

Ada County Domestic Violence Court

Program Evaluation Report

Qualitative
and
Quantitative
Findings

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Executive Summary

Introduction

The Ada County Domestic Violence Court is administered by the Fourth Judicial District, Magistrate Division in the state of Idaho. Since its inception, the goals of the Court have been enhanced victim safety and improved offender accountability. The Court sought to achieve this by decreasing the timeframes between major court activities, conducting post-sentence monitoring through judicial review hearings, and placing other family-related cases before the judge involved in the criminal case. Thus, central to this study was an analysis of court activities. A team of three external evaluators was hired to determine the effectiveness of this court model in achieving these goals. The evaluation was conducted between November 2009 and July 2010.

Through ongoing dialog with the Ada County Domestic Violence Court staff and key court professionals, a review of the literature, and considerations related to evaluation funding, design, and availability of existing data, it was jointly decided that this initial study would focus on three areas: achievement of key objectives related to the implementation and function of the Ada County Domestic Violence model, victim safety, and offender accountability. Establishing fidelity to the model, as is being done in this study, is an essential first step in interpreting data related to outcomes; an important step that some programs overlook.

This evaluation also limited its focus on the elements believed to enhance victim safety and offender accountability to those that are within this court's control. Thus, it is beyond the scope of the evaluation to measure implementation or outcomes in areas that are not the primary responsibility of the court such as, law enforcement response practices to referrals/calls, or the efficacy of policies and procedures employed by treatment providers, probation or victim witness coordinators.

This executive summary provides a brief overview of the Ada County Domestic Violence Court model, the study design, and then will highlight several of the key findings related to the implementation, focused on fidelity (e.g., outcomes regarding the implementation of a fast track court, accountability and monitoring practices). The full report provides greater details and additional information on: the historical development of specialized domestic violence courts and descriptions of the approaches and key elements these specialized court models have field-tested; background information on the development of the Ada County Domestic Violence Court model and description of key features and functions; study population details; and quotes from various stakeholder groups regarding the implementation of the model on court proceedings, victim safety, and offender accountability.

Historical Overview of Domestic Violence Courts

Beginning in the late 1970's and in response to the feminist movement, courts began to treat domestic violence cases differently. Before this time, domestic violence was seen as a private matter instead of a crime and few arrests were made. The federal and state governments

responded by passing new laws pertaining to domestic violence. New laws created an exponential growth in caseloads in the 1990's and 2000's and courts responded by starting specialized domestic violence courts. Judges assigned to the court had the opportunity to gain the knowledge and expertise to effectively manage domestic violence cases. These courts were initially set up to address both rising caseloads and to provide protection for individual victims. However, over time these specialized courts became a part of a larger community effort to change the culture that had accepted domestic violence as a private matter for many years. The model spread quickly and there are now specialized domestic violence courts in 27 states (Moore, 2009).

During this same time period, a number of other types of specialized courts were initiated, including drug courts, mental health courts, and community courts. Unlike some of these other courts, domestic violence courts do not have an agreed upon set of principles and procedures that govern them. While there have been several publications that outlined models of practice and policies for domestic violence courts, there are no federal or state laws mandating them (Moore, 2009). As a result, there are host of models implemented, having an array of practices and policies. Also, there are a number of studies that have strived to identify which combination of elements lead to the greatest success when addressing domestic violence.

Overview of the Ada County Domestic Violence Court

Broadly stated, the expected outcomes for the Ada County Domestic Violence Court (hereafter referred to as the "DV Court") are enhanced victim safety and improved offender accountability. The overall means to reach these outcomes is through an improved civil and criminal justice system response to domestic violence cases. The DV Court handles all misdemeanor domestic violence cases, including felony level domestic violence that are reduced to a misdemeanor, which occur outside of Boise, Meridian, and Garden City limits, but within the Ada County boundaries. The fulltime docket is split on a week-on, week-off schedule between two judges. These judges preside over the criminal domestic violence case for a specific offender and will hear all civil divorce, custody and child protection cases related to the same offender and preside over the same offender's review hearings as well as any future domestic violence cases that might occur while the offender is participating in the court process. In addition to the two judges assigned to this DV Court, a prosecuting attorney, a public defender, two probation officers and three victim witness coordinators are specifically assigned to the DV Court.

DV Court consists of six primary elements:

- a fast track approach to the disposition of criminal cases;
- on-going offender supervision of progress through judicial monitoring and intensive supervised probation;
- specialized assessment and comprehensive intervention for offenders;
- enhanced collaboration between those working within the system, and other stakeholders who are involved in assuring offender accountability and victim safety;
- comprehensive civil and criminal case coordination; and
- ongoing evaluation and assessment of the Court's operation and program goals.

This specialized court model was enhanced, in 2008, by the addition of a Domestic Violence Court Coordinator (hereafter referred to as “DV Court Coordinator”), funded through a grant awarded to the Idaho Supreme Court from the U.S. Department of Justice, Office on Violence Against Women, Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program. The role of the DV Court Coordinator is regarded as essential to the DV Court process, often referred to as the glue that keeps the efforts going and communication flowing. This “behind the scenes” person “fills” the gaps that naturally develop in a system in which there exist specialized roles and responsibilities.

“[The DV Coordinator] has been great. I had questions about filing different documents with the court and what the processes are. Every time I call, she calls right back. I feel like I am bothering her, but she never makes me feel that way.”—
DV Victim

Prior to the implementation of the DV Court, individuals who resided within Ada County experienced the same court model structure as those who resided in the Boise, Meridian and Garden City. During the course of the day in the traditional court, one of the judges assigned to the court hears a mix of criminal cases, which include domestic violence charges. This court is also served by numerous prosecuting attorneys, public defense attorneys, probation officers and victim witness coordinators. The court professionals present at the initial arraignment are probably not the same professionals that are later assigned to the domestic violence case. One impetus for the implementation of the DV Court was an awareness that it generally took just under three months for a case in the traditional court to move from arrest to a pre-trial conference. The Boise, Meridian and Garden City courts (serving those within the Boise City limits) operate in the same building as the DV Court.

Due to the DV Court’s fast track approach, by the time offenders in the traditional court model appear for their pre-trial hearing, offenders in the DV Court who plead guilty (which is the most likely outcome) will be expected to have:

- completed their required evaluations and assessments;
- provided their evaluation results to the Court; and
- started their treatment regimen.

Additionally:

- probation will have initial progress status reports to share with the Court;
- the victim will have had the opportunity to address their concerns to the Court;
- the probation officer, victim witness coordinators, and the DV Court Coordinator will have gathered additional information on the offender, the victim, and children for case planning activities;
- modifications or termination of the no-contact order (order of protection involving the victim) might have occurred; and
- a second judicial review hearing will already be scheduled.

Research Design, Approach, and Timelines

This evaluation used a combination of qualitative and quantitative evaluation approaches and a retrospective, quasi-experimental research design which used random selection and a comparison population. This multi-faceted effort included the use of professional court stakeholder interviews, offender and victim interviews, surveys, case file review, and administrative data. The study examines cases which were served by either the DV Court or traditional court for one year between April 1, 2008 and March 31, 2009.

The primary goals of the evaluation were to examine the DV Court's achievement of key objectives related to the implementation and functioning of its model that includes: fast track pre-sentence case disposition, ongoing post-sentence judicial review hearings, and the coordination of other family related court cases under the authority of one judge. The impact from the addition of the DV Court Coordinator was also examined, specifically the DV Court Coordinator's role in increasing victim safety and offender accountability. See the full report for more details regarding the research designs, populations, and participation.

As with all studies there are limitations. The current evaluation was undertaken retrospectively and relied heavily on existing data sources. Much of the needed information was in case files which were both resource and labor intensive to collect. Therefore, the number of files that could reasonably be reviewed was limited, resulting in limited sample sizes for some comparisons. Resources, as well as concerns for the safety of victims placed limitations on sample sizes for victim and offender interviews.

While the research available does not strongly point to any one component as being the most effective in increasing victim safety or offender accountability, it does point to the notion that domestic violence is a complex issue that can only be addressed by a complex system of structures and services. The DV Court has incorporated most, if not all, of the components addressed in the literature and previous studies, including: judicial monitoring with swift and certain consequences; intense involvement of victim advocates; creation and assignment of a team of specialized staff including judges, prosecutors, public defender and probation officers to this court; batterer treatment, substance abuse treatment, and mental health treatment; as well as a court coordinator who maintains communication with and ensures timely reporting from community partners specifically treatment providers.

Study Findings

Overall the findings were very positive. Court professionals and community treatment providers expressed a high degree of satisfaction with the model and belief in its effectiveness, and data from the administrative data system and case file review supported the achievement of key goals related to faster processing of cases and increased monitoring of offenders. Statistically significant differences were found between the Ada County Violence Court model and the traditional model in the following areas:

Fast Track Court Process

An analysis of the DV Court timeframes from arrest to disposition supported the court professionals' belief that the DV Court model moved offenders more quickly through the court process and into treatment when compared to the traditional court's timeframes.

- Time from arrest to sentencing, arrest to pretrial conference, and arrest to beginning treatment, were all significantly shorter for offenders seen in the DV Court than in the traditional court ($p < .001$, $p < .001$, and $p < .05$; respectively).
- The average number of days from arrest to beginning treatment was 126.0 (ranging from 22 to 434) for the DV Court group and 259.4 (ranging from 56 to 556) for the traditional court group.
- Cases were significantly more likely to be disposed by a guilty plea under the DV Court model (86.5% as compared to 72.0%; $p < .01$) and significantly less likely to be dismissed ($p < .05$); leading to a faster transition to intervention and probation for DV Court offenders.

“The biggest complaint by victims [in the traditional court] is that by the time [the court process] is done they too are done. They don't want to participate anymore because it took so long before the offender was held accountable and got treatment.”—Victim Witness Coordinator

Offender Monitoring

- Compared to traditional court, DV Court offenders were significantly more likely to receive supervised probation ($p < .001$). Specifically, 81.7% of offenders seen in the DV Court were given some time on supervised probation compared to 30.3% of the traditional court group.
- DV Court offenders also spent significantly more time on supervised probation ($p < .001$) than traditional court offenders; an average of 1.96 years compared to 1.6 years for the traditional court group. The groups did not differ in length of time on unsupervised probation.
- DV Court offenders also appeared to be more closely monitored than traditional court offenders. These offenders had significantly more meetings with probation ($p < .001$) and judicial contacts ($p < .001$) than traditional court offenders. On average offenders seen in the DV Court had 9.67 judicial contacts as compared with 2.98 for offenders seen in the traditional court. This difference was also statistically significant ($p < .001$).

Court Ordered Services and Compliance

Information related to court ordered services and compliance was obtained from record reviews done with the small groups of approximately 20 offenders each randomly selected from the DV Court and traditional court. All of these offenders were on supervised probation.

Although numbers were small, some statistically significant differences were found in patterns of services ordered by the two courts, in completion rates for domestic violence treatment (also known as Batterer Intervention), and in ratings of progress in treatment between the two offender groups. These are presented below.

Services Ordered

- All DV Court offenders were ordered to participate in domestic violence treatment as a requirement of the model. As a consequence, DV Court offenders were ordered to participate in significantly more services ($p=.001$) than offenders before the traditional court. Most offenders in both courts were ordered to 52 weeks of domestic violence treatment (84.2% of DV Court Offenders and 81.8% of Traditional Court Offenders).
- DV Court offenders were significantly more likely to be ordered to mental health services ($p=.003$).
- Orders for substance abuse evaluation were issued more frequently for the DV Court group; however, this difference did not reach statistical significance, perhaps due to the small numbers of offenders included in the analysis. Percentages from both courts ordered to attend substance abuse treatment were similar; 6 of 19 offenders in the DV Court group and 7 of 20 offenders in the traditional court group.

Completion of Domestic Violence Treatment

- At the end of the study period, 21.1% of DV Court offenders had completed domestic violence treatment and another 57.9% were still engaged in treatment. Although a higher percentage of DV Court offenders than traditional court offenders had either completed treatment or were actively attending treatment (79.0% compared to 54.5%), these differences did not reach statistical significance, which may be a function of the small sample size in the current analysis.
- DV Court offenders experienced a statistically significant positive change in progress ratings from their first to their latest treatment progress reports¹.
- In comparison to traditional court offenders, DV Court offenders experienced a greater degree of change in treatment as indicated by progress reports. Again, however, this difference did not reach statistical significance, which again, may be a function of the small sample size.

Compliance with Court Orders

- Comparisons between randomly selected subsets of offenders from the two courts showed no statistically significant differences in outcomes related to compliance with court ordered treatment, compliance with probation (e.g. number of visits missed, probation violations), or number of missed or positive drug and alcohol tests.
- This lack of observed differences in compliance should be viewed with caution, however. Differences in compliance should be explored further with larger numbers of offenders and a longer follow-up period for several reasons:
 - All offenders in these comparison groups were on supervised probation; thus, the lack of differences in compliance measures may be due in part to the effective role that supervised probation plays in the offender's rehabilitation process.

¹ The DV Court requires that monthly treatment progress reports are filled out by treatment providers. These rate an offender's participation and progress in treatment and are submitted to probation and to the court at the review hearing.

- Numbers available for analysis were quite small. Data on service completion were available for only a few offenders, in part because there was not sufficient time available to complete treatment before the end of the study period. Additionally, relatively few people were ordered to participate in some of the other possible services, and services ordered were not evenly distributed across DV Court and traditional court groups.

Victim and Offender Perspectives on Accountability

Increased Judicial Monitoring and Review

When asked to describe potential benefits of the judicial monitoring and review hearings, with a few exceptions those victims who chose to participate in interviews reported that keeping them informed about the offender’s progress in treatment, holding the offender accountable, and giving the victim the opportunity to participate were beneficial. Most appreciated the fact that the offenders had to follow-through with treatment and other court ordered requirements.

DV Court offender perspectives on increased monitoring (from a probation exit survey, n=49) were positive. Most (81%) reported that review hearings were helpful and positive. Three (7%) out of the 46 who responded to this question were not supportive, primarily because they felt there were too many hearings, and two (4%) had no comments.

“Absolutely there was a benefit. The parole officer was there at every review hearing – the constant monthly review hearings were very positive as far as keeping the accountability there.”—DV Court Victim

Court-Ordered Domestic Violence Treatment

All six offenders interviewed from the DV Court attended domestic violence treatment and five of the six found the class to be valuable. Several of the offenders reported they wish they had heard this material early in their life.

Victim Self-report Regarding Safety

Victims reported feeling safe for a variety of reasons:

- no-contact order being put in place quickly;
- concerns being addressed when brought to the attention of the court directly or via out of court dialogs with court professionals;
- knowing more about what was happening with the offender, feeling that they had a voice in court and that the offender was being held accountable; and
- increased awareness of resources from interactions with victim witness coordinators and the DV Court Coordinator.

Benefits of the Domestic Violence Court Model

Professional court representatives were very supportive of and pleased with the DV Court approach. Using a five-point scale – five being “greatly,” 3 being “somewhat,” and 1 being “doesn’t,” all elements were highly rated. The most highly rated element by court professionals

“I was a prosecutor and I have been a judge and it is [DV Court] the best thing I have ever done – it is why you went to law school, it is why you went into public service, it is why you went into criminal law, because you wanted to make a difference. It is not just holding someone accountable, making someone safer – it is doing all those things at the same time.”—
DV Court Judge

was the “existence of the court review process” (4.85) followed by “monitoring of court ordered services” (4.65). The six community treatment providers surveyed were also supportive. The most highly rated elements among these professionals were “having the same judge at all court appearances” and “having the same judge hear criminal and civil cases.” These two elements shared an average score of 4.67.

Court professionals believe that the DV Court model and the assigned “team members” support their ability to respect each others’ legal and professional roles; that the process, although quicker, does protect the rights of all parties; and that the model elements

enhance the safety of victims and keep offenders accountable. Community treatment providers surveyed gave overall high ratings to key DV court elements, and the extent to which court processes implemented met outcome objectives. Having one judge presiding from start to finish on a case, having one judge hearing all related cases for the same offender, maintaining ongoing and frequent court review hearings, the role of the DV Court Coordinator, the fast track approach to disposition of cases, and the intensive monitoring of court ordered services all were rated 4 or higher on a 5-point scale by these professionals. Among court professionals, these same items were also specified as key factors to enhance victim safety and/or offender accountability along with other elements and practices, such as earlier engagement of advocates and access to services for offenders. Another indicator of support for this model was the high ratings given by community treatment providers and court professionals for sustaining the DV Court, (9.8 and 9.3 on a 10 point scale, respectively). Listed below are some specifics regarding benefits.

Fast Track Handling of Cases

All professional stakeholder groups spoke about the ability of the DV Court to reach a swift disposition, therefore allowing for earlier offender accountability, provision of ongoing monitoring, the gathering of more in-depth information about the situation and individuals sooner, getting the offender into comprehensive treatment much earlier, and providing victims and their children appropriate referrals and resources.

“In a real sense the court is more problem solving and holistic than a normal court – everyone is able to maintain their function, but there is greater and richer communication which results in cases being resolved more quickly with a better resolution as a result of that.”—DV Court Judge

Strengthened Inter-Agency Relationships and Communication

Central to the functioning of the DV Court model and the occurrence of positive outcomes is the willingness of all the professionals to engage in ongoing dialog, while maintaining their job function, and making use of the DV Court Coordinator. An additional noted benefit is the ongoing assignment of the same professionals. With time and experience, trust and respect has developed among these individuals as well as the development of the individual’s professional knowledge and skills in working with this population.

Recommendations

Based on the current evaluation, five areas emerged that warrant consideration in efforts to strengthen the functioning of the Ada County Domestic Violence Court. These were areas that were addressed by several of the court professionals, victims and offenders alike, and highlight areas the court may seek to address to increase its success in providing increased offender accountability and victim safety.

The first issue was the financial burden the court involvement placed on families. This issue was even more important to this court because of its interest to learn whether or not this approach reduced the financial chaos for the family. The combination of a no-contact order (creating the necessity for a family to financially support two households), and payment for supervised probation, domestic violence treatment, and sometimes substance abuse treatment, has the potential to create a financial crisis for many families. Most offenders, victims, and court professionals were supportive of these interventions as important elements to ensure victim's safety and or as a means to facilitate positive changes in offender behavior. It is possible that this issue was more pronounced because of the current economic downturn, with three offenders noting a loss of employment during some point in the process or not having the money to make bail. Victims also reported having to make difficult choices as a result of this financial burden, including choosing between paying bills and buying food for their children and postponing recommended medical treatment for themselves and college for their children. A few victims also talked about the financial burden creating more stress; concerned that it might become a factor in future violence because of the ongoing arguing over money.

Therefore, it is recommended that the court consider a sliding fee scale for these services. It could be argued that a monthly \$50 supervised probation charge does not constitute enough of an investment in the program for the CEO of a company to stay engaged or take the program seriously, while for someone who is unemployed, a \$10 charge could constitute a significant investment.

The second recommendation comes primarily from information gathered during interviews with victims. Some reported that they would have liked to have had some form of mediation for communication with the offenders during the no-contact order timeframe so they could exchange information with their partners regarding finances and child rearing.

A third recommendation is for the Court to investigate ways to provide support services for victims; either directly or through a referral process. Victims reported that they would have liked access to individual counseling and marriage counseling or a peer support and education class (in order to understand the court/domestic violence process-what to expect as well as access to general and specific information about domestic violence, how they came to be in this situation and how to make better choices in the future). As two victims expressed, offenders have to attend a 26 or 52 week class, and victims are not offered such an opportunity. The fourth recommendation goes to the field in general as well as this specific court. The suggestion is to explore what types and levels of accountability, treatment and intervention might be appropriate in different situations that ensure victim safety; balancing concern for victim safety and offender accountability with an awareness that court and related legal

intervention might lead to increased stress, loss of employment, and financial burden for individuals and families.

Finally, it is recommended that further evaluation be done on the effectiveness of the Ada County DV Court model. Specifically, a prospective study with larger numbers, more detailed information about services, and a longer follow-up period is needed in order to assess the Court's role in bringing about behavioral change in offenders.

Reference

Moore, S. (2009). *Two Decades of Domestic Violence Courts: A Review of the Literature*. New York, NY: Center for Court Innovation.