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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

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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.