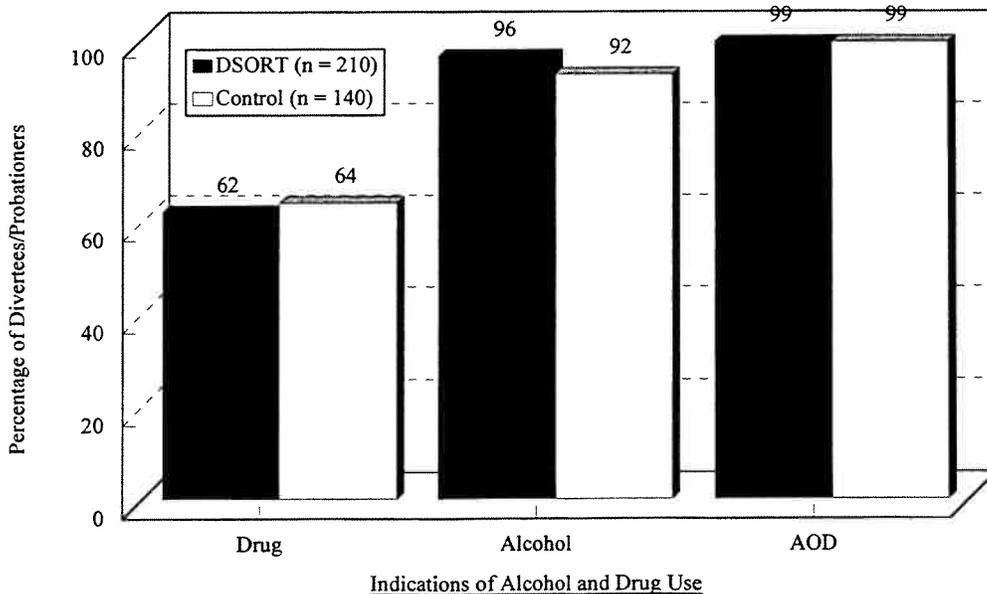
Figure III.5 DSORT (Experimental Group) and County /TASC (Control Group) Domestic Violence Defendants by Last Known Residence: 1994 - 1995 Study



Substance Abuse Involvement

Prior to a divertee's or probationer's admission to a treatment program, he or she has to have been identified somehow as a probable substance abuser and likely candidate for treatment or, at least, assessment. Because this identification needs to occur at the earliest stages of processing (particularly for defendants who are diverted), initial presumptions about alcohol or drug involvement among defendants are obviously not made through some sort of formal assessment. Rather, information concerning the person's possible substance abuse must come from more informal sources, such as statements of complaining witnesses to prosecutors or police, police reports, statements made in court, or from the defendant him- or herself. This type of early processing information forms the only available basis for judicial decisions about the appropriateness of substance abuse assessment or treatment. Thus, the defendant's first appointment after court for intake screening interviews is important, because Advocate intake staff and/or TASC assessment (and urinalysis) can confirm initial estimates of substance abuse involvement prior to placing defendants or probationers in a specific treatment program. Even after persons have been placed in treatment, re-evaluation may still occur.

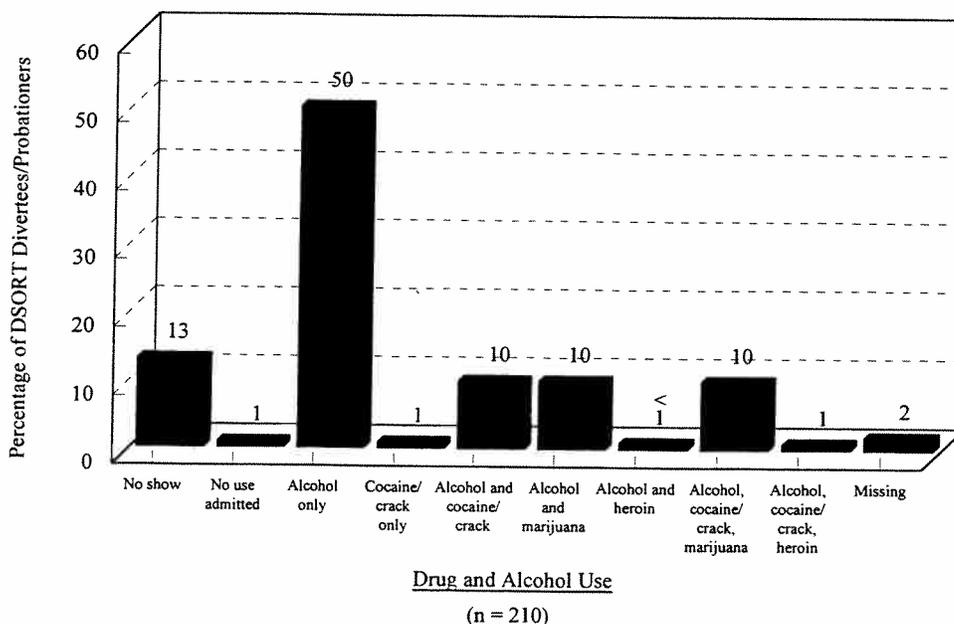
Figure III.6 Indications of Alcohol and Drug Abuse At Any Stage of Processing Among Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, by Sample



[Note: The AOD column includes a wider range of indicators, since court orders and Advocate assessments are usually nonspecific as to type of substances abused.]

Figure III.6 summarizes the prevalence of indications of substance abuse among domestic violence diverttees and probationers regardless of the stage of processing at which this information was collected (with the exception of the TASC assessment done only for the control group). With the benefit of system “hindsight,” it appears that the indications of the use of alcohol and other drugs of abuse are, after all, quite similar in the two groups (as successful random assignment should assure). Just under two-thirds in each group were identified as drug-involved, more than 90 percent were alcohol-involved, and virtually all had indications of alcohol or other drugs of abuse involvement, when all sources of data were considered.

Figure III.7 Drug and Alcohol Use (and Combination Uses) as Determined after Admission Among DSORT (Experimental Group) Domestic Violence Diverttees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995



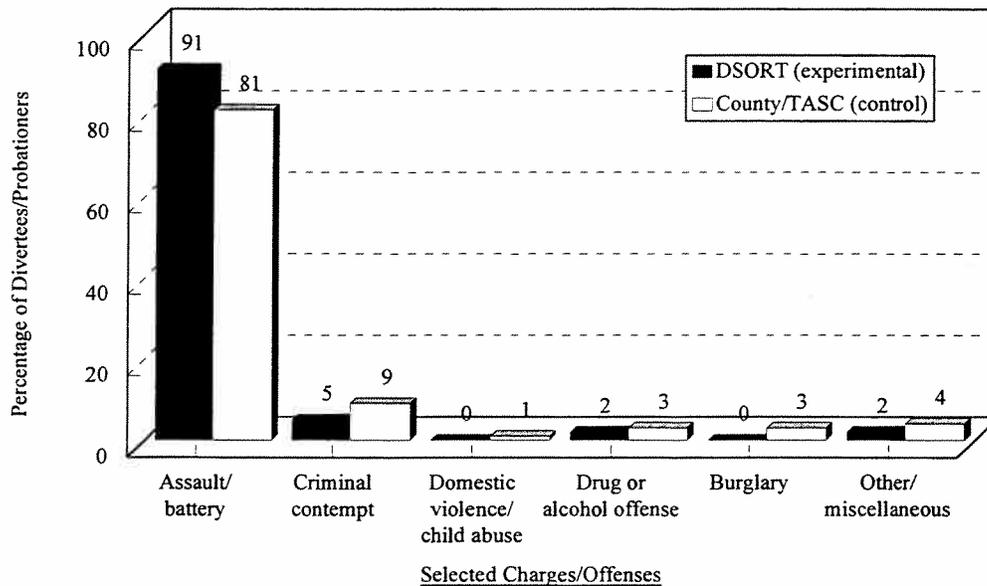
Because we have better records for DSORT participants once they have entered the treatment process, Figure III.7 shows the specific combinations of substances used by experimental group members. About half of the clientele reported using alcohol only, while about one-third used alcohol in combinations with other drugs, such as cocaine, marijuana or both. Only a small handful just used other drugs, but not alcohol. This figure presents two potentially important findings relating to DSORT participants:

- for half, the substance abuse problem was alcohol only;
- for at least an additional one-third, polydrug abuse was common.

Alcohol, however, was the unifying substance abuse theme in this population.

We were unable to locate sufficient data that would allow us to characterize the level or frequency of use of these substances reliably.⁵³ Given the similarity of the two treatment groups, these detailed DSORT findings suggest that control group participants should also share these attributes relating to substance abuse.

Figure III.8 Selected Charges/Offenses in Cases of Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, by Sample



(DSORT: n = 206; Control: n = 140)

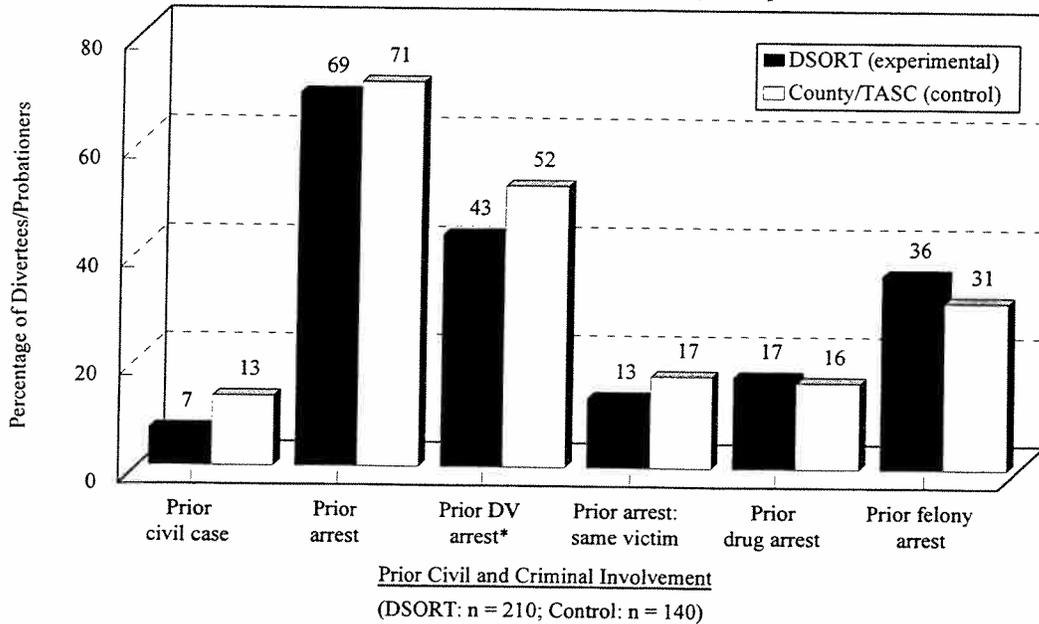
Current Criminal Case

A small proportion of the time (11 percent of both experimentals and controls), substance abuse-involved misdemeanor domestic violence divertees and probationers had cases that originated in, but were bound down from, Circuit Court. Figure III.8 shows that DSORT participants (91 percent) were more often charged with assault and battery offenses than their

⁵³Information relating to self-reported frequency of abuse was missing for 50 percent of experimental and 61 percent of control group participants.

County/TASC counterparts (81 percent), who were slightly more often (nine percent) charged with criminal contempt from violations of civil protection orders than DSORT participants (five percent).

Figure III.9 Prior Civil and Criminal Justice Involvement Among Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, by Sample



[Note: *Includes all defendants with any prior arrests for disorderly conduct, simple assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, trespassing, stalking, disorderly intoxication, child abuse, criminal contempt, loitering, "other" person offenses, as well as any prior arrests involving the same victim.]

Prior Civil and Criminal Involvement

Figure III.9 displays measures of prior involvement by the divertees and probationers in the civil and criminal justice systems. Seven to 13 percent of each group had been involved in a prior civil domestic violence case in Dade County. For most, this offense was not their first involvement in the criminal justice arena. More than two-thirds of each group had prior criminal arrests; 43 percent of DSORT participants and 52 percent of the County control group had been arrested previously for offenses potentially classifiable as domestic violence-related (but because of difficulties in determining which earlier arrests may have actually involved domestic violence crimes, this estimate is uncertain). Thirteen percent of the DSORT participants and 17 percent of the control group had prior arrests involving the same victim or complaining witness. Roughly one-third of both groups had prior felony arrests. Similar proportions of each group (17 and 16

percent, respectively) had prior arrests for drug offenses. About one-third (34 percent of experimentals, 38 percent of controls) had prior convictions, 20 percent of experimentals and 21 percent of controls within the last three years. Only about five percent of each group had prior assault and battery convictions. If just prior convictions are used as indicators of prior involvement in assaultive behavior potentially classifiable as domestic violence, these misdemeanants can in fact be characterized as not having substantial prior histories of domestic violence.

III. Treatment Outcomes During Follow-Up

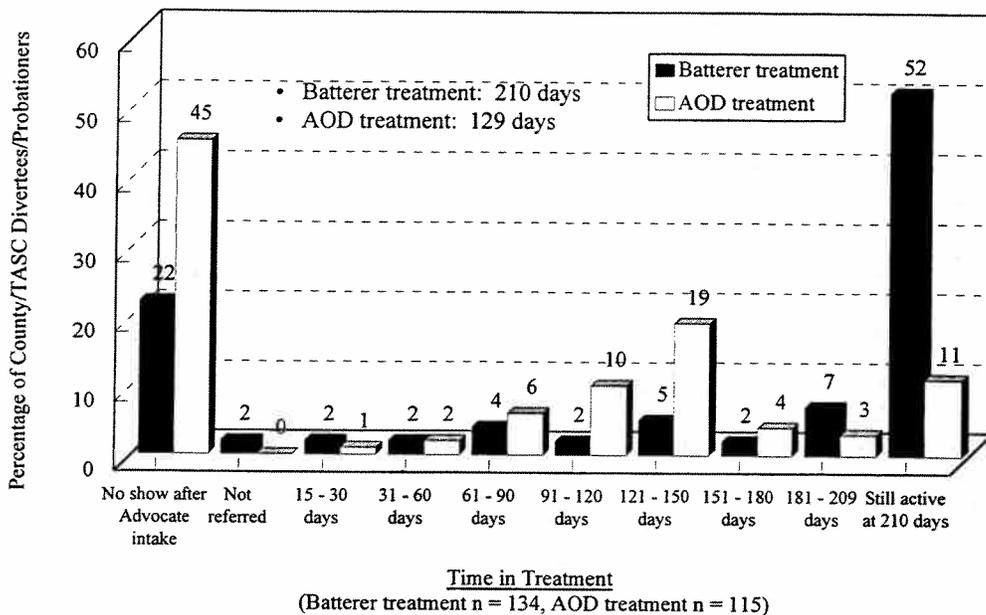
Although “centralized” through the Advocate Program’s intake and follow-up responsibilities for all persons in treatment, control group and experimental group participants had very different treatment paths. For the DSORT participants, because batterer and substance abuse treatment were combined, treatment outcomes could be collected from a single program which, not incidentally, had a reasonably good record-keeping system. Gathering information for control group divertees or probationers assigned to the County/TASC approach was (as we noted in discussion of the baseline findings in Part Two) more challenging. For these treatment participants, once substance abuse-involved treatment participants were screened at Advocate, they were sent to one of two primary batterer treatment programs (Advocate and DIP), (a variety of other providers were employed much more rarely). Control group participants were sent first to TASC for a substance abuse assessment and then referred by TASC to a substance abuse treatment program.⁵⁴ In short, gathering treatment outcomes for the control group was more difficult because of the dual paths of treatment involved.

⁵⁴An important exception, mentioned earlier and occurring in about 25 of the control group cases, was that participants could also be sent to Lifeline, the overflow private provider for controls which combined batterer and substance abuse treatment. The use of this provider represented a necessary departure from strict random assignment. These cases were excluded from the control group.

Length of Participation in Treatment

Figure III.10 presents information showing the length of participation in treatment by control group divertees and probationers for both batterer and substance abuse treatment.

Figure III.10 Length of Participation in Batterer and Substance Abuse Treatment by County/TASC (Control Group) Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995



- First, 22 percent of control group members apparently failed to show up for batterer treatment appointments after Advocate intake and (from the perspective of batterer treatment) were never to be seen again during the study period.
- Second, a larger proportion (45 percent) failed ever to show for any substance abuse treatment appointment after Advocate intake. (An implication of these two findings taken together is that some 23 percent-nevertheless attended batterer treatment subsequently and just failed to attend substance abuse treatment.)

Early Drop-Out or No-Shows

These findings raise several issues. First, under the traditional County/TASC approach there was a marked problem with early drop-out or “no-shows” among control group members.

That is a large percentage who never attended treatment after Advocate intake. Second, more people appeared to avoid attending substance abuse treatment entirely (the second treatment element) than appeared to avoid attending batterer treatment. The major implication of this finding is that nearly half of all the substance abuse-involved control group divertees and probationers do not enter alcohol or drug treatment.

We were able to employ only a seven-month observation period for follow-up in the case and treatment progress of the experimental and control samples, extending approximately 210 days after cases reached the Advocate intake stage. Assuming that the basic batterer treatment program requires up to 26 weeks (or 182 days) of participation, sometimes delayed for several weeks while control group members underwent assessment by TASC and then detoxification, and allowing some time for processing successful completions, only participants experiencing no problems at all during the treatment process would have their success recorded within that period of time.⁵⁵ It is likely that considerably more cases would still be active in the program at the seven-month mark, however. With this seven month milestone in mind, Figure III.10 shows that 22 percent never attended the batterer treatment element of their treatment program in the first place. Another 17 percent of controls who entered batterer treatment participated for some period short of six months; seven percent participated between six and seven months; and over half (52 percent) were still active in batterer treatment at the seven month mark, having neither finally failed nor succeeded in the treatment programs.

Figure III.11 combines the separate treatment participation information and looks at length of participation by control group members in both forms of treatment (batterer and substance abuse). In this figure we find that about 44 percent never attended both of the required types of treatment, 13 percent attended joint treatment for periods of 180 days or less, one percent was in treatment for more than six but less than seven months, and 42 percent were still in treatment at the end of the observation period.

⁵⁵There were a handful of cases with shorter treatment programs.

Figure III.11 Length of Participation in Treatment by County/TASC (Control Group) Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995: Number of Days from Advocate Intake to Last Date in Both Batterer and Alcohol/Drug Treatment

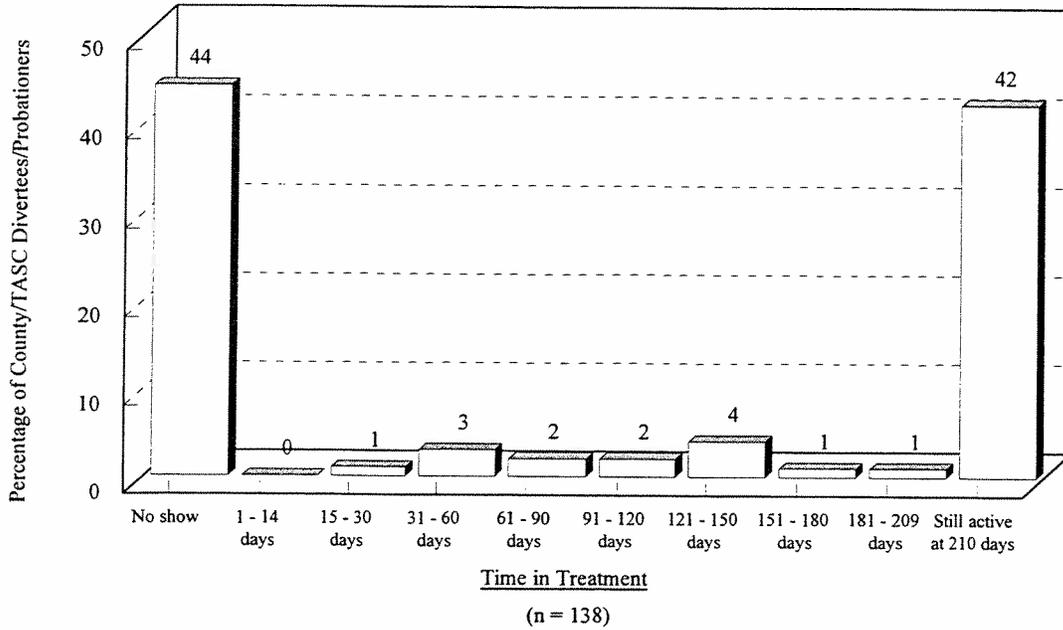


Figure III.12 Length of Participation in Treatment Among Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, by Sample

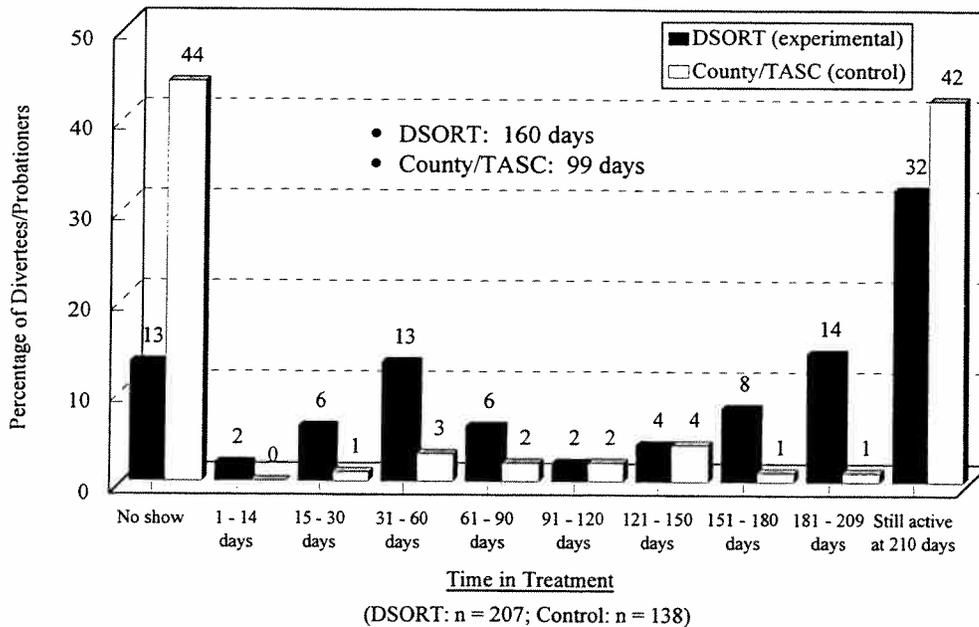
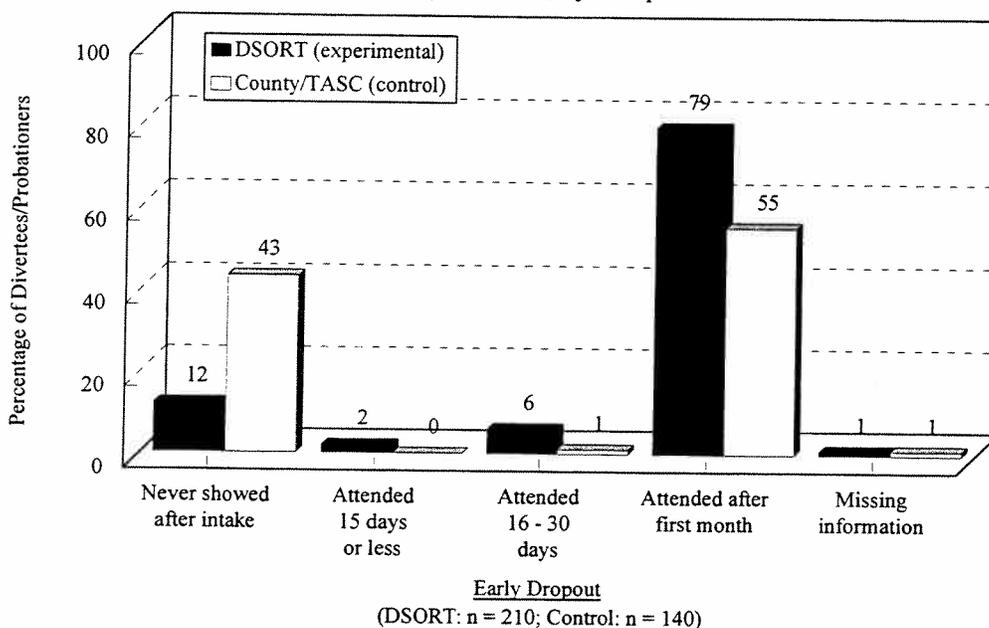


Figure III.12 contrasts the length of participation in treatment by experimental and control group members. (Recall that, by definition, DSORT is a treatment hybrid which includes substance abuse and batterer treatment.)

- Less than one-third the proportion (13 percent) of DSORT designees were early drop-outs, or appeared never to have attended treatment after Advocate intake as compared to County/TASC participants (44 percent).
- Forty-one percent of experimentals participated in DSORT for some period longer than one day and shorter than six months, compared to only 13 percent of County/TASC control group members. These represent persons who probably could not have completed the requirements of treatment successfully and should be considered early unfavorable terminations.
- Fourteen percent of DSORT participants were in treatment for more than six months but less than seven, compared to only one percent of the control group members. These represent potentially successful participants.
- Slightly fewer (32 percent) DSORT participants were still active in treatment at the end of the seven-month observation period than control group members (42 percent). The extent to which these persons would subsequently succeed or be unfavorably terminated from treatment cannot be known.

That figure also shows more simply that, overall, DSORT participants averaged more than twice the length of time in treatment (a median of 160 days compared to 99 days for the control group). These findings show dramatic differences in treatment participation between the integrated treatment and the separate, “refer out” treatment approach. Eighty-seven percent of DSORT defendants and probationers entered treatment compared to only 56 percent of the controls; the length of time in treatment also favors the experimental group. Related to the surprising phenomenon that more than half of control group divertees and probationers did not attend drug treatment, is the fact that a notably larger proportion of DSORT participants than County/TASC participants (79 versus 55 percent) were in treatment for more than one month after Advocate intake (see Figure III.13).

Figure III.13 Early Dropout from Treatment Among Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, by Sample



Treatment Program Revocations

Figure III.14 displays the program “revocations”⁵⁶ of participants in the experimental and control groups; it compares DSORT and County participants overall and shows that a slightly greater proportion of DSORT participants (51 percent) than County participants (46 percent) never recorded program revocations. The two groups differed also in the number of recorded revocations among those receiving revocations: substantially more DSORT participants had only one (44 percent versus 34 percent of the controls); more County participants had more than one (18 percent versus four percent for DSORT participants). It is possible that these findings reflect a more strictly enforced revocation policy on the part of the DSORT program.

⁵⁶This term is used locally to indicate failure to meet program requirements and the program’s intention to terminate the person from the program, to which the judge would have to agree. The term does not mean judicial revocation of diversion or probation.

Figure III.14 "Revocation" of Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up Period, by Sample

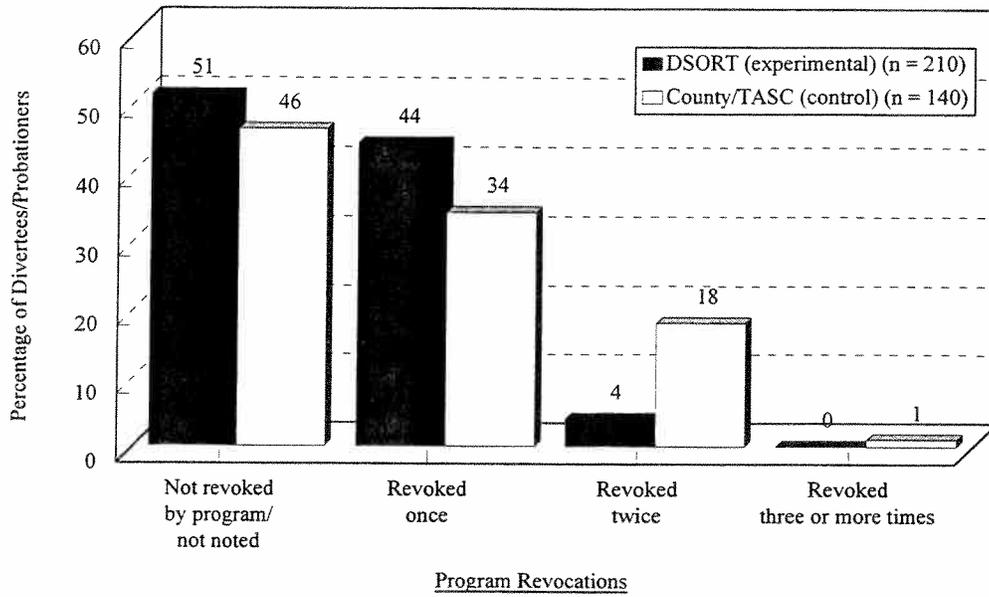
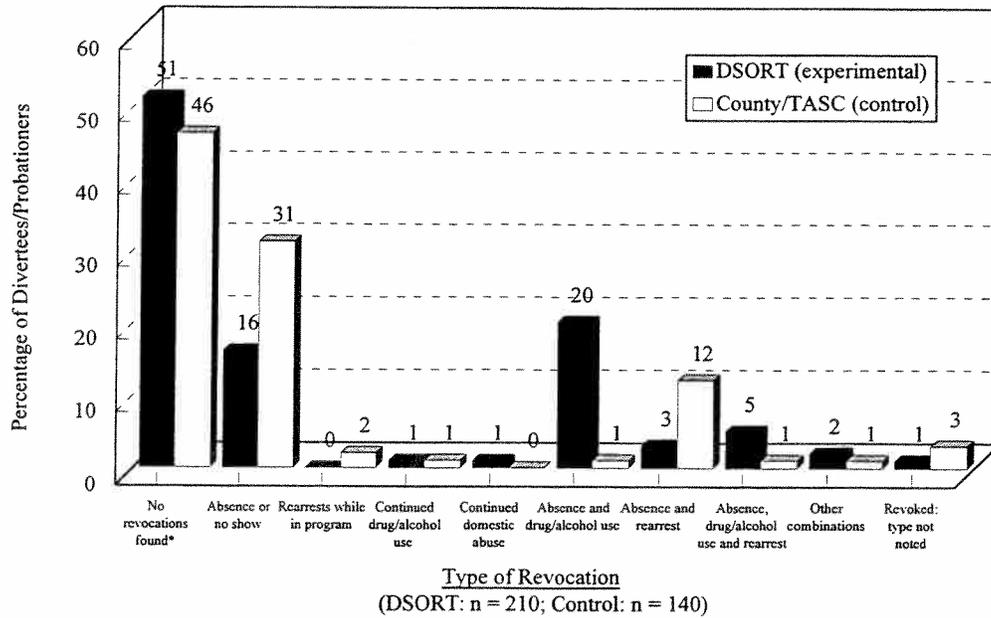


Figure III.15 Types of Revocations of Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up Period, by Sample



[Note: *Includes some divertees/probationers who had violations but were not revoked from their programs. In the experimental groups, over half (53 percent) of the 51 percent with no revocations had some sort of violation. In the control group, 31 percent of those with no revocations had at least one type of violation.]

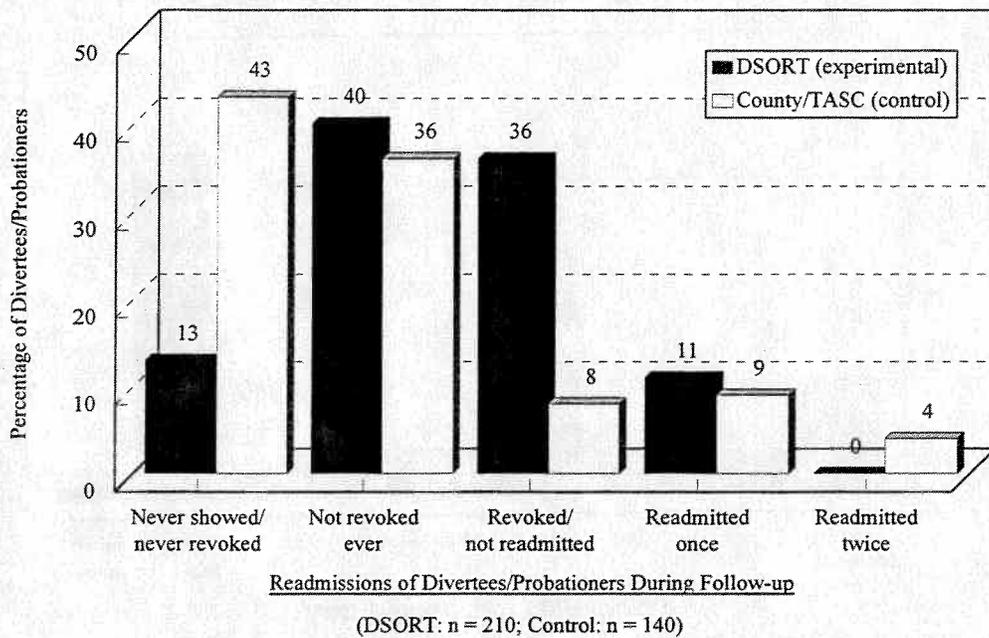
Figure III.15 indicates the types of violations that led to program revocations of members of each treatment group.⁵⁷ There are key differences in the violations generated by the two groups. Control group participants earned revocations because of absence from treatment twice as often as DSORT participants. DSORT participants earned revocations more frequently due to absence and alcohol or drug use (25 percent versus two percent). According to program-based (non-criminal justice file) information, eight percent of DSORT participants were revoked because of rearrest, compared to 15 percent of County/TASC participants. The difference in rearrest rates favoring DSORT participants is based only on persons attending treatment and then being terminated from treatment because of rearrests. The reader will also recall that far fewer control group participants attended treatment in the first place. (Only rearrests which occurred while probationers and divertees were still in their respective programs were included in this count.)

Readmissions to Treatment

Figure III.16 suggests that there may have been a difference in the enforcement approaches between DSORT and County/TASC. While roughly similar proportions of both groups had been revoked (49 percent of DSORT and 54 percent of controls in the previous figure), 36 percent of the DSORT participants were revoked and never readmitted compared to eight percent of the controls; 11 percent of DSORT participants were readmitted once and none more than once; and nine percent of controls were readmitted once, with four percent readmitted more than once. Thus, while the two programs experienced similar levels of program revocation, they showed very different readmission practices. DSORT generally did not readmit revoked participants, and even more rarely readmitted them more than one time. These findings appear to show a much greater accountability for the revocations and readmissions of DSORT participants.

⁵⁷Note that the first column in Figures III.14 and III.15 includes some defendants and probationers who never reported to treatment but were never formally terminated.

Figure III.16 Readmissions of Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up Period, by Sample



Drug Test Results for DSORT Participants

Figures III.17 and III.18 display drug testing information for the DSORT program.⁵⁸ Figure III.17 shows the number of tests recorded for the DSORT diverttees and probationers. The pattern follows the data fairly closely, showing length of participation in the program: 15 percent showed no record of ever being tested; 35 percent had from one to 25 tests; and nearly half (47 percent) had 26 or more tests.

⁵⁸Drug test results were not systematically available for control group participants from the diverse treatment sources.

Figure III.17 Number of Drug Tests of DSORT (Experimental Group) Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up Period, by Sample

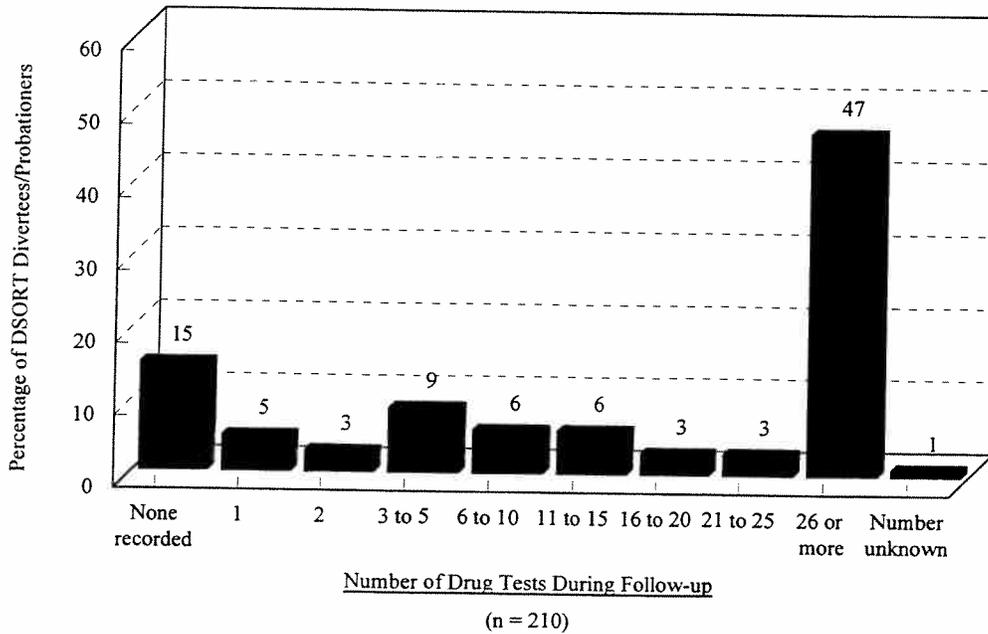
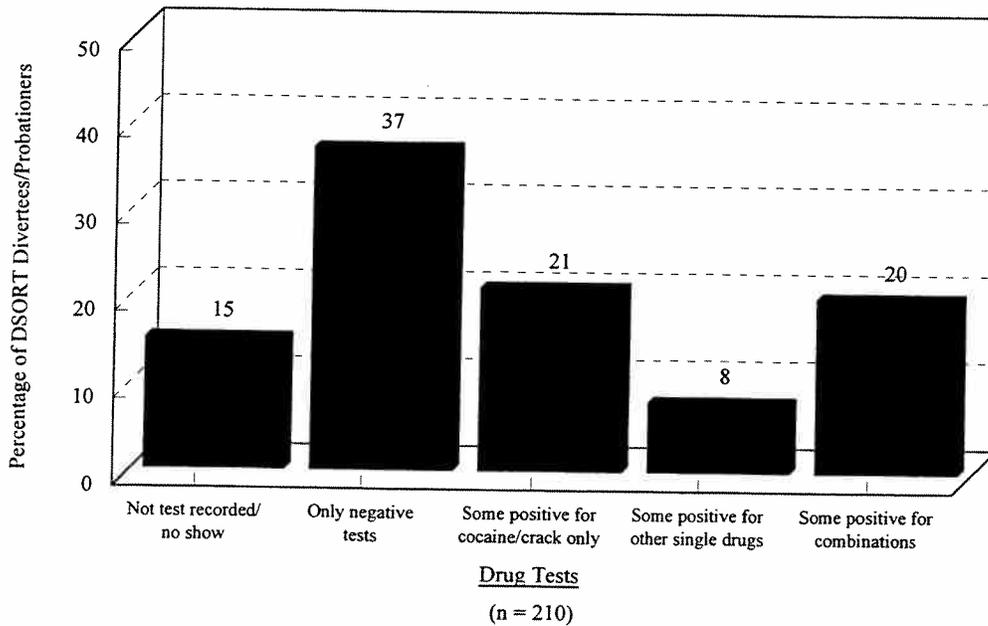


Figure III.18 Drug Test Results of DSORT (Experimental Group) Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up Period, by Sample



[Note: Alcohol was not routinely tested for, therefore alcohol results are not available.]

Figure III.18 shows the results of the drug tests for controlled substances. (Alcohol was not routinely tested for using this technology or by the DSORT staff.) Again, 15 percent had no results and were the probable no-shows. However, more than one-third (37 percent) had only negative tests, while 49 percent had positive results for cocaine or other drugs of abuse at least once during the program period. The one-third never testing positively raises an interesting question for the program: Do these individuals represent persons who were not substance abuse-involved (and thus were misidentified as candidates for substance abuse treatment), or are they persons who mainly abused alcohol, which was not routinely tested for by DSORT and therefore does not show up in the drug testing data?

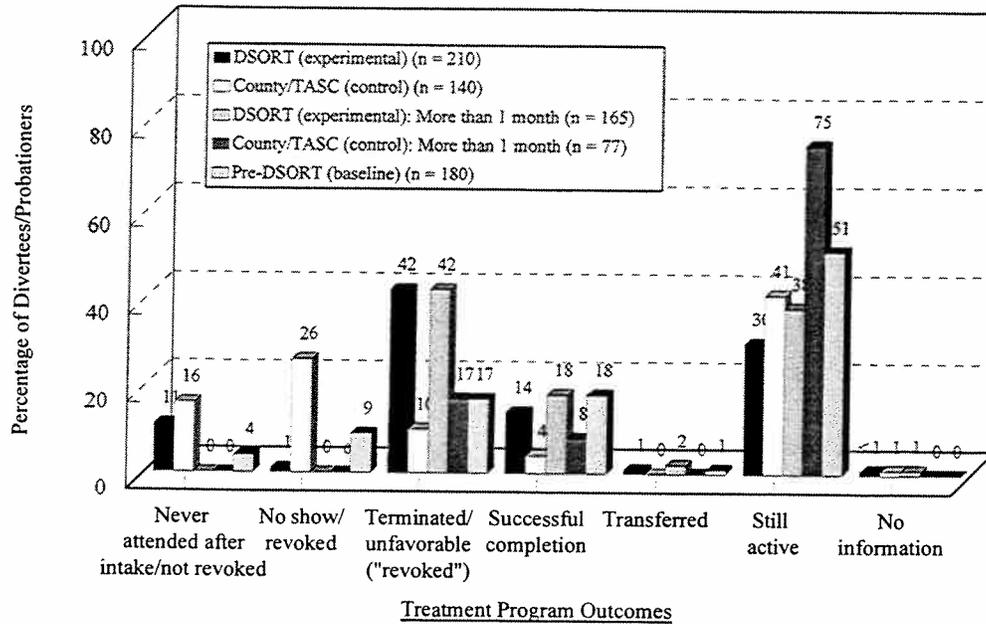
Acupuncture for DSORT Participants

Approximately two-thirds of DSORT divertees and probationers received acupuncture treatments as part of their treatment process. Approximately 89 percent of participants still active in treatment received acupuncture, as well as 93 percent of those who had successfully completed the program within seven months. Acupuncture was less often used among those who recorded less favorable treatment outcomes during the follow-up period. Similarly, recipients of acupuncture showed lower rearrest rates (25 percent) during the follow-up than those not using acupuncture (38 percent).

Final Treatment Outcomes

Figure III.19 presents a multi-group comparison of final treatment outcomes of the experimental and control groups—at least the final status at the time of the seven-month observation period following intake. The two left-most columns in the figure compare the DSORT and County/TASC groups overall. The next two columns present the same information only for DSORT and County participants who were in the programs after one month. The last column (far right of each group) presents baseline rates for divertees and probationers from the baseline study of misdemeanor cases. According to treatment records, the treatment outcome options include never attended (no-shows), terminated/unfavorable (revoked), successful completion, transferred, still active, and no information (in a tiny handful of cases).

Figure III.19 Treatment Program Outcomes (Final Status) for Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up, by Sample



[Note: This incorporates batterer and AOD treatment for the control group.]

Figure III.19 shows the following treatment outcomes:

- A greater proportion (16 percent) of control group defendants and probationers never attended both treatment components and were not revoked than experimental group members (11 percent).
- A notably greater proportion (26 percent) of the controls were treatment “no-shows” and were revoked than of experimentals (one percent).
- More experimental group members (42 percent) than control group members (ten percent) recorded unfavorable terminations (were in program revocation status) by the end of the seven-month follow-up. (This difference is maintained when only persons in treatment longer than one month are considered.)
- However, noticeably more DSORT participants (14 percent) had successfully completed the program than control group participants (four percent) within the 28 week observation period.
- A larger proportion of County/TASC participants (41 percent) than DSORT participants (30 percent) were still in treatment at the end of the seven-month follow-up.

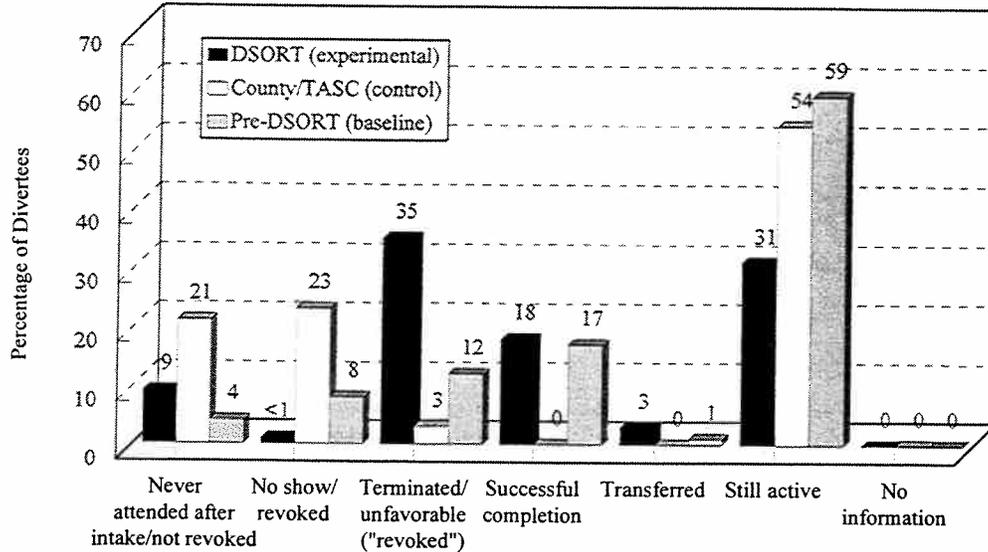
These differences need to be discussed and interpreted carefully. First, it appears that DSORT participants both showed greater early failure (termination) and greater early completion rates in the treatment programs. Control group participants generated substantially greater program dropout (never attended) rates, at a ratio of almost four to one. Compared to the baseline study of misdemeanors at the treatment stage, County/TASC participants showed notably higher than expected dropout/no-show rates, while DSORT defendants and probationers generated similar rates. Control group members were also considerably more often “still active” at the seven-month mark than baseline defendants, while DSORT participants were less often still active at that stage. The frustrating “missing link” in these findings is how to interpret the “still active” outcome. We had learned in the baseline study that nearly half of the persons assigned to treatment were “still active” in the half-year program at the nine-month mark, and that 27 percent were “still active” one year after the Advocate intake stage. One interpretation of these program-based findings is that DSORT was better at enrolling its assigned defendants and probationers, but then was stricter about program revocations when defendants or probationers were not in compliance with the terms of treatment. Because of the more difficult logistics of the County/TASC approach (and the greater number of treatment programs), participants were often lost at the very first step of the treatment process. When they did go to treatment, they showed lower early failures, lower early successes, and substantially more in the still active status, a status holding both future successes and failures, as well as some participants for whom no record of their performance was taken to mean “still active.” Extending the follow-up for five additional months would certainly help determine which outcomes occurred in actuality.⁵⁹

Comparing Outcomes for Diversion and Probation Treatment Participants

During the baseline research we found that domestic violence probationers (who typically had more extensive prior records) fared more poorly in treatment than divertees. Figures III.20 and III.21 contrast treatment outcomes at the seven-month follow-up for divertees and probationers separately, and report parallel findings: divertees in each group fared somewhat better than probationers on treatment program outcomes.

⁵⁹We were not able to accomplish this within the resources of the current project.

Figure III.20 Treatment Program Outcomes (Final Status) for Domestic Violence Divertees Only Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up, by Sample

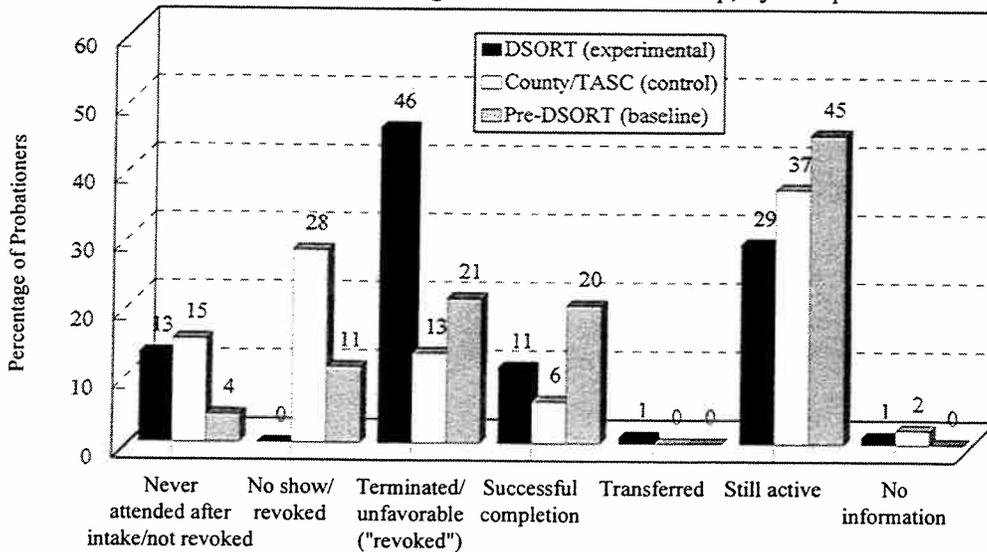


Treatment Program Outcomes

(DSORT: n = 77; Control: n = 39; Baseline: n = 78)

[Note: This incorporates batterer and AOD treatment for the control group.]

Figure III.21 Treatment Program Outcomes (Final Status) for Domestic Violence Probationers Only Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up, by Sample



Treatment Program Outcomes

(DSORT: n = 133; Control: n = 101; Baseline: n = 102)

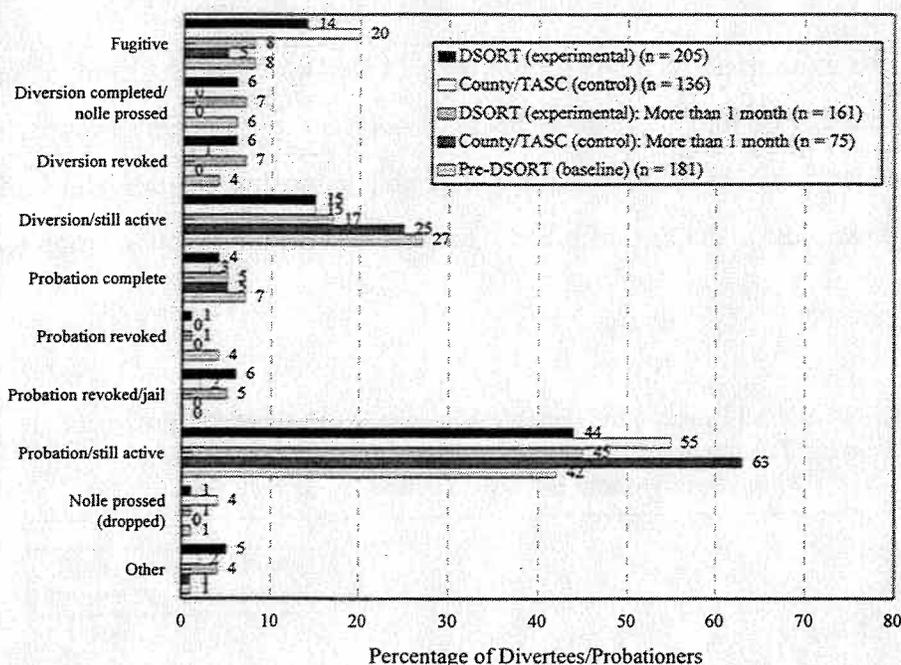
[Note: This incorporates batterer and AOD treatment for the control group.]

IV. Court and Criminal Justice Outcomes

Status of Diversion or Probation at the End of Seven Months

Figure III.22 portrays the diversion and probation case outcomes of participants in the two treatment groups. The series of five horizontal bars first group DSORT and County/TASC participants (bars 1 and 2), then DSORT and County participants who were in treatment after one month (bars 3 and 4), and then the pre-DSORT diversion and probation from the 1993 baseline study.

Figure III.22 Case Outcomes at End of Seven-Month Follow-up Period for Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, by Sample



- At the end of seven months, County/TASC participants showed larger proportions in fugitive status than DSORT participants (20 versus 14 percent, respectively).
- A larger proportion of DSORT than County/TASC participants (13 percent versus three percent) had either diversion or probation revoked within the seven-month follow-up.
- A larger proportion of DSORT than County/TASC participants (ten percent versus three percent) had completed diversion or probation during the follow-up.
- Approximately 15 percent of DSORT participants were still actively on diversion and 44 percent were still on probation, compared to 15 percent of the County/TASC participants

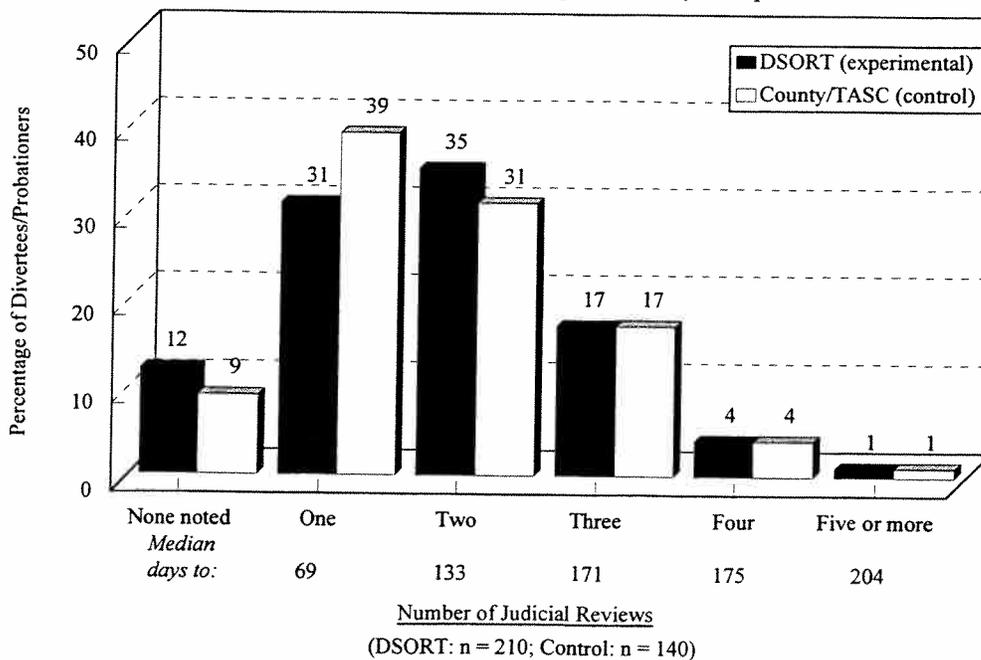
who were still on diversion and 55 percent who were still on probation at the seven-month mark. (More than two-thirds of the 1993 baseline sample had still been on active diversion or probation at the end of seven months.)

- Comparisons focusing only on participants in treatment after one month showed similar patterns of differences for the most part; however, a smaller percentage of County/TASC participants in treatment for more than one month were fugitive at the end of the seven-month follow-up period.

Judicial Reviews

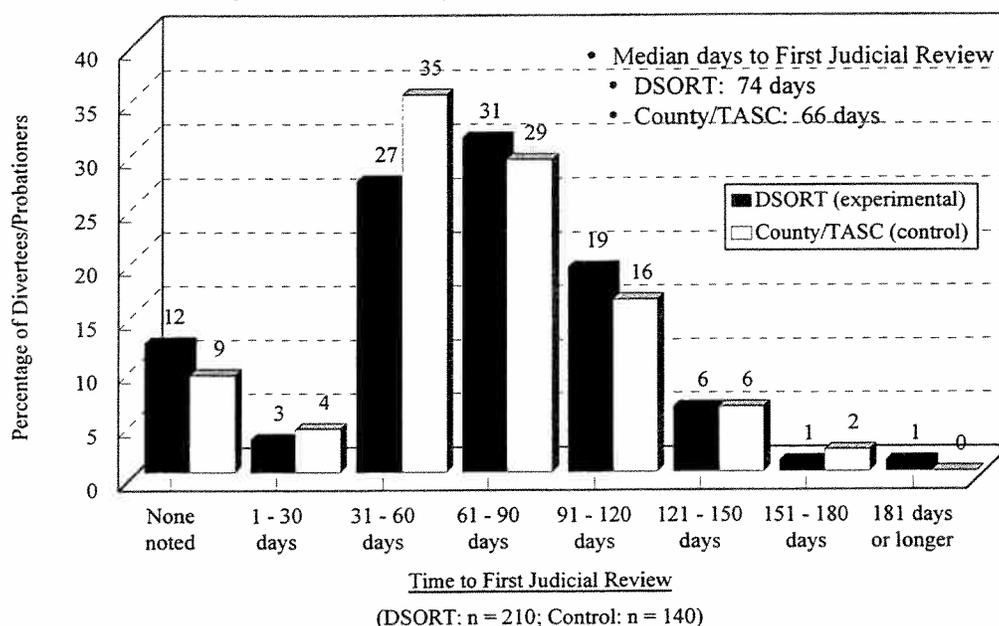
Figure III.23 summarizes the judicial reviews held for DSORT and County divertees and probationers. The number of judicial reviews held did not vary by treatment group: nine to 12 percent did not have any noted in the files that we were able to examine, about one-third had one, about one-third had two, just under one-fifth had three, and very few had four or more (about five percent).

Figure III.23 Judicial Reviews of Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up Period, by Sample



The occurrence of judicial reviews probably reflects the findings regarding length of participation in treatment. (Persons who dropped out of treatment would not have judicial reviews.) Figure III.23 and III.24 also show the average (median) time to each judicial review, with the first averaging about 70 days from the court order, the second review occurring around four months (133 days), with third and fourth reviews occurring in a small number of cases at around six months.

Figure III.24 Time from Advocate Intake to First Judicial Review of Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up Period, by Sample



At the first judicial review, dispositions varied little by treatment group (see Figure III.25). Beyond the nine to 12 percent of cases for which no first review was found, judges issued bench warrants in 18 percent of DSORT cases and 19 percent of County/TASC cases. An additional three to four percent had bench warrants issued but were reset. Nine percent of DSORT and seven percent of County participants had diversion or probation revoked at the first review. Just under half (47 percent) of the DSORT participants and just over half (51 percent) of the County participants were continued in treatment at that time.

Figure III.25 Disposition at First Judicial Review of Status of Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up Period, by Sample

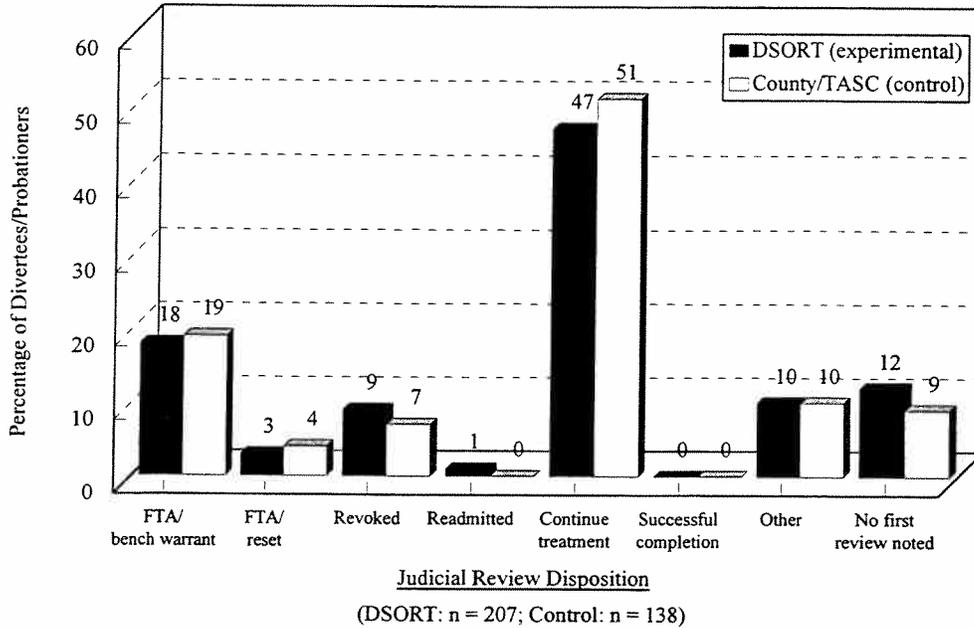


Figure III.26 Disposition at Last Judicial Review of Status of Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up Period, by Sample

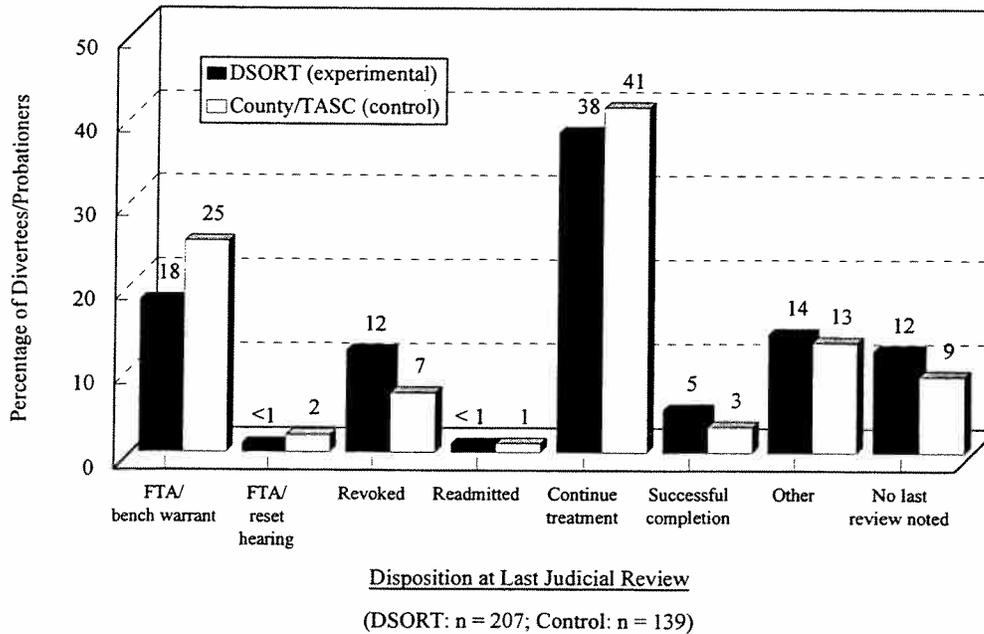


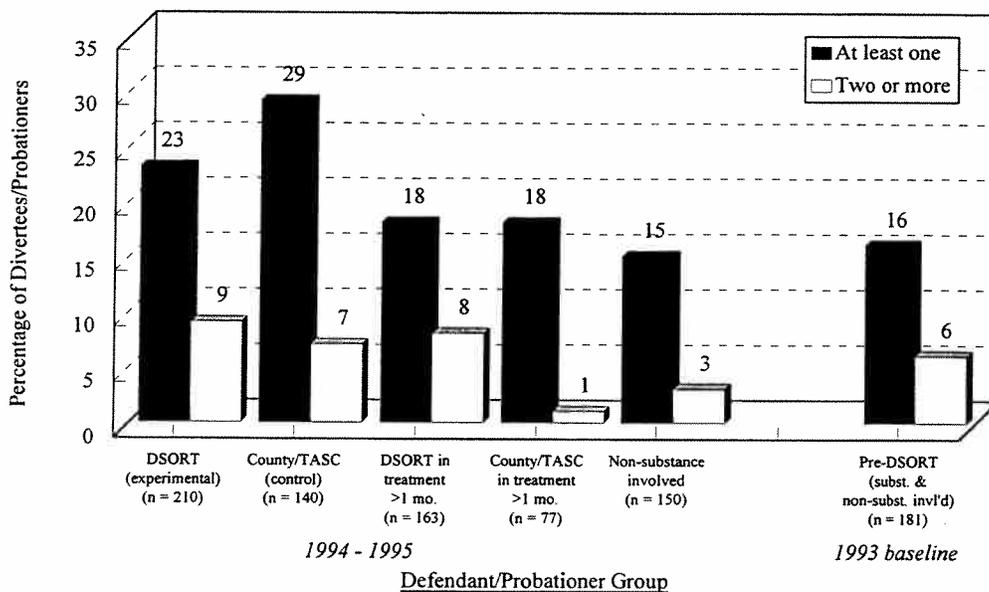
Figure III.26 arrays the outcomes of the last judicial reviews for each group of treatment participants. (This figure is somewhat difficult to interpret given the fact that the “last” reviews

may have been the “first” reviews for divertees and probationers who failed immediately in the process, i.e., were no-shows or early drop-outs.) A larger proportion of County/TASC participants had bench warrants issued as of the last judicial review (25 percent versus 18 percent of DSORT participants). Slightly more DSORT participants had diversion or probation revoked. The judicial review dispositions were alike in most other respects.

Rearrests During the Seven-Month Observation Period

Figure III.27 contrasts the records of rearrests during the seven-month observation period among DSORT and County group treatment participants, non-substance abusing divertees and probationers sent to batterer treatment only, and the pre-DSORT baseline group of treatment participants.

Figure III.27 Rearrests of Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up Period, by 1994 - 1995 Samples (Including Non-Substance Involved) and 1993 Baseline Sample



- DSORT participants showed a lower general rate of rearrest than the control group participants (23 versus 29 percent of controls) and a roughly similar rate of two or more rearrests (nine versus seven percent of controls) during the observation period.

- Non-substance abusing divertees and probationers who were assigned to batterer treatment only (the non-experimental comparison group) were rearrested less frequently (15 percent) than both of the substance-abusing counterparts.
- Both substance abuse treatment groups show higher rates of rearrest than that of defendants and probationers in treatment in the 1993 misdemeanor baseline group of divertees and probationers in substance abuse or non-substance abuse treatment. (Thus, the 1993 rate reflects a mixed group of substance abuse and non-substance abuse involved defendants and probationers.)

The second pairing (columns 3 and 4 in Figure III.27) contrasts the two groups of participants including those who were in treatment one month after their Advocate intake.

- This comparison shows overall rearrest rates to be identical (18 percent) for the DSORT group and the County/TASC group, although a larger share of DSORT participants had two or more rearrests (eight percent compared to one percent of the controls).

Figure III.28 Domestic Violence-Related Rearrests of Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up Period by 1994 - 1995 Sample and 1993 Baseline Sample

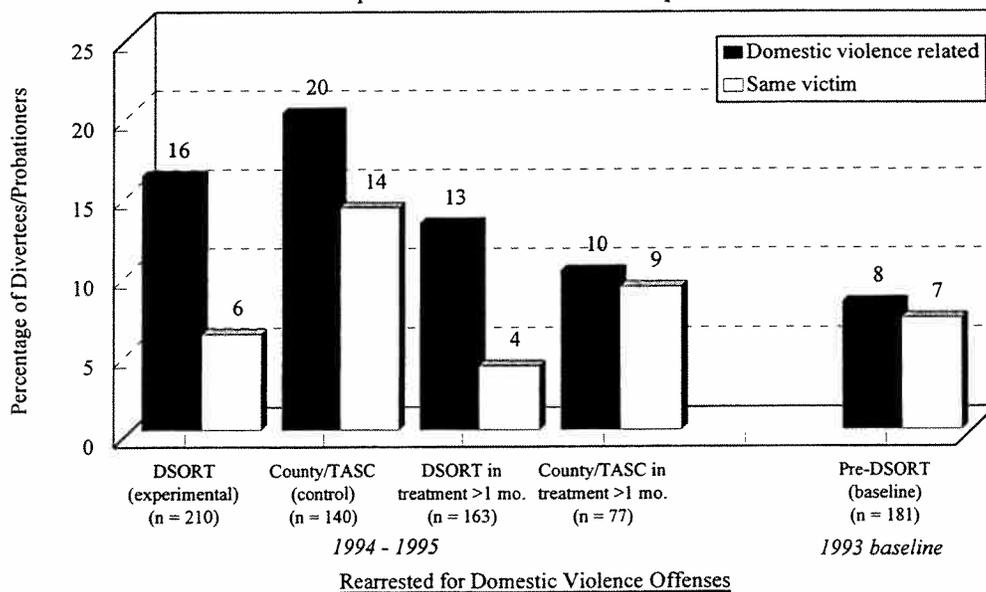


Figure III.28 focuses more specifically on rearrests related to domestic violence using two measures: rearrests for offenses that could potentially involve domestic violence (the rough

grouping of charge categories employed earlier in the study), and rearrests for offenses in which the complaining victim was the same as in the case for which the participant has been placed on diversion or probation in the experiment.

- Using the rough measure of possible domestic violence offenses first, DSORT participants were rearrested at a slightly lower rate than County/TASC participants (16 versus 20 percent) during the seven months of observation.
- Using the more specific “same-victim” measure, DSORT participants (at six percent) were rearrested at less than half the rate of their County counterparts (14 percent).
- When compared to the 1993 pre-DSORT baseline sample, both groups were rearrested more frequently than the 1993 group of mixed divertees and probationers assigned to treatment for domestic violence offenses (including both substance abusing and non-substance abusing participants).

Figure III.29 Median Time to First Rearrest and First Domestic Violence Rearrest of Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up Period, by 1994 - 1995 Sample and 1993 Baseline

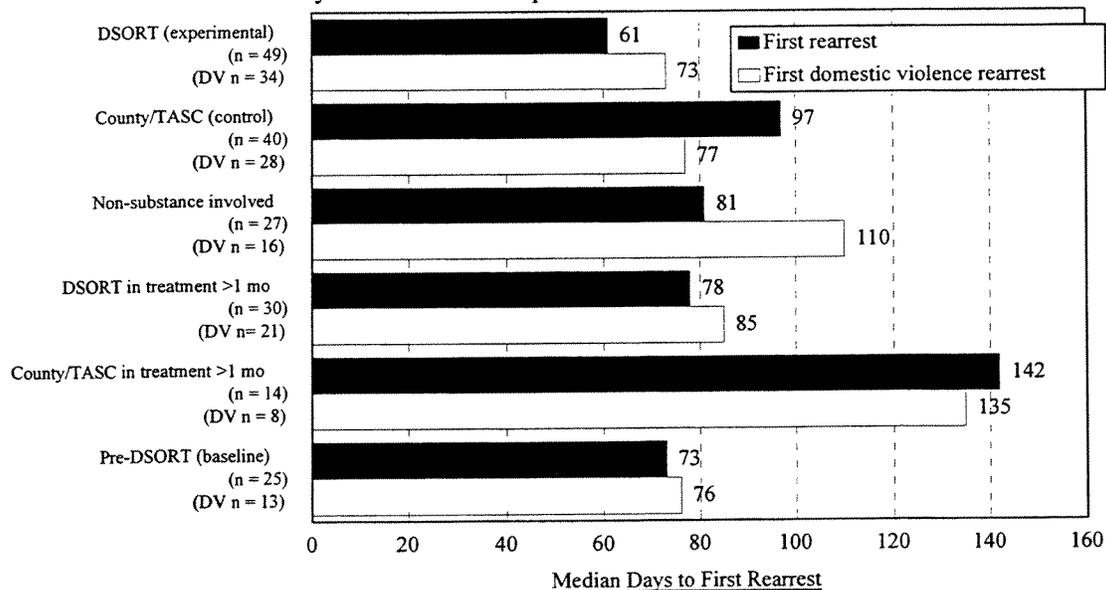


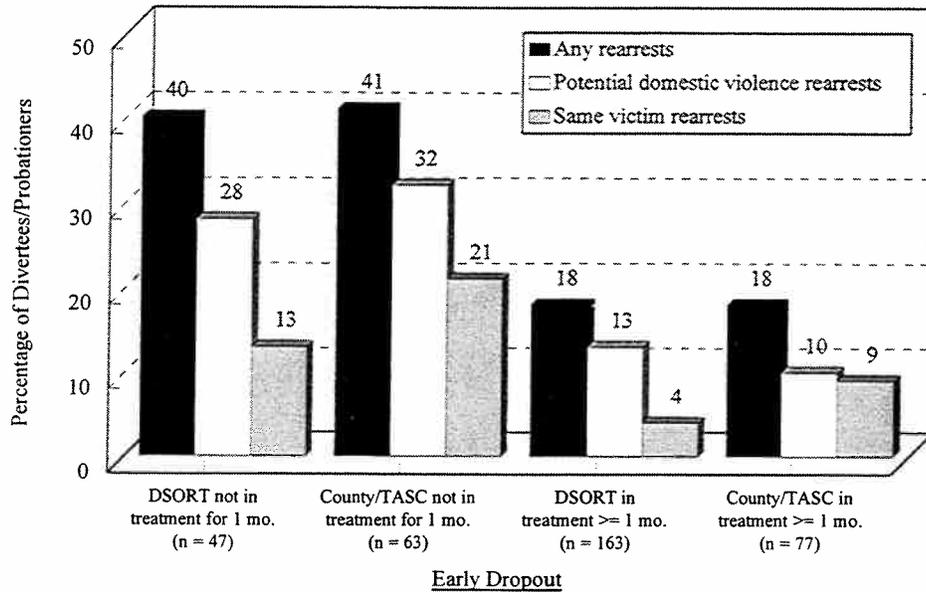
Figure III.29 contrasts the average time to rearrest (for any type of criminal offense) for participants in the two treatment groups, when there were rearrests. Overall, when they were rearrested, members of all groups were rearrested fairly soon, in from two to three months.

When rearrested, DSORT participants were, on average, rearrested soonest, in about two months (median, 61 days from intake), compared to County/TASC rearrestees who were rearrested in a little more than three months (97 days) and non-substance abusing defendants/probationers who were rearrested in a little less than three months (81 days). (Baseline misdemeanor treatment rearrestees were rearrested in an average of 73 days.) When only persons in treatment after one month are considered, the DSORT average time to rearrest increases to 78 days, very close to the non-substance abuser rate of 73 days, but much shorter than County/TASC rearrestees (142 days). The time to first possible domestic violence rearrest (based on assaultive offenses that could be domestic violence-related) shows a different picture: DSORT and County rearrestees average about the same amount of time to first rearrest (73 and 77 days respectively), both considerably shorter periods than the time to first rearrest among non-substance abusing defendants and probationers (110 days). Of those in treatment for longer than one month, DSORT rearrestees were rearrested much sooner (at 85 days) than their County/TASC counterparts (at 135 days). We found that DSORT participants had a lower rearrest rate for same-victim offenses than control group participants; however, we were unable to calculate a meaningful time to first same victim rearrest for comparative purposes.

Treatment Dropout and Rearrest

Figure III.30 depicts a relationship across treatment type showing that early dropouts (persons avoiding treatment altogether or dropping out in less than one month from the date of Advocate intake) generated higher rates of rearrest for all types of measures (any, potentially domestic violence-related, same victim) than divertees/probationers who were in treatment longer than one month. The interpretation of this relation is not straightforward: One is that being in treatment of any kind reduces the chances of reoffending. Another is that the relation is spurious, that persons who are likely to be rearrested are also not likely to go to treatment.

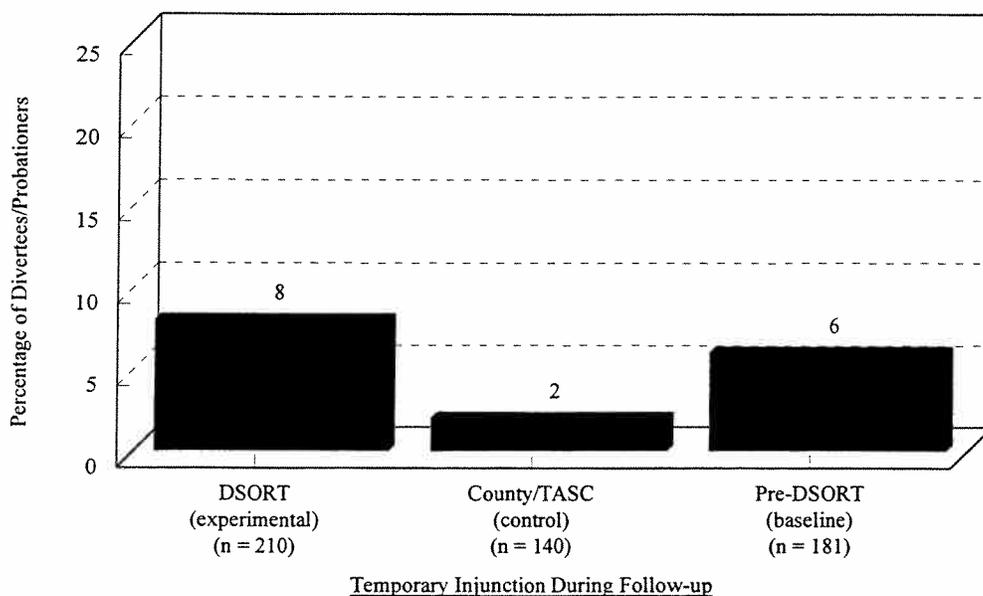
Figure III.30 Rearrests Among Experimental and Control Group Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, During Seven-Month Follow-up Period, by Early Dropout



Temporary Injunctions for Protection

Figure III.31 shows that few participants in treatment overall were the subject of temporary injunction orders during the observation period. However, a greater proportion of DSORT participants (eight percent) had injunctions ordered in civil proceedings than County participants (two percent). This compares to the 1993 base rate of six percent. Again, this finding is open to interpretation. One interpretation is that greater monitoring and accountability among DSORT participants also leads to a stricter enforcement of program violations, including the generation of civil injunctions.

Figure III.31 Temporary Injunctions for Protection Issued During Seven-Month Follow-up Against Domestic Violence Divertees and Probationers Entering Treatment between June 9, 1994, and February 28, 1995, by Sample



V. Findings from a Pilot Victim Survey

Most, if not all, of the improvements set in place during the establishment of the Domestic Violence Division in the Dade County courts and the restructuring of the treatment approach were designed to have a positive impact on the victim (the petitioner or complaining witness)—to both assure personal safety and provide other forms of assistance. The design of the evaluation research did not include a victim survey, however, and the court itself did not have a systematic way to generate information about the effectiveness of its interventions from the perspective of the victims. During the early stages of the research, the administrative judge and the court staff agreed with the researchers that information reflecting the perspective of victims would enhance understanding of the impact of Domestic Violence Court processing and intervention and that a “pilot” victim survey should be carried out with the cooperation of the research team.

The pilot survey was intended to “field test” a means to produce information about the experience of victims while defendants and offenders in associated cases were in court-

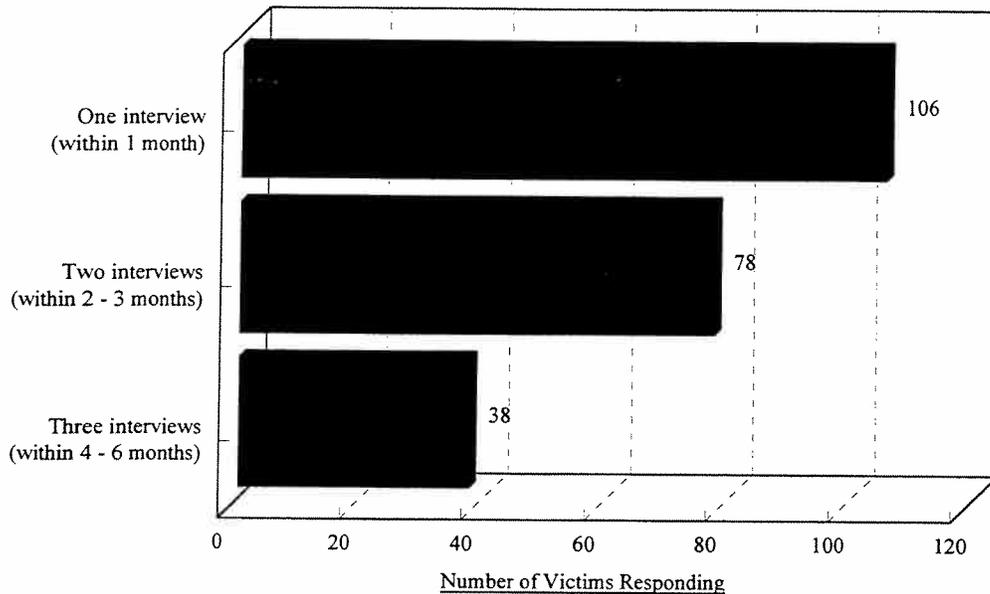
supervised treatment. It was agreed that the survey would be conducted for research purposes only, that the respondents would be anonymous with specific responses confidential, and that the judiciary would consider whether any further efforts should be planned to generate such information more routinely upon review of the results after the completion of the project. Roughly during the period of the treatment experiment (from August, 1994, through March, 1995), staff of the Domestic Intervention Program (DIP) and the Court's Domestic Violence Coordinating Unit (DVCU) contacted 106 victims by telephone. They had been involved in misdemeanor domestic violence cases filed in the Domestic Violence Court in which the defendants or offenders were placed on probation or diversion.⁶⁰ Attempts were made to interview victims a total of three times over a period of six months—at one, three and six months—to determine if, during that time, any changes in their situations or perspectives had occurred.

Selected Survey Findings: First Interview Responses

The questions in the survey were intended to elicit information about the victim's situation since involvement in the Domestic Violence Court and about the victim's view of the behavior of the defendant/offender since assignment to treatment under supervision by the court. Figure III.32 shows that 106 victims were successfully contacted for at least one interview; 78 victims were interviewed two or more times; and 38 victims were interviewed three times, showing an attrition rate between the first and third interviews of about 60 percent over the six month interview period. Figure III.33 highlights selected results. (Tabular analyses of victim survey responses are summarized in Appendix C.)

⁶⁰The survey was intended as a pilot survey, not a probability sample of all victims involved in court cases in the Domestic Violence Court. It was originally designed to complement data collection in the treatment experiment assessing the impact of the integrated treatment model. Because of initial difficulties in getting the survey underway, this plan had to be modified. For a copy of the survey instrument, see Appendix D.

Figure III.32 Victim Responses Over Three Interviews



Victim-Offender Relationship, Living Arrangements and Employment

More than half of the respondents indicated that the relevant defendants/probationers were, at the time of the incident, their current spouses (54 percent) or ex-spouses (three percent); 29 percent were then “boyfriends” and three percent were described as ex-boyfriends. In fact, 84 percent of survey respondents reported that they lived with the defendant or probationer at the time of the incident. At the time of the first interview, about 64 percent reported that they were living together with the offender. About half (51 percent) of the respondents said that they were employed at the time of the first interview and that 71 percent of respondents were employed.

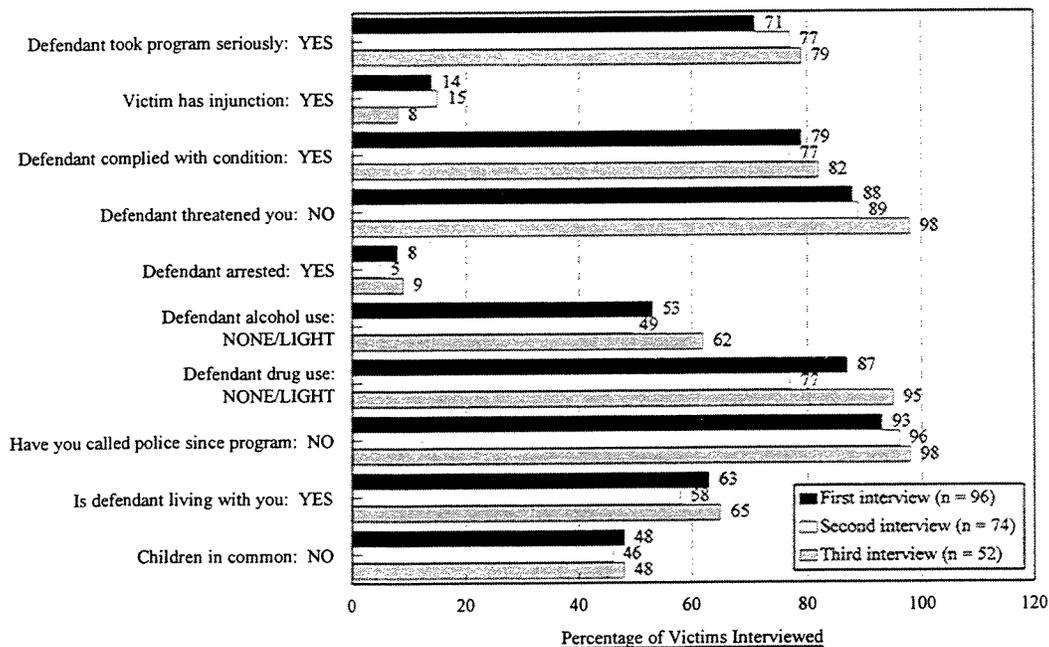
Contact with Defendant/Probationer

Thirteen percent of respondents indicated that they had a civil injunction for protection in effect at the time of the first interview. Most respondents were still in contact with the defendant/probationer: about 66 percent said they saw the offender every day, 63 percent because they still lived together; six percent said they now saw the offender two or three times per week, while five percent saw the offender once per week. Nearly one in four (23 percent) said they never saw the defendant/offender.

Children

Only one of the respondents reported being pregnant at the time of the incident. About 57 percent reported having children in the household at the time of the incidents, 52 percent had children in common with the defendant or probationer involved in the domestic violence case. Seven percent of respondents indicated that children were involved in the incident and five percent said their children were participating in services provided or referred by the court. Seventy-two percent of respondents who had children in common with the defendant/probationer said that the offender saw the children every day because they lived together; 11 percent of those respondents said the offender never saw the children.

Figure III.33 Selected Responses to Pilot Victim Survey



The Victim's View of the Defendant's Behavior under Court Supervision

About three-fourths (71 percent) of victims indicated that the defendant or offender was taking the court's program seriously; one fourth did not express that view. In the first and second interviews, about 15 percent of victims indicated that they had secured at least a temporary injunction for protection after the initiation of the criminal case. About 80 percent indicated that the defendant was complying with the conditions the criminal court had imposed.

In a small proportion of cases (12 percent of first interviews, 11 percent of second interviews and two percent of third interviews), respondents reported that defendants had threatened them since court (or since the last interview). Nine percent or less reported that the defendant had been arrested since involvement with the court case.

Drug or Alcohol Use by the Defendant/Probationer while in Treatment

The victim survey presented a picture of drug and alcohol use among the defendants and probationers different from other components of the Domestic Violence Court study. Very few reported at their first interview that drug abuse was much of a problem: most (87 percent) of the respondents reported that they believed the use of drugs by the defendant or offender to be “none” or “light;” five percent thought that drug use was at the “moderate/social” level; and about eight percent thought the drug use was “excessive” or in “binges.” While nearly half of respondents thought that the defendants/probationers had used alcohol since involvement in court, more than half (53 percent) thought alcohol use was inconsequential, “none” or “light;” about half of those indicating alcohol use (25 percent of all respondents) characterized alcohol use by the defendant or probationer as “moderate” or “social.” Problem drinking was noted by 23 percent of respondents who thought that it was “excessive” or went in “binges.”

Seven percent of victims reported at their first interviews that they had called the police since involvement with the court.

Comparing Responses over Interviews

An aim of the survey was to generate information from victims at several points over the six to seven month treatment program. The tables in Appendix C present these results in more detail. However, the results, which tend to show greater proportions of positive responses among respondents over time, cannot be viewed out of the context of the attrition among victim respondents. In fact, the remaining 40 percent of victims still responding at six months may be a notably biased portion of the original sample. The question of the nature of attrition in responses over time is important when trying to interpret comparisons between first, second and third

interview responses. For example, Table C1 shows a noticeable increase in the employment of defendants/probationers between the first and last interviews (from 71 to 83 percent), a possibly positive impact of involvement in the court treatment program. The proportion of respondents with injunctions against the defendant/probationer went down during that period (from 13 percent to eight percent). The proportion of defendants/probationers reported to be complying with court conditions increased over the six months (from 79 to 82 percent). A greater proportion of respondents reported that the defendants/probationers “took the program seriously” (from 71 to 79 percent). Notable increases in the proportions of defendants/probationers in the “none” or “light” alcohol use category (from 53 to 62 percent) and in the drug use category (from 87 to 95 percent) were found. A sharp increase (from 88 to 98 percent) in respondents reporting not being threatened by the defendant/probationer was also recorded.

These kinds of findings would seem to present another source of evidence indicating positive impacts among victims and the defendants or probationers associated with their cases who participated in treatment. Table C2 compares the 78 respondents with two interviews and compares the same measures in the two sets of responses. The results from Time 1 to Time 2 are not so consistently positive when only persons with two interviews are considered. In fact, the category of persons with no or light drug use decreases rather than increases. Moreover, this table shows an increase in missing information in the second interviews and adds uncertainty to the interpretation of the results. It also compares the 38 respondents who were interviewed three times. Among these respondents, the results are increasingly positive in a number of the same areas (drug use, alcohol use, taking the program seriously, threats to the victims, etc.)

The more clearly positive trends among those interviewed three times raises the question about how representative these respondents are of all respondents (or of all potential respondents). To examine this question, we contrasted the initial responses of persons having just one, two and three interviews to see if there were patterns we could detect influencing responses over time. (See Table C3.) We believe that this table does point to factors that influence attrition, which raise questions about the interpretation of the third interviews. Briefly,

we found that respondents with three interviews showed greater proportions of the following attributes, compared to two- and one-interview respondents:

- living with the defendant/probationer at the time of the incident;
- still living with the defendant/probationer a month after court proceedings;
- children in common with the defendant/probationer;
- reported that the defendants/probationers “took the program seriously.”

While this simple analysis is not definitive, it suggests the possibility that survey respondents who have children with the defendant/probationer, who live with him or her and who report that the defendant/probationer is taking the program seriously are more likely to be available for and/or to respond to a second and third interview. To greatly oversimplify, this raises the question of whether survey respondents in more difficult situations (with defendants/probationers less likely to be taking the program seriously) were more likely to be unavailable for successive interviews.

Summary: Pilot Survey Findings and Feasibility

Despite the fact that the victim survey was not a probability sample of complaining witnesses in domestic violence cases where defendants or probationers were placed in treatment, a number of the findings are generally consistent with those produced by the other phases of the Domestic Violence Court study. Generally interviewees reported positive outcomes regarding the behavior of the defendants/probationers within six months after entering the Domestic Violence Court process. Such an interview also points to the categories of persons who, the victims report, were not apparently taking the court program seriously, were abusing alcohol and/or drugs, were threatening or harassing the victims or witnesses responding to the survey, and who were reportedly violating conditions of diversion, probation or protection orders. The survey findings again point to the role of children in the households in which the incidents in Domestic Violence Court cases occur. As a first feasibility effort, these findings support the premise that such a source of victim-based information might prove valuable to the Domestic Violence Court in its attempts to improve its services and impact.

As a “field test” of a victim survey, however, many issues are raised of an empirical, operational and ethical nature. Empirically, two problems occur in obtaining useful survey results, problems not unique to this victim survey initiative: attrition and reliability. The rate of attrition of respondents over time may not occur in a random fashion and, thus, may be biased or selective in certain ways (some of which we have illustrated). Issues of reliability and validity are raised by the design of the survey, the manner in which victims are contacted, and the ability of victims to know or remember facts both initially and over time. In addition, victim surveys ask for the unabashed perspective of the victim at a time not far removed from the incidents of abuse.

Operationally, difficult problems are posed by the need to establish and maintain contact with complaining witnesses/victims and to develop sufficient rapport to encourage open and candid responses over three interviews. Just how one makes the initial contact in court and then arranges to conduct follow-up interviews in a way that produces a high response rate, reliable information, and yet does not place the respondent at risk or prove otherwise disruptive in her or his life poses a very challenging dilemma.

The ethical issues are complex. In the interest of securing useful information that will allow the court to obtain critical feedback with regard to the impact of its procedures and programs, a survey necessarily means interfering with the privacy of the respondents, raises serious questions of confidentiality, and potentially poses a risk to victims in particularly volatile situations. At the same time, in the name of gathering information about the effectiveness of the court treatment program and victim assistance services, an information mechanism is set in place that offers far greater surveillance of the defendant/probationer, but one that also places the victim in a position to influence the content of that information substantially—to the advantage or detriment of the defendant or probationer. Clearly, a variety of ethical issues such as these would need to be addressed in any attempts to further develop victim-based information regarding the impact of Domestic Violence Court programs.

VI. Summary of Findings From the Treatment Experiment in Dade County's Domestic Violence Court

The innovation of a treatment methodology integrating substance abuse and batterer treatment was a response to the first-hand experience of Dade County's Domestic Violence Court in dealing with large numbers of domestic violence cases in which alcohol or other drugs of abuse figured prominently. In reorganizing the adjudicatory process for civil injunction and misdemeanor cases, the Domestic Violence Division pursued a variety of aims, including improvement of information, more efficient management and adjudication of cases, timely assistance to victims of abuse, restraint of active offenders, prevention of further abuse, appropriate punishment, specific deterrence and treatment. In the baseline research described earlier in this report, a number of these issues were discussed including the special obstacles to prosecution and adjudication of domestic violence cases and the relatively high dismissal rate. The treatment experiment narrows the focus from the broader aims of court reform in dealing with the domestic violence caseload to implementing effective treatment of substance abuse and domestic violence behaviors. The design of an integrated, "holistic" approach which focused on substance abuse in domestic violence, sought to improve treatment both substantively and structurally. Substantively, the court sought to develop a program that would meld treatment of substance abuse and violent behavior in a way that reflected their interrelatedness and that would deal with the whole person in a sensible manner. Structurally, an aim of the program hybrid was to enroll and retain offenders in treatment more effectively and to increase accountability in the treatment process.

While the aims of the integrated treatment approach were fundamentally practical, to reduce substance abuse and abusive domestic behavior among offenders, the conceptual problems involved in creating a treatment hybrid were compelling. Two separate disciplines and treatment methodologies were not readily compatible in at least the following ways:

- their assumptions about the nature of the offenders' problems and about the human behavior underlying their respective approaches;
- the priorities given to violence and substance abuse;
- the content of the treatment provided;

- the method and style of treatment each delivered;
- the time frames (length of treatment programs) within which they were used to working;
- the training backgrounds of the staff; and
- the attributes of the clientele with whom they generally dealt.

“By the book,” the Duluth Model of batterer treatment on which the Dade programs were based was designed to deal with men who abused women, although from ten to 25 percent of the domestic violence caseloads in Dade County involved female defendants. Further, the Duluth approach excluded participants with substance abuse problems. The substance abuse treatment model adapted from the Drug Court was designed for a longer period of treatment (at least one year as opposed to the 26 weeks associated with batterer treatment) and gave substance abuse primary emphasis, based on the rationale that other life improvements follow after drug and alcohol abuse are controlled. By policy, the substance abuse treatment approach was not designed to deal often with persons involved in violent criminal behavior. These inherent differences in outlook, style and method formed the context of the attempt to create an effective synthesis that drew strength from both disciplines.

The conceptual issues raised by the planned treatment innovation were played out on a very practical level: For example, given the structured, didactic curriculum of the Duluth-oriented batterer approach, how should detoxification and the batterer treatment curriculum be sequenced effectively? Should substance abuse or domestic violence treatment staff lead the sessions? How should the “hybrid” be adapted to address the needs and problems of specific ethnic and cultural populations? Many of these issues surfaced during the ten months that DSORT accepted clients into treatment.⁶¹

The special needs posed by special populations were confronted early in the implementation process when the DSORT program received a large number of men of Central and Latin American origin who had different cultural perspectives and traditions from the more

⁶¹Once DSORT stopped accepting new clients in March, 1995, it provided treatment until clients graduated or were terminated, stopping the integrated treatment program in September, 1995, or after about 16 months of operation.

familiar Cuban-American treatment population, particularly concerning consumption of beer, the acceptability of alcohol versus other drugs, and the role of women. Specially assigned Spanish-speaking staff (from each treatment discipline) adapted the integrated treatment “curriculum” to deal with the specific needs of this population, whose concerns turned out to include problems with immigration, employment, housing, and health (including HIV), as well as substance abuse and domestic violence. To address this population meaningfully, adjustments had to be made to the planned treatment approach. This was but one example of the ongoing need for flexibility in the implementation process so that the integrated treatment model could adjust to realities as they arose. The treatment experiment was carried out in this context of continual change during the first and, as it turned out, final 16 months of operation.

The Impact of the Integrated Treatment Approach on Defendants and Probationers

The sampling frame for the research investigating the impact of the Domestic Violence Court’s attempt to merge substance abuse and batterer treatment focuses on the processing stage when defendants or probationers attend the Advocate Program intake interview after being ordered to treatment by the Domestic Violence Court judge, prior to being placed in a specific six-month treatment program. The experimental design was conceived to compare the impact of the newly integrated treatment approach (DSORT) with the until-then more usual treatment method for substance abusing domestic violence offenders, which required participation in Duluth-model batterer treatment, then referral to TASC for assessment and finally placement with one of various Dade County alcohol and drug treatment providers. The baseline research documented a number of the problems the integrated treatment approach had been designed to address:

- a large proportion of defendants in entering cases were involved in alcohol and/or other drugs of abuse,
- a large number of divertees and probationers assigned to treatment failed to arrive at the treatment programs,
- a higher dropout rate among persons assigned to batterer treatment and substance abuse treatment in separate programs, and
- a higher rearrest rate among divertees and probationers who were not admitted to treatment.

The attributes of the persons identified for “dual” or integrated treatment by the study confirmed some of the findings about the nature of the misdemeanor domestic violence seen in the baseline research:

- persons identified for treatment by the court were substantially alcohol and drug involved;
- they were usually but not always involved in male-to-female abusive incidents;
- the defendant-victim relationships involved spouses or ex-spouses about half the time, and “boyfriend-girlfriend” about one-third of the time;
- children were part of the household or present during the incidents in a large number of cases;
- although small proportions had prior convictions for domestic violence offenses, about two-thirds had histories of prior arrests, about half for offenses classifiable as domestic violence-related.

Divertees and probationers ordered to treatment for both substance abuse and battering were randomly assigned to the new integrated treatment program (DSORT) and the normal TASC/County assessment and referral process. With some correction of the initial rough allocation used for random assignment to the experimental and control groups, two reasonably similar groups of diverttees and probationers heading for treatment were obtained for study over a seven-month observation period. The two groups did differ, however, on several potentially important attributes, including the following: DSORT defendants were somewhat older, were exclusively male, had more male victims, involved slightly more spousal and substantially more “boyfriend/girlfriend” relationships; TASC/County participants more often showed “no indication” of drug abuse and substantially less often were characterized as involved in drug use “now.”

By necessity, the analyses comparing the experiences of the two treatment groups measured outcomes seven months after the Advocate treatment intake interview stage, a relatively early stage of follow-up. (From the baseline study, we could see that, even though the basic program was designed to be completed in six and one-half months, a seven-month follow-

up would not provide outcomes for large numbers of defendants and probationers who would conclude their treatment (favorably or unfavorably) later.) As a result, our analyses can chart mainly early—and by definition then mainly unfavorable—treatment and justice outcomes.

Although these findings could change markedly in an extended follow-up (for example, to extend the observation period to one year and allow more cases to reach their treatment conclusions), the seven-month results are interesting: The DSORT program generated both more unfavorable early terminations and more favorable early completions among its treatment participants than the TASC/County approach. The TASC/County approach had a notably greater proportion “still active” at the end of the seven month observation period. In addition, the DSORT program generated a slightly greater proportion of participants who did not record a program “revocation” during seven months. When there were revocations, a larger proportion of DSORT participants than the control group counterparts were revoked only once; readmissions of revokees were also less common among DSORT participants. One plausible interpretation of these findings is that the DSORT approach was more effective in processing participants into treatment as ordered by the court, and also provided greater accountability by revoking participants who did not meet program requirements (concerning negative drug tests, attendance, etc.), and less frequently readmitting them. Thus, drawing inferences from these early outcome measures, the DSORT program may have been more effective at providing treatment and enforcing conditions of participation in treatment.

Table III.1 summarizes key treatment and justice outcomes for the experimental (integrated treatment or DSORT) and the control (to the TASC/County referral) group participants. When controlling for the differences in group attributes mentioned above, only three of the comparisons of outcomes yield differences between the DSORT and TASC/County groups which are statistically significant:

- the integrated treatment approach was far more successful in actually getting divertees and probationers to begin treatment (43 percent of the control group were “no-shows” compared to 13 percent of DSORT clients);

- the integrated approach was more successful at keeping participants in dual-treatment (22 percent of DSORT participants were in treatment less than one month, compared to 45 percent of the control group). The difference in average days in treatment was notable too (160 (median) for DSORT and 99 for County/TASC participants);
- DSORT participants were rearrested during the seven-month follow-up for same-victim domestic violence offenses less frequently (six percent versus 14 percent of TASC/County participants).

These early outcome findings suggest that, during the very first stages of program implementation, the integrated batterer-substance abuse treatment hybrid developed in Dade County appears to have produced some positive, practical results in reaching its treatment population and retaining it in treatment with greater accountability. When taken in conjunction with the baseline findings that cases continuing in processing and cases involved in treatment show lower rates of reoffending, these findings suggest that the efforts to implement a substance abuse-batterer treatment hybrid in the Dade County Domestic Violence Court may have had a positive impact in preventing reoffending among domestic violence offenders. The study results overall also suggest that such a programmatic approach could benefit from further differentiation of the types of incidents, offenders and risks associated with domestic violence cases and court responses and interventions most appropriate for each type. In the concluding section of the *Final Report*, we illustrate ways in which these data could be employed to begin to address classification issues raised by treatment of offenders in the Domestic Violence Court.

Table III.1 Comparing Treatment and Justice Outcomes among Experimental and Control Group Divertees and Probationers in Dade County's Domestic Violence Court, 1994-95

Outcome Measure	Group				Sig. ¹
	Experimental		Control		
	N	%	N	%	
<u>Treatment Outcomes</u>					
Program outcomes					
Total	206	100.0	138	100.0	ns
Favorable	91	44.2	64	46.4	
Unfavorable	115	55.8	74	53.6	
Program attendance					
Total	210	100.0	140	100.0	.01
Never attended	27	12.9	60	42.9	
Attended at least once	183	87.1	80	57.1	
Attended for one month or more (shorter of two programs)					
Total	210	100.0	140	100.0	.01
No	47	22.4	63	45.0	
Yes	163	77.6	77	55.0	
Median time in program (shorter of two programs) ²	160 days		99 days		
Attended for one month or more (longer of two programs)					
Total	210	100.0	140	100.0	ns
No	47	22.4	35	25.0	
Yes	163	77.6	105	75.0	
Median time in program (longer of two programs) ²	160 days		210 days		
Number of program revocations					
Total	210	100.0	140	100.0	ns
None	108	51.4	65	46.4	
One or more	102	48.6	75	53.6	
Number of program revocations and readmits					
Total	210	100.0	140	100.0	ns
No revocations <i>or</i> at least one readmit	132	62.9	100	71.4	
One or more revocations <i>and</i> no readmits	78	37.1	40	28.6	
<u>Judicial Reviews</u>					
Number of judicial reviews					
Total	210	100.0	140	100.0	ns
None	25	11.9	12	8.6	
One or more	185	88.1	128	91.4	
Number of favorable judicial reviews					
Total	210	100.0	140	100.0	ns
Zero or one	131	62.4	95	67.9	
Two or more	79	37.6	45	32.1	

¹ Differences in outcomes were examined for significance after controlling for group differences. A non-significant difference is indicated with "ns." Values (.01 or .05) indicate a significant difference at the probability level given.

² Differences in medians were not tested for significance.

Table III.1 Comparing Treatment and Justice Outcomes among Experimental and Control Group Divertees and Probationers in Dade County's Domestic Violence Court, 1994-95 (Continued)

Outcome Measure	Group				Sig. ¹
	Experimental		Control		
	N	%	N	%	
<u>Case Outcome</u>					
Early case outcome ³					ns
Total	193	100.0	129	100.0	
Favorable	138	71.5	99	76.7	
Unfavorable	55	28.5	30	23.3	
<u>Rearrest/System Contact</u>					
Any rearrests?					ns
Total	210	100.0	140	100.0	
No	161	76.7	100	71.4	
Yes	49	23.3	40	28.6	
Any domestic violence related rearrests?					ns
Total	210	100.0	140	100.0	
No	176	83.8	112	80.0	
Yes	34	16.2	28	20.0	
Any rearrests involving the same victim?					.05
Total	210	100.0	140	100.0	
No	198	94.3	120	85.7	
Yes	12	5.7	20	14.3	
Any rearrests for person offenses?					ns
Total	210	100.0	140	100.0	
No	182	86.7	117	83.6	
Yes	28	13.3	23	16.4	
Any rearrests for drug offenses?					ns
Total	210	100.0	140	100.0	
No	198	94.3	135	96.4	
Yes	12	5.7	5	3.6	
Any rearrests for alcohol-related offenses?					ns
Total	210	100.0	140	100.0	
No	207	98.6	137	97.9	
Yes	3	1.4	3	2.1	
Any rearrests for drug or alcohol offenses?					ns
Total	210	100.0	140	100.0	
No	196	93.3	132	94.3	
Yes	14	6.7	8	5.7	

¹ Differences in outcomes were examined for significance after controlling for group differences. A non-significant difference is indicated with "ns." Values (.01 or .05) indicate a significant difference at the probability level given.

³ "Favorable" case outcome is defined as successful completion of or continued participation in diversion or probation. "Unfavorable" case outcome includes fugitive status and revocations from diversion or probation.

Table III.1 Comparing Treatment and Justice Outcomes among Experimental and Control Group Divertees and Probationers in Dade County's Domestic Violence Court, 1994-95 (Continued)

Outcome Measure	Group				Sig. ¹
	Experimental		Control		
	N	%	N	%	
Any subsequent petitions for injunctions?					ns
Total	210	100.0	140	100.0	
No	194	92.4	137	97.9	
Yes	16	7.6	3	2.1	
<u>Treatment and Rearrest</u>					
Program outcome and any rearrest					ns
Total	210	100.0	140	100.0	
Favorable outcome/no rearrests	85	40.5	56	40.0	
Favorable outcome/at least one rearrest	6	2.9	8	5.7	
Unfavorable or other outcome/no rearrests	76	36.2	44	31.4	
Unfavorable or other outcome/at least one rearrest	43	20.5	32	22.9	

¹ Differences in outcomes were examined for significance after controlling for group differences. A non-significant difference is indicated with "ns." Values (.01 or .05) indicate a significant difference at the probability level given.

**PART FOUR:
CLASSIFICATION OF DOMESTIC VIOLENCE OFFENDERS FOR
TREATMENT SUCCESS AND REOFFENDING**

In concluding Part Two of this report, we identified a number of information needs that would improve the judicial disposition of domestic violence cases (civil and criminal). After information concerns related to classifying domestic violence incidents, providing for victim protection and other assistance, and determining dispositional goals, we described the need for a resource that would serve the judge when treatment was the principal dispositional aim (as it appeared to be in about half the misdemeanor cases we studied). In this final section of the report, we illustrate what a classification for treatment success and reoffending might look like, based on study data, and how it might be employed.

The Purpose of Predictive Classification of Domestic Violence Offenders for Treatment Success and Reoffending

Two of the central questions explored in both the baseline and experimental analyses were about treatment outcomes and reoffending among domestic violence defendants and probationers. Judges considering the appropriateness of treatment for a substance abusing domestic violence offender and concerned about the threat posed to the victim and/or community generally might benefit from information that estimates the likelihood that the offender will succeed in treatment and/or that he/she will be rearrested for a domestic violence-related offense. The development of a predictive classification attempts to answer the question of what sorts of information could help differentiate defendants/probationers according to the probability of treatment outcomes and reoffending. Thus, for example, such a classification could help at the intake assessment stage to target defendants for certain types of treatment or levels of supervision, based on the estimated probability of treatment program failure or of reoffending, and/or the type of offender depending on the policy emphasis.⁶² Ideally, a classification could

⁶²See Fagan (1996:18) for a discussion of the need for classification of treatment and offender in domestic violence.
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help the court or program anticipate the degree of “treatment challenge” and victim or public safety risk associated with particular categories of divertees or probationers entering treatment.⁶³

Method

Ordinarily, predictive classification is most successful when large samples of cases with a rich variety of reliable data are available and the outcome measures being predicted approach 50 percent of all cases. (Statistical modeling of outcomes becomes more difficult as they occur more rarely in a given population.) While we have several very in-depth data sets, the samples are relatively small and many of the outcomes of interest occur at rates well less than 50 percent (e.g., same-victim rearrest occurred in nine percent of experimental and control group cases). Thus, our goal in this discussion is to illustrate the development and use of predictive classification on these data (while acknowledging the limitations of our data for these purposes).

We began the analysis by selecting the treatment and reoffending outcome measures we would seek to model statistically (“predict”). Certainly a variety of treatment measures could be of interest; however, given the “early-outcome” nature of the follow-up study, we decided to focus on two treatment outcomes: early unfavorable termination and whether a participant was in the program for one month or longer. Similarly, we decided to “predict” two versions of reoffending: being rearrested for any offense, and being rearrested for a same-victim domestic violence-related offense during the observation period.⁶⁴ To maximize sample size, we combined the experimental and control group samples and sought to predict retention in treatment (less than one month), rearrest, and same victim rearrest, employing two predictive methods, logistic regression and CHAID.⁶⁵ (We selected the “best” model considering both methods for each dependent variable.) The predictive analyses began by examining the statistical relationship

⁶³Fagan (1996:19) argues that length and seriousness of prior violence toward intimates should, for example, be an important criterion in such a classification.

⁶⁴“Prediction” in this sense is a bit of a misnomer; actually we are “post-dicting,” looking at follow-up study outcomes and then going back to consider all information about a defendant/probationer that, at the beginning of the treatment period, could help predict the seven-month outcomes. (Thus, we are simulating prediction.)

⁶⁵Because of the different assumptions and properties of the two methods—and the dichotomous outcomes variables we were modeling—we carried out two analyses (one using each method) for each dependent variable under consideration.

between a large number of independent variables and the treatment and reoffending outcomes we wished to predict. This bivariate analysis was employed to reduce the number of potential predictor variables to about 25 to be employed in multivariate analyses.

Table IV.1 shows the independent variables included as predictors in the final logit and CHAID models for each outcome measure. After these analyses, we first concluded that no satisfactory model (grouping of predictor variables) of unfavorable program outcome could be developed, so this was dropped from the analysis. However, an acceptable predictive model of retention in treatment (not in treatment one month) was developed using logit, while CHAID produced predictive models of (any) rearrest and same-victim rearrest during the follow-up period.

Table IV.1 Predictor Variables Used in Classification Models for Program Outcomes, by and Model Type

Pool of Predictor variables	<u>Program Outcomes</u>				<u>Rearrest Outcomes</u>			
	<u>Unfavorable</u>		<u>Less than 1 month in tx</u>		<u>Any rearrest</u>		<u>Any rearrest same victim</u>	
	Logit	CHAID	Logit	CHAID	Logit	CHAID	Logit	CHAID
<u>Demographics</u>								
Defendant race/ethnicity	X							
Defendant age	X			X				
Defendant relationship to victim	X							
Victim gender			X					
<u>Priors</u>								
Any prior convictions	X	X		X	X	X	X	X
Any prior arrests		X						
Any prior arrests in the last three years			X					
Any prior civil court cases			X				X	
Any prior assault and battery arrests				X	X	X		
Any prior same victim arrests				X			X	X
Any prior domestic violence-related arrests								X
<u>Current offense</u>								
Number of charges					X			
<u>Defendant alcohol and drug involvement</u>								
Any indication of drug involvement		X				X		
Any indication of alcohol involvement			X					
Drug and/or alcohol involvement					X			
Number of independent variables used	4	3	4	4	4	3	3	3

Retention in Treatment (Less than one month)

Using logit, an acceptable model for our purposes is derived from knowledge of four independent variables. The probability that a person will not begin treatment or last in treatment for a first month is increased if the victim is male; if the defendant/probationer abuses only other drugs of abuse (not alcohol); if the defendant/probationer has any prior arrests within the last three years; and/or the defendant/probationer has been a respondent in a civil injunction request in the past.⁶⁶ By converting the parameter estimates to weights and then “scores,” these predictors can be used to group defendants/probationers into three groups with lowest, medium and highest probabilities of not staying in treatment for a first month. Table IV.2 estimates (in the lower left section) that 16 percent of Group I (lowest early-dropout probability) defendants would be early dropouts, 33 percent of Group II (medium early-dropout probability) defendants would be early dropouts, and 57 percent of Group III (highest probability) defendants would last in treatment less than one month.

Rearrest during Follow-up

The model we developed to predict rearrest for any offense over the next year used three variables in a CHAID analysis. The probability of rearrest was greater for persons with any prior convictions, any prior assault and battery arrests, and indications of involvement with other drugs of abuse (not alcohol). The CHAID method, which bifurcates according to specific inquiries, is depicted in Figure IV.1. The final analysis selected any indication of drug involvement (not alcohol involvement) on the first level. Defendants with no drug involvement show a lower rate of rearrest; they are redivided on whether or not they had prior arrests for assault and battery.

⁶⁶ Predicting retention in treatment

Independent Variable	Beta	
	Coefficient	Significance
Victim's gender (0=M, 1=F)	0.9311	.0458
Indication of alcohol involvement	1.8273	.0001
Any arrests in the previous 3 years	-0.7675	.0025
Respondent in prior civil injunction request	-0.8293	.0324
y intercept	-1.2145	
-2 log likelihood		399.0860
Goodness of fit		347.3390
Regression - R ²		.1006
Regression - adjusted R ²		.0902
N		349

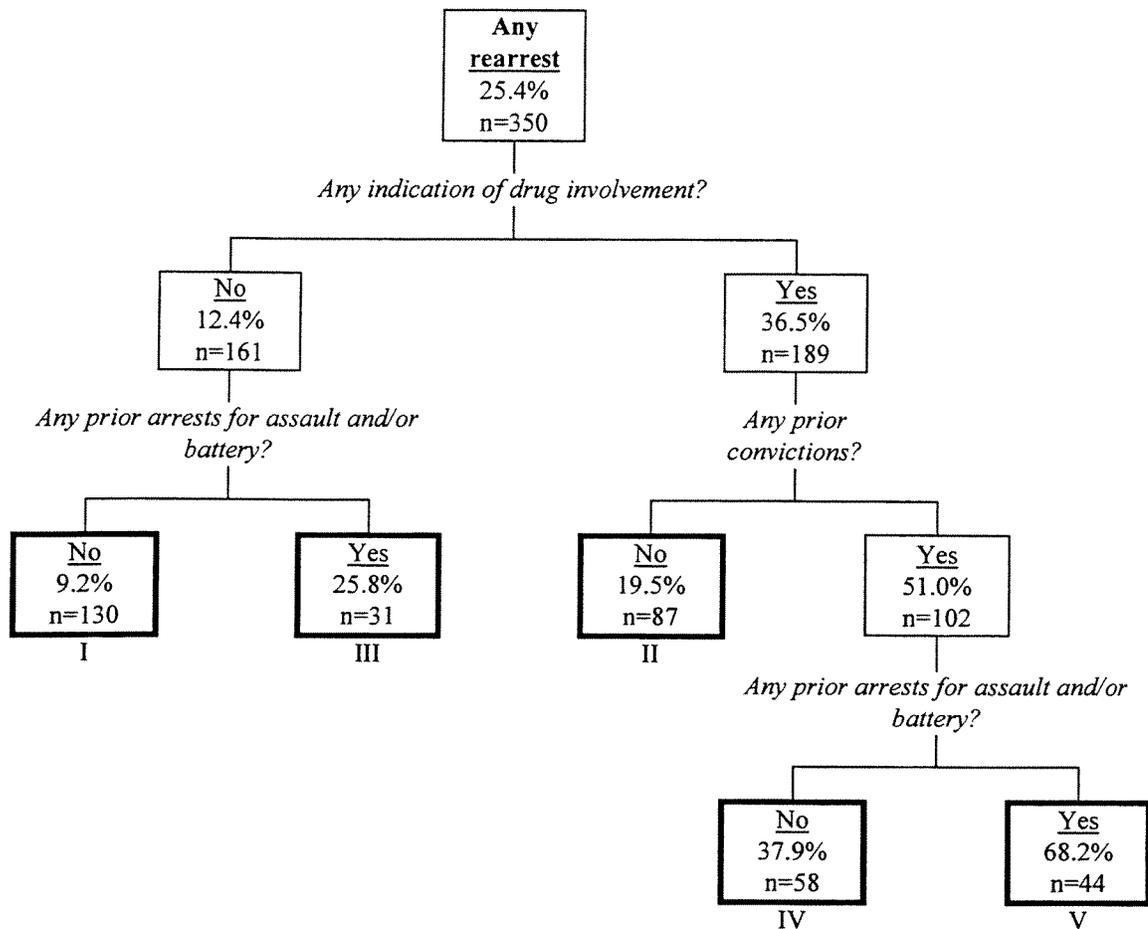
Those with none show a rearrest rate of nine percent, those answering positive show a rearrest rate of 26 percent. For defendants with indications of drug involvement, “*prior convictions*” is then selected resulting in one group with no prior convictions (and a rearrest rate of 19 percent) and one with prior convictions (showing a rearrest rate of 51 percent). Those with prior convictions are divided again on the basis of prior assault and battery arrests, producing one group with a 38 percent rearrest rate and one with a 68 percent rearrest rate. By combining the two medium groups (II and III), this method of classification differentiates four groups of defendants/probationers with varying likelihoods of rearrest over a seven-month follow-up period, ranging from a predicted low rearrest rate in Group I of nine percent to a high rearrest rate in Group IV of 68 percent of the defendants/probationers in that category. (See Table IV.2.)

Table IV.2 Summary of Predictive Classification from Logit or CHAID Analyses for Program Outcomes and Reoffending

Predicting Program Outcomes				Predicting Rearrest			
Variable and model type	N	Percentage		Variable and model type	N	Percentage	
		of all	Yes			of all	Yes
<u>Unfavorable Outcome</u>				<u>Any Rearrests</u>			
Logistic Regression	337	100.0	54.3	Logistic regression	338	100.0	26.0
Group I (low probability)	19	5.6	0.0	Group I (low probability)	181	53.6	8.8
Group II	114	33.8	37.7	Group II	32	9.5	25.0
Group III	77	22.8	57.1	Group III	60	17.8	38.3
Group IV	71	21.1	69.0	Group IV (high probability)	65	19.2	63.1
Group V (high probability)	56	16.6	83.9				
CHAID	344	100.0	54.9	CHAID	350	100.0	25.4
Group I (low probability)	139	40.4	36.0	Group I (low probability)	130	37.1	9.2
Group II	84	24.4	60.7	Group II	118	33.7	21.2
Group III (high probability)	121	35.2	72.7	Group III	58	16.6	37.9
				Group IV (high probability)	44	12.6	68.2
<u>Less than One Month in Treatment</u>				<u>Any Rearrests Involving the Same Victim</u>			
Logistic regression	349	100.0	31.2	Logistic regression	350	100.0	9.1
Group I (low probability)	129	37.0	16.3	Group I (low probability)	189	54.0	3.2
Group II	159	45.6	33.3	Group II	155	44.3	14.2
Group III (high probability)	61	17.5	57.4	Group III (high probability)	6	1.7	66.7
CHAID	350	100.0	31.4	CHAID	350	100.0	9.1
Group I (low probability)	124	35.4	16.9	Group I (low probability)	234	66.9	4.7
Group II	200	57.1	35.5	Group II	64	18.3	14.1
Group III (high probability)	26	7.4	69.2	Group III (high probability)	52	14.9	23.1

Note: *Italics* = model selected

Figure IV.1 Illustration of Predictive Analysis of Rearrest (Any) During Seven-Month Follow-up Using CHAID



Same-Victim Domestic Violence Rearrest

Using only three of the possible predictor variables, prior convictions, prior same-victim arrests, and prior arrests in assumed domestic violence offense categories, CHAID produces a similar four group model of rearrest for same-victim crimes, predicting a range of rearrest probability from a low of zero percent (Group I) to a high of 23 percent (Group IV). (See Figure IV.2.) When the two lowest-probability categories are combined (given the very close low predicted rates), a three-group classification results as shown in Table IV.2. (The two CHAID models predicting rearrest are summarized in Table IV.3.)

Table IV.3 Summary of CHAID Predictive Classification of Rearrest Among Domestic Violence Divertees/Probationers Entering Treatment in Domestic Violence Court, 1994 - 1995

Rearrested within Seven Months

Risk Group	Description	N	Percent of all	Percent rearrest
I	No indication of drug involvement; no prior assault and/or battery arrests	130	37.1	9.2
II	Indication of drug involvement; no prior convictions	87	24.9	19.5
III	No indication of drug involvement; prior assault and/or battery arrest(s)	31	8.9	25.8
IV	Indication of drug involvement; prior conviction(s); no prior assault and/or battery arrests	58	16.6	37.9
V	Indication of drug involvement; prior conviction(s); prior assault and/or battery arrest(s)	44	12.6	68.2
Total	All defendants	350	100.0	25.4

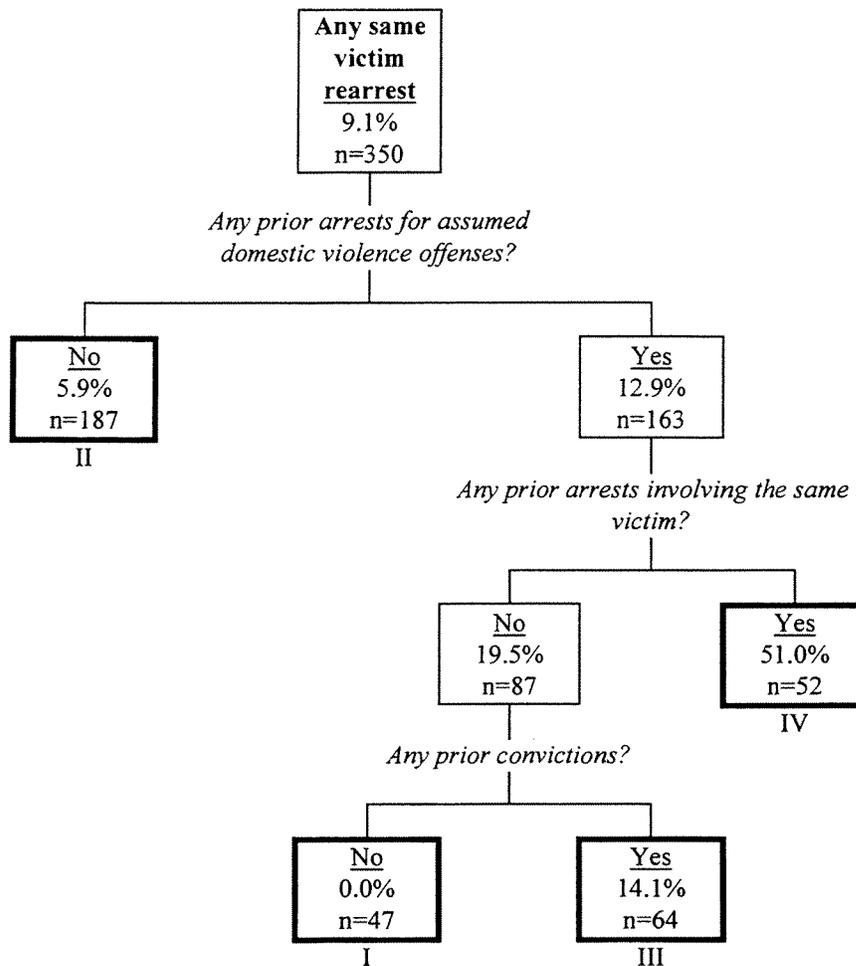
Collapsed Risk Groups	Includes groups	N	Percent of all	Percent rearrest
Total	All	350	100.0	25.4
I - Low	I	130	37.1	9.2
II - Medium	II and III	118	33.7	21.2
III - High	IV	58	16.6	37.9
IV - Very high	V	44	12.6	68.2

Rearrested for Offense Involving Same Victim within Seven Months

Risk Group	Description	N	Percent of all	Percent rearrest
I	Prior domestic violence related arrest(s); no arrests involving the same victim; no prior convictions	47	13.4	0.0
II	No prior domestic violence related arrests	187	53.4	5.9
III	Prior domestic violence related arrest(s); no arrests involving the same victim; prior conviction(s)	64	18.3	14.1
IV	Prior domestic violence related arrest(s); prior arrest(s) involving the same victim	52	14.9	23.1
Total	All defendants	350	100.0	9.1

Collapsed Risk Groups	Includes groups	N	Percent of all	Percent rearrest
Total	All	350	100.0	9.1
I - Low	I and II	234	66.9	4.7
II - Medium	III	64	18.3	14.1
III - High	IV	52	14.9	23.1

Figure IV.2 Illustration of Predictive Analysis of Same-Victim Rearrest During Seven-Month Follow-up Using CHAID



The predictive classifications resulting from statistical modeling of the three dependent variables (retention in treatment, rearrest, same victim rearrest) are quite basic. Larger samples would quite likely have allowed other predictor variables to enter into the final models. As a validation of these simple predictive schemes, we examined the experimental and control samples separately and then applied them to the misdemeanor baseline sample, subdivided into cases going to treatment (the parallel portion of the sample) and cases not going to treatment. (We would expect that applying these schemes to smaller samples will result in less stable results, see Table IV.4.) The left most columns summarize classification of the combined treatment sample as just described. The classification based on early treatment dropout, which does well overall, characterizes experimental and control groups differently. It apparently

Table IV.4 Applying Classification for Early Dropout and Rearrest Across Domestic Violence Court Sample

Outcome Measure	Corrected Experiment Sample						Baseline Sample											
	Combined			Experimental			Control			Full			Not assigned to tx			Assigned to tx		
	N	% of all	% yes	N	% of all	% yes	N	% of all	% yes	N	% of all	% yes	N	% of all	% yes	N	% of all	% yes
Less than one month in tx prog																		
Total	349	100.0	31.2	210	100.0	22.4	139	100.0	44.6	343	100.0	10.1*	162	100.0	NA	169	100.0	10.1
Low	129	37.0	16.3	87	41.4	10.3	42	30.2	28.6	131	38.2	8.3*	42	25.9	NA	84	49.7	8.3
Medium	159	45.6	33.3	103	49.0	23.3	56	40.3	51.8	157	45.8	9.3*	78	48.1	NA	75	44.4	9.3
High	61	17.5	57.4	20	9.5	70.0	41	29.5	51.2	55	16.0	30.0*	42	25.9	NA	10	5.9	30.0
Rearrests within 7 months																		
Total	350	100.0	25.4	210	100.0	23.3	140	100.0	28.6	346	100.0	28.6	165	100.0	42.4	181	100.0	16.0
Low	130	37.1	9.2	78	37.1	6.4	52	37.1	13.5	209	60.4	17.2	83	50.3	27.7	126	69.6	10.3
Medium	118	33.7	21.2	73	34.8	13.7	45	32.1	33.3	95	27.5	38.9	55	33.3	49.1	40	22.1	25.0
High	58	16.6	37.9	34	16.2	47.1	24	17.1	25.0	19	5.5	68.4	13	7.9	76.9	6	3.3	50.0
Very high	44	12.6	68.2	25	11.9	72.0	19	13.6	63.2	23	6.6	56.5	14	8.5	71.4	9	5.0	33.3
Same victim rearrests in 7 mos.																		
Total	350	100.0	9.1	210	100.0	5.7	140	100.0	14.3	343	100.0	11.7	164	100.0	17.1	179	100.0	6.7
Low	234	66.9	4.7	147	70.0	2.0	87	62.1	9.2	263	76.7	7.6	115	70.1	11.3	148	82.7	4.7
Medium	64	18.3	14.1	35	16.7	17.1	29	20.7	10.3	48	14.0	20.8	33	20.1	21.2	15	8.4	20.0
High	52	14.9	23.1	28	13.3	10.7	24	17.1	37.5	32	9.3	31.3	16	9.8	50.0	16	8.9	12.5
Rearrests within 1 year																		
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	346	100.0	33.8	165	100.0	42.4	181	100.0	26.0
Low	NA	NA	NA	NA	NA	NA	NA	NA	NA	209	60.4	22.0	83	50.3	27.7	126	69.6	18.3
Medium	NA	NA	NA	NA	NA	NA	NA	NA	NA	95	27.5	46.3	55	33.3	49.1	40	22.1	42.5
High	NA	NA	NA	NA	NA	NA	NA	NA	NA	19	5.5	68.4	13	7.9	76.9	6	3.3	50.0
Very high	NA	NA	NA	NA	NA	NA	NA	NA	NA	23	6.6	60.9	14	8.5	71.4	9	5.0	44.4
Same victim rearrests in 1 yr.																		
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	345	100.0	13.9	164	100.0	17.1	181	100.0	11.0
Low	NA	NA	NA	NA	NA	NA	NA	NA	NA	264	76.5	9.8	115	70.1	11.3	149	82.3	8.7
Medium	NA	NA	NA	NA	NA	NA	NA	NA	NA	49	14.2	24.5	33	20.1	21.2	16	8.8	31.3
High	NA	NA	NA	NA	NA	NA	NA	NA	NA	32	9.3	31.3	16	9.8	50.0	16	8.8	12.5

*The failure percentages only apply to the group assigned to treatment (n=169) since a drop-out rate of those not assigned cannot be computed.

differentiates three experimental groups quite well, but with lower and higher rates than would have been expected (e.g., 70 percent of experimental group defendants in Group III dropped out of treatment before one month). The classification identifies a lower dropout group among control defendants, but does not differentiate Groups II and III successfully (they both record similar rates of dropout). When this predictive classification is applied to the baseline sample, we have treatment outcomes only for the portion of the sample that was sent to treatment (logically). For that part of the baseline, the early dropout classification seems to separate only two groups of defendants (lower and higher) well.

When the predictive classification for rearrest in seven months is applied to experimental and control groups separately, the fit is better for the experimental group than for the control group. When applied to the baseline sample, if the two highest categories are combined, the three-part group does sort defendants into low, medium and high rearrest categories fairly well. The model predicting same-victim rearrest works fairly well for experimental and control samples and not badly in group baseline defendants according to risk of same victim rearrest.

Summary: the Promise of Predictive Classification in Assigning Domestic Violence Defendants and Probationers to Treatment

In this discussion, we have tried to ask whether, using information describing the attributes of defendants and their cases, simple predictive classifications could be developed that would assist in differentiating among them based on estimated risk of early dropout, rearrest, or rearrest for same-victim offenses over a follow-up period. Using small samples and accepting the limitations that go along with them, we have tried to illustrate the feasibility of such an approach; our goal was not to develop and test formal predictive models. Using these measures of program retention and reoffending risk, one could for example place the combined treatment and control samples in a matrix, like those shown in Table IV.5. Risk Matrix A, for example, places defendants/probationers in categories defined by dropout and rearrest risk. Fully 25 percent of the 1994-95 defendants and probationers assigned to treatment would have been classified into the lowest dropout, lowest rearrest risk category (the upper-left hand corner of the

matrix). About nine percent would have been in the highest probability of early dropout category and in either the high or very high risk of rearrest categories.

Table IV.5 Classifying the 1994 1995 Domestic Violence Treatment Sample According to Early Dropout/Rearrest Risk Matrices

Matrix A: Risk of Early Dropout/Risk of Rearrest

		Rearrest				
Risk Group		I Low	II Medium	III High	IV Very High	Total
Early Drop Out	I Low					
	Number	88	34	7	0	129
	Percent all	25.2	9.7	2.0	0.0	37.0
	II Medium					
	Number	34	63	35	27	159
	Percent all	9.7	18.1	10.0	7.7	45.6
	III High					
	Number	8	21	16	16	61
	Percent all	2.3	6.0	4.6	4.6	17.5
	Total					
Number	130	118	58	43	349	
Percent all	37.2	33.8	16.6	12.3	100.0	

Matrix B: Risk of Early Dropout/Risk of Same Victim Rearrest

		Same Victim Rearrest			
Risk Group		I Low	II Medium	III High	Total
Early Drop Out	I Low				
	Number	129	0	0	129
	Percent all	37.0	0.0	0.0	37.0
	II Medium				
	Number	79	46	34	159
	Percent all	22.6	13.2	9.7	45.6
	III High				
	Number	26	17	18	61
	Percent all	7.4	4.9	5.2	17.5
	Total				
Number	234	63	52	349	
Percent all	67.0	18.1	14.9	100.0	

Risk Matrix B is similar, only the top dimension defining the grid is based more narrowly on risk of same-victim rearrest. In this case, more than one-third (37 percent) of the sample would fall into the lowest dropout risk and lowest same-victim rearrest risk categories. (In other words, they should be great treatment prospects and pose little threat to a victim.) But some defendants who pose little threat to the victim (low risk of rearrest) are not classified as likely to stay in treatment. About seven percent of all defendants/probationers are in the high dropout risk category, even though they are in the lowest victim risk category.

Again, these matrices are meant as illustrations of how more fully developed classifications could be employed to assess defendants and probationers assigned to treatment according to relevant concerns. The aim would be to develop appropriate treatment options, levels of supervision, or restraints, depending on the category of the classification that could be tested and adjusted as needed over time.

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