

**CIVIL PROTECTION ORDERS AND CRIMINAL COURT ACTIONS:
THE EXTENT AND IMPACT OF “OVERLAP” CASES**

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EXECUTIVE SUMMARY

OBJECTIVE

The main objective in our study of the civil and criminal courts in Pittsburgh was to identify the extent and impact of “overlap” cases. “Overlap” cases refer to those domestic violence cases in which a battered woman petitions for a protection order in civil court and her male batterer is arrested and appears in the criminal court for the same incident.

Our assumption was that such cases were relatively high as a result of the efforts toward a “coordinated community response” and more extensive legal remedies to domestic violence. We also assumed that overlap cases would involve more serious violence and have better outcomes. More severely abused women would seem to warrant more extensive intervention, and more intervention would ideally reduce the abuse.

We conducted two related studies to address our objective:

- We analyzed dockets from the civil and criminal courts to identify the extent of overlap cases.
- We conducted a 6-month follow-up with a convenience sample of court cases (n=236) to identify impact.

Both the dockets and follow-up sample were from the first half of 2000.

EXTENT OF OVERLAP CASES

The main finding regarding the extent of overlap cases was that they comprised a relatively small percentage of the total cases. Only 8% of the total number of cases were overlap cases. Approximately half (56%) were civil-only cases and a third (35%) were criminal-only cases. This translates into 13% of the women appearing in the civil court and 19% of the women in criminal court being an overlap case.

A substantial portion of the cases in both the civil and criminal courts did not receive the most severe actions of the court.

- The total number of new petitions for protection orders was approximately 900 for January to June 2000 within the City of Pittsburgh. Only about half of these cases received a final order and a fifth (22%) of these ended in contempt charges.
- The total number of new criminal cases was 609 for the first six months of 2000. A quarter of these cases were dismissed or withdrawn, less than a third (30%) were sent to counseling, and another quarter (27%) were held for further prosecution.
- There appears to be a sharp decline in the number of arrest cases from 1995 to 2000, and a slight increase of protection order petitions during this same period. The increase in protection orders may be a compensation for an apparent change in arrest practices.

(Cont'd)

THE IMPACT OF OVERLAP CASES

The main finding regarding the impact of overlap cases was that overlap appears to improve most outcomes (e.g., reduce reassault and rearrests).

- About 1 in 6 (16%) of the overlap cases were reassaulted during the 6-month follow-up versus less than 1 in 4 (27%) of the civil-only cases.
- None of the overlap cases resulted in rearrest versus 11% of the civil-only and 7% of the criminal-only cases, according to police records.
- The men in the overlap and civil-only cases were more violent and heavier drinkers in the past than those men in the criminal-only cases.
- The overlap women appeared more assertive, however, in their contact with social services and the criminal justice system in both the past and present. They were also half as likely to be living with their partners.
- There appear to be different “types” of women using different court options.

The difference in characteristics accounts, no doubt, in part for the better outcomes of the overlap cases. We have at least some tentative evidence that the overlap option also has an effect beyond that of the case characteristics. The overlap option compared to the civil-only option remains a substantial and significant predictor of reassault when controlling for demographics, women’s past help-seeking, and men’s previous behavior.

In sum, many of the cases that warrant more extensive intervention (i.e., cases with more severe and extensive violence in the past) are obtaining it. The vast majority of the women indicated that they were satisfied with the court action and the advocates’ assistance. However, more civil cases would likely benefit from accompanying criminal court action.

These findings must be considered tentative given the selection bias of our convenience sample and limited follow-up period. Also, the court options do not account for the variation of court actions (i.e., receiving a final protection order vs. only a preliminary order, completed batterer counseling vs. full prosecution resulting in jail).

COURT DATA ISSUES

In the process of our analyses we identified many limitations in the court dockets. There were difficulties in identifying unique cases among multiple appears, cases involving “violence against women” from violence against other family members or same-sex partners, and the final outcome or disposition of a case. We recommend that some additional data be included on the dockets and some coding of current data be added. Establishing a relational database that links cases from different courts is another recommendation. Having the kind of information we derived from our analysis of the dockets readily available would help victim advocates in developing court procedures and advising victims about safety.

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TABLE OF CONTENTS

Acknowledgments—ii

PART I: INTRODUCTION—1

OBJECTIVE—1

EXISTING RESEARCH—1

RESEARCH DESIGN—3

PART II: THE EXTENT OF CIVIL, CRIMINAL, AND OVERLAP CASES—5

INTRODUCTION—5

METHOD—5

Identifying Criminal Cases—5

Identifying Criminal Cases—5

Identifying Overlap Cases—6

FINDINGS—7

Civil Court—7

Criminal Court—8

Civil and Criminal Trends—9

Overlap Cases—10

DISCUSSION—11

Civil Court Cases—11

Criminal Court Cases—11

Overlap Cases—12

Limitations—12

PART III: THE EFFECTIVENESS OF CIVIL, CRIMINAL, AND OVERLAP CASES—13

INTRODUCTION—13

METHOD—13

Subject Recruitment—13

Follow-up Interviews—14

Selection Bias—15

Response Bias—15

Analysis—16

FINDINGS—17

Subject Characteristics—17

Satisfaction with the Courts—18

Relationship Status—18

Reassault During Follow-up—18

Option Effect—19

Domestic Abuse Counseling Center—20

DISCUSSION—21

Court Option Outcomes—21

Implications—21

Limitations—22

PART IV: CIVIL AND CRIMINAL COURT DATA ISSUES—24

INTRODUCTION—24

DATA BASE IMPROVEMENTS—25

RELATIONAL DATABASE—26

PART V: CONCLUSION—27

INTRODUCTION—27

THE EXTENT OF OVERLAP CASES—27

THE EFFECTIVENESS OF OVERLAP CASES—28

IMPLICATIONS—29

REFERENCES—30

TABLES AND FIGURES—31

APPENDIX—46

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PART I: INTRODUCTION

OBJECTIVE

The main objective of this research was to examine the relationship of protection orders and criminal court action in domestic violence cases. The relationship of the civil protection orders (i.e., from the civil court) and criminal court action (i.e., from the domestic violence court) is an important issue given the call for coordinated responses to domestic violence cases. We attempted to identify the extent of cases with concurrent protection orders and criminal court action—what we termed “overlap cases.” We also identified the distinguishing characteristics, and the outcome of these cases, in comparison to cases with only a protection order or only criminal court action. The research was conducted in the civil and criminal courts of Pittsburgh where legal advocates and batterer counseling staff are available.

The major research questions are as follows:

- 1) What are the extent and overlap of protection orders and criminal court action for cases involving men’s violence against intimate female partners.
- 2) What are the distinguishing characteristics (i.e., demographics, relationship status, and prior help-seeking and interventions) of cases with both protection orders and criminal court action versus cases with a protection order or criminal court action only?
- 3) What is the outcome (e.g., reassault and arrest rates) for overlap cases versus those cases with either a protection order or criminal court action only? Does the overlap of protection order and criminal court action improve outcome?

A secondary objective of the research is to help establish a system of information gathering to better identify and track “overlap” cases in the courts. Such a system would contribute to 1) a proposed computerization of court dockets, and 2) plans to increase the coordination among courts and social services.

EXISTING RESEARCH

In recent years victim advocates and criminal justice policy-makers have pressed for greater coordination among criminal justice components and social services in response to domestic violence arrests. At a 1995 policy planning meeting sponsored by the National Institute of Justice, several presentations were made promoting further integration of court actions and social services (Hart, 1995). More recently, the National Institute of Justice (1999) has initiated demonstration projects to further such coordination. The notion is that increased coordination will more effectively reduce non-compliance, reassault, and recidivism. A coordination of sanctions, prohibitions, and services will presumably increase the leverage against perpetrators, affirm the message that violence and abuse have consequences, and more systematically interrupt the opportunities to reoffend (Gondolf, 1997a).

The primary legal mechanisms for responding to domestic violence have been protection orders issued by the civil courts and criminal courts actions including batterer counseling, further prosecution, or fines. The protection orders generally prohibit perpetrator contact with the victim for up six months or more, and the latter may require the perpetrator to attend weekly group counseling sessions for four months, or be jailed or on probation for up to a year. One facet of increased coordination has been to use both civil protection orders and criminal court action in response to domestic violence cases. This coordination offers the victim further protection from the perpetrator

while he is participating in counseling or on probation. Approximately 25% of the men sent to counseling reassault their partners within the first 6-months of being ordered to counseling (Gondolf, 1997b); therefore, the added measure of a protection order may be useful. On the other hand, some batterer counselors have argued that men with protection orders against them are more likely to dropout of counseling programs and not make an effort to change.

The fundamental question is what is the extent of the overlap of protection orders and criminal court action—not only how many cases have a concurrent protection order and batterer counseling. In a batterer counseling evaluation using subjects recruited from the Pittsburgh court in 1995, approximately 25% of the arrested cases were referred to batterer counseling and 27% of these men reported that they had previously received a protection order sometime in the past (Gondolf, 1997b). There is no equivalent information available from the civil courts, and the extent of protection orders from the criminal courts have not been verified with civil court records.

A secondary question is what characteristics (i.e., demographics, relationship status, and prior behavior) distinguish the “overlap” cases from cases with only protection orders or only batterer counseling. In a previous PCCD study of the Pittsburgh Domestic Violence Court, we found that case characteristics were not available on court records. Therefore, we collected them directly from a sample of men appearing in the court (Gondolf, 1998). As was the case in a Miami court study (Goldkamp, 1996), case characteristics did not distinguish the disposition of cases. However, this tangential finding remains tentative because the data collection of case characteristics was not extensive and has not been updated.

Finally, the outcome of the overlap cases needs to be considered. Does the overlap improve outcome, as might be expected from extended or intensified intervention? Our prior PCCD-funded study of the court-review process in the domestic violence court suggested that additional surveillance, in the form of court review, increased compliance and lowered recidivism (Gondolf, 2000c). While there is increased outcome data separately on criminal court action (e.g., Gondolf, 1997a; Tolman and Bennett, 1990) and protection orders (e.g., Gondolf et al., 1994; Chaudhuri & Daly, 1996), there is none available examining the overlap of protection orders and criminal court action.

As fundamental as the number, characteristics, and outcome of overlap cases may seem, such information is very difficult to obtain. Not only is there no official record keeping of overlap cases, few jurisdictions have reliable information on the percentage of unique arrest cases and civil protection orders, and few courts record any case characteristics or outcomes. In our previous study of the Pittsburgh Domestic Violence Court, we found that the criminal court dockets needed to be coded and analyzed to determine the number of unique cases and the disposition of the cases (Gondolf, 1998). The court dockets were--and still are--filed on hand-written paper forms that do not distinguish the relationship of a court appearance to any previous appearances and whether the disposition is a final one or not. Moreover, a journalist for *Scientific American* recently called three courts in different states and was able to obtain only estimates of arrest cases and protection order petitions (Holloway, 1999). The number of unique cases receiving batterer counseling or protection orders was not readily available or the criteria for determining them varied.

In sum, the official records about arrest cases and civil petitions have to be coded and analyzed to obtain useable information about coordination among the courts. A secondary objective of the proposed study would, therefore, be to further develop a data collection system that might be implemented through an eventual computerization of civil and criminal court dockets.

RESEARCH DESIGN

Overview

The research questions were answered using two main data sources: 1) court dockets from the Family Court of the Allegheny County Civil Courts and the Domestic Violence Court of the Pittsburgh Municipal Courts, and 2) a background questionnaire and six-month follow-up of women recruited from the courts (n=236). We used the court dockets to identify the extent of overlap within and across the civil and criminal courts from January to June 2000. We were also able to identify some of the main features of these cases compared to civil-only and criminal-only cases using information from the dockets (e.g., prior protection orders, other civil petitions, criminal charges, case dispositions).

The follow-up was used to identify the characteristics of the court options and their impact on outcome. We recruited women through convenience sampling at both the civil and criminal courts over the same six-month period as the court dockets. A research assistant recruited the women as they entered the court and administered a background questionnaire to them. The questionnaire information was used to identify distinguishing case characteristics of the overlap cases. Using phone interviews, another research assistant conducted a six-month follow-up after court disposition or action. We used these follow-up interviews with the women and police records for their partners to assess the outcomes for the court options (i.e., overlap, civil-only, criminal-only). Logistic regressions, controlling for case characteristics, were used to test for the effect of the overlap option on reassault. (More details of the methods appear at the beginning of Part II and Part III.)

Research Site

The principal research site was the civil and criminal courts of Pittsburgh. The civil court was represented by the Family Division of the Allegheny County Court of Common Pleas, and the criminal court was the Domestic Violence Court of the Municipal Court of the City of Pittsburgh. These Pittsburgh Area courts are instructive for several reasons:

- 1) A singular domestic violence court reviews all domestic violence arrests in a preliminary hearing and refers over 25% of these cases to batterer counseling and forwards another 25% for full prosecution (i.e., that usually results in probation or jailing). The remaining cases are withdrawn, dismissed, or fined.
- 2) One primary batterer counseling program services the court and maintains computerized records of referrals and attendance. The program includes weekly group sessions for a full four months using primarily an educational format.
- 3) One primary family court handles petitions for civil protection orders for a jurisdiction that encompasses that of the domestic violence court. The dockets for this court are available over an internet website maintained by the court.
- 4) Battered women's advocates are available in both courts to offer uniform information and advocacy for victims. The advocates are trained and supervised by a specialized office of legal expertise sponsored by the women's center and shelter of the area.
- 5) A domestic violence council of women's center, civil court, and criminal justice representatives convenes periodically to discuss procedures and further cooperation.

The organization and experience of the legal advocates and court personnel have developed some degree of "community coordinated response." This coordination makes the site ideal for our objective and efficient for collecting data to address it.

We also have previous data on the Pittsburgh courts as a result of a previous PCCD-funded study. In our study of court review in the Pittsburgh Domestic Violence Court, we identified approximately 2,000 arrests and 400 men ordered to batterer counseling in 1997 (Gondolf, 1998). We also estimated 3,200 petitions for protection orders and about 1,000 granted protection orders in the same period, based on civil court dockets. This previous data enabled us to identify the trend in cases by comparing the current protection orders petitions and criminal court actions to those in the past.

PART II: THE EXTENT OF CIVIL, CRIMINAL, AND OVERLAP CASES

INTRODUCTION

As mentioned at the outset, protection orders and “domestic violence” arrests are the two main legal responses to men’s violence against women. Our first objective was to determine the number and nature of petitions for protection orders in the civil court and “domestic violence” arrests in the criminal court. Our second objective was to determine the extent of “overlap” cases in which women appeared in both courts for the same domestic violence incident. We assessed the extent of protection petitions by coding and analyzing court dockets from the family division of the civil courts of Allegheny County (which encompasses Pittsburgh), and the extent of arrest cases by coding and analyzing the court dockets from the “domestic violence” court of Pittsburgh (which is a specialized court of the Municipal Court for preliminary hearings). We determined the portion of “overlap” cases by combining the results from the civil court dockets with those of the criminal court dockets.

METHOD

IDENTIFYING CIVIL CASES

In order to determine the extent and results of civil protection petitions, we obtained and coded the civil court dockets for a six-month period, January to June 2000. These records were obtained from the internet website of the prothonotary for Allegheny County Family Court. The website provides case information accessible by name and filing date. The retrieval process is, however, less than ideal for research purposes since much of the information is in narrative form. Coding these narratives for analysis is time consuming. We first selected all the cases involving a protection order during our 6-month time period, and then reviewed the case information for each protection order petitioner. (Cases for divorce, child support, custody are also in the website database with a total of about 1,000 cases per month.)

The docket entries include filing dates, reason for court appearance, and a narrative describing the appearance for all past and current court appearances (see sample of Civil Court docket in Appendix). Research assistants read the narratives to determine the circumstances and results of each appearance and coded the case information for the petition outcome, continuances, contempt charges, contempt outcome, and additional filings (i.e., other protection petitions, divorce, child support, and custody). The petitioners were also identified as a man or woman on the docket. The results of this coding were then tabulated to describe the extent and nature of the cases (see coding sheet for Civil Court docket in Appendix).

IDENTIFYING CRIMINAL CASES

We identified the criminal court cases and their characteristics by reviewing court dockets from the specialized domestic violence court for the same period as the civil court dockets. The paper dockets, obtained directly from the court, listed each case with columns for defendant’s name, bond status, arresting officer, arrest date, charges, and disposition (see sample of Criminal Court docket in Appendix). There are two main challenges to interpreting these dockets. First, due to continuances, postponements, and reviews, there may be multiple court appearances for the same

case. We attempted to isolate the appearance that indicated the final outcome or final “disposition” for each case.

Second, the final dispositions were often difficult to interpret. A “postponement,” for instance, could mean that a case was being rescheduled because the defendant, victim, or arresting officer were not present, or it could mean that the man was referred to batterer counseling and scheduled to return to review his compliance. Many cases had multiple charges, as well. The information for each case was coded on a form that organized the possible categories for each column on the docket (see coding sheet for Criminal Court docket in Appendix). These codings were then tabulated. Besides tabulating each of the charges, we also considered the most serious charge for each case.

As described below, we also attempted to identify the cases with women defendants and delete these from our sample. (We made this deletion since the focus of our study was violence against women.) Female names were used to identify possible women defendants. There may, of course, be women defendants that we mistakenly identified because of uncertainty about the gender of a particular name.

IDENTIFYING OVERLAP CASES

We matched the civil dockets with criminal dockets using the names of the defendant, and identified the number of “overlap” cases. An “overlap” case was considered one in which a female victim petitioned the civil court and her male partner was charged in criminal court within two months. The two-month period was used to identify court appearances that were likely to be related to the same incident, rather than be a response to a new incident or violation of the disposition from the other court. That is, a woman could file a petition for one incident and then have her husband arrested for a later incident, or she could file a petition after her husband refused to go to batterer counseling ordered by the criminal court.

We attempted to account for a few limitations of this procedure. For one, some women may have appeared in civil court or criminal court prior to or after our research time-frame. As a result, these women may not appear as an “overlap” case. To test for this possibility, we tabulated the “overlaps” where either the petition filing or the arrest date was within March or April. This allowed for a two-month “lag” before and after the March/April period that should capture other related court appearances.

Two, it is possible that the “overlap” court appearances could be for two separate incidents. To adjust for this possibility, we identified and eliminated cases in which the petition and arrest dates were more than two-months apart. We assumed those “overlaps” are addressing two different incidents or crimes. We assessed the possibility of a “lag” effect on the identification of “overlap” cases by using a March and April timeframe, and found the percentage of overlap cases to be the same as the percentage for the full six-month timeframe (6% of a total of 829 criminal and civil cases). The lag effect appears, therefore, to be minimal or non-existent.

Three, the extent of civil, criminal, and overlap cases could be distorted by the difference in jurisdiction of the civil and criminal court. The civil court receives cases from the full county encompassing Pittsburgh and the criminal court from only the City of Pittsburgh. Using the zip codes, we selected civil cases of individuals living within the City of Pittsburgh and compared them to the criminal court cases of Pittsburgh residents. Approximately 40% of the petitions were from individuals outside the City of Pittsburgh.

FINDINGS

CIVIL COURT

Petitions Filed in 2000

The total number of entries for protection order *petitions* on the civil court dockets was 1,834 for the first half of the year 2000, and 3,597 for the full year. According to our coding of the civil court dockets, 1,488 different women filed a petition in the first half of 2000. We would project, at this rate, approximately 3,000 new petitions in the civil court during the year 2000. About 20% of the docket entries were of men filing against women or against another man. These were deleted from our analysis which focused on women's petitions against their male partners. While all these remaining cases (n=1,488 for January-June 2000) were included in the analysis, 40% of the petitioners were from outside the City of Pittsburgh. The number of female petitioners from the City of Pittsburgh was approximately 900 in the first half of the year, and 1,800 for the full year.

The vast majority of these women's petitions (90%) were granted a *preliminary protection order* usually for one week. About a quarter (24%) of the cases were granted a continuance and a quarter (26%) of the total cases were eventually withdrawn (9%), dismissed (14%), or received some other action (3%). Approximately half (48%) of those filing a petition received a *final protection order* excluding the women's partner from the residence for up to one year. (See Table II-1).

Only a small portion of the women (6% of the sample) filed a second petition regardless of whether they obtained a final order on the first petition. Ten percent of those who initially *filed* petitions eventually made contempt charges as well, and one in five (22%) of the women who *received a final order made contempt chargers* against their partners. Of those cases with contempt charges, 12% were dismissed, 42% were put on probation with bond or released on recognizance, and 43% were jailed. A fifth of the women who made contempt charges filed a second contempt charge six months to a year after the initial petition.

The percentage of cases with contempt charges may not be as negative as it appears. The contempt charges for final orders may be inflated since a final order is often given in response to violations of a preliminary order, and the initial contempt charges appear in the court docket as if they are *after* the final order. It is also important to note that contempt charges do not necessarily include incidents of abuse or assault. They more generally are violations of the "no contact" stipulation of the protection order.

Other Petitions and Filings

During the year 2000, some women filing protection petitions also filed for divorce (9%) or child support (13%). The women's partner filed a petition against 16% of the women. The women were slightly less likely to get a preliminary order and a final order if the man also filed. A fifth (19% or one-in-five) of the women, who filed petitions in 2000, had filed petitions previously between 1995 to 1999, and 4% had done so more than once. The portion of women previously filing for divorce was 6% and child support was 23%.

CRIMINAL COURT

Court Cases in 2000

The total number of cases appearing on the criminal court dockets is somewhat misleading. There were 1,747 individual criminal court appearances (or docket entries) from January to June 2000. Three-quarters (76%) of these appearances involved male defendants, and a quarter (24%) of the total appearances were women. However, many individuals make multiple appearances as a result of postponement for a later date or review of referral status. (The postponements were because the defendant or witness did not appear, or the defendant wanted to obtain a lawyer.) The appearances for a review of referral status (to batterer counseling, alcohol treatment, or psychological evaluation) accounted for over a quarter (29%; n=397) of the men's court appearances. Approximately a half (46%) of the men's appearances (n=609 of 1,330) were new or unique cases (not a postponement or review). These numbers translate into 1,218 unique men's cases a year. (See Table II-2).

Case Characteristics

Our description of the case characteristics is for cases with a final outcome (n=609) during the six-month period (January to June 2000). These cases are typically placed on bond at their arraignment prior to their preliminary hearing in the domestic violence court. Over a third (34%) were released on "straight" or full bond, 40% on a percentage of the bond, and a quarter (25%) on recognizance (i.e., ROR: Released on Recognizance with no dollar amount). Only 9% of the men were jailed just prior to their appearance in the domestic violence court; and 14% were accompanied by a lawyer or public defender. At least three-quarters of the men had multiple charges against them. The most serious charge for three-quarters (75%) of the cases was simple assault. Fifteen percent (15%) of the men were charged with aggravated assault, 4% with harassment or terroristic threats, and 6% had other charges (e.g., reckless endangerment, unlawful restraint). (See Table II-3).

Final Disposition

The final disposition for nearly two-thirds of the cases (65%) was counseling referral, a fine, or full prosecution (i.e. case "held over"). A quarter (25%) of the new men's cases were withdrawn (13%) or dismissed (12%) by the court, and the remainder were either waived (5%) or under an arrest warrant (4%). Only 11% entered a guilty plea; 73% of these men pleaded guilty to harassment charges (11% to disorderly conduct and 3% to other charges). About half (46%) of the "postponed" cases were referred to counseling (or 30% of the cases). The Domestic Abuse Counseling Center received the vast majority of the referrals (77%; n=140 men), as opposed to a Veterans program, alcohol treatment, individual counseling, other batterer counseling, or community services. Most of the other cases (41%) were held over for prosecution or given fines (6% of the "postponements or 4% of the total cases). Over a quarter of the total cases (27%; n= 156) were held over for further prosecution either as a result of the case being waived by the defendant or ordered by the magistrate. (See Table II-4).

The severity of the charges was associated with the disposition of the case. Those charged with aggravated assault, (as opposed to simple assault, terrorist threats, harassment, or other offenses) were more likely have their case waived for full prosecution or be given a warrant for arrest (21% vs. 8% for simple assault, 11% for harassment/threats, 6% for other offenses; $\chi^2(6)=12.68$; $p<.05$). Those charged with aggravated assault were slightly less likely to have their cases withdrawn or dismissed. Aggravated assault charges were also more likely to end with the case being held over for

full prosecution in criminal court (45% aggravated assault vs. 26% simple assault, 18% harassment/threats, 11% other offenses: $X^2(3)=18.49, p<.001$). On the other hand, over a third (35%) of the simple assault cases were sent to batterer counseling, as opposed to only 14% of the aggravated assault cases.

CIVIL AND CRIMINAL TRENDS

Identifying Annual Cases

To put our docket findings in perspective, we compared them to civil and criminal court cases over time. How has the number of civil and court cases changed since 1995? (The year 1995 was the first year that civil court dockets were made available over the internet, so establishing a longer trend is not feasible.) We, first, tabulated the number of protection order petitions for alternate years since 1995. Second, we obtained the number of domestic violence arrests for the same years. We can assume that nearly all of these arrests appeared in the domestic violence court.

The petitions and the arrests include both men and women as defendants. Consequently, the numbers are higher than those we calculated for unique cases where men were defendants. We adjusted the annual numbers based on the percentage of unique cases with men as defendants identified on the 2000 dockets. For the 1995-1997 criminal numbers, we used percentages derived directly from a previous analysis of the criminal dockets for those years (Gondolf, 1998). The adjusted numbers must be considered estimates, given the complications in identifying unique court cases and the application of current percentages to past years. They do, nonetheless, offer an indication of the trend in both courts.

The Number of Cases Since 1995

As a result of this analysis, we identified a sharp decline in criminal cases since 1995 and a gradual increase in the number of civil cases (see Figure II-1). The number of criminal cases dropped 66% from 1995 to 1998 (3,394 in 1995 to 1,087 in 1998) with a slight increase in 2000 (1,087 in 1998 to 1,218 cases in 2000), according to adjusted domestic violence arrest figures. The civil cases of protection order petitions, on the other hand, increased by 20% (1,460 in 1995 to 1,730 in 2000).

It appears that more women are relying on protection orders to compensate for the reduction in arrests. Our previous study of arrest rates (Gondolf, 1998) found several reasons for the decline in arrests while domestic violence calls stayed relatively constant from 1995-1998. Police were advised to make arrests only when evidence was decisive, were more cautious about arrests under a new citizen grievance policies, and were hesitant to make court appearances following reductions in overtime pay. One other possible influence in the reduction of cases is reassignment of non-partner cases to other courts. Some cases involving violence against other than intimate partners had been appearing in the "domestic violence court." During this same period, procedures for the civil court and support for advocates in that court were being enhanced.

We do not have the resources to calculate the number of overlap cases for each of these years and identify the trend in overlap cases. However, we would expect that the percentage of overlap cases has been increasing for several reasons. Since 1995, more attention has turned to the goal of a "coordinated community response," and a domestic violence council has actively explored ways to improve coordination. Also, the number and training of legal advocates available in the courts has increased and pressed for more extensive legal remedies. It would be useful to confirm eventually this expectation of increased overlap.

OVERLAP CASES

The Extent of Overlap Cases

Combining the civil dockets with the criminal dockets for the same period showed 126 “overlap” cases. Only ten of these cases had petition and arrest dates that were more than two months apart. (These overlap cases are likely to be for two different incidents). Deleting these cases, 116 cases were overlaps, or 13% of the unique civil cases within the city (n=900) and 19% of the unique criminal cases (n=609). There were 1,509 total unique cases in both the civil and criminal courts during the first half of 2000 (for city residents), and 116 of these were verified overlap cases (i.e., women appearing in both courts). This translates into 1,393 separate women appearing in court. The overall distribution of different court options was, therefore, as follows: 8% overlap cases, 56% civil-only cases, and 35% criminal-only cases. The overlap cases account for a very small portion of the overall civil and criminal court cases. (See Table II-5).

About a fifth (18%) of the men referred to the Domestic Abuse Counseling Center also had a protection order filed against them--or are “overlap” cases. Some of the protection orders were in response to a man not going to counseling or to a reassault shortly after being referred to the program. Therefore, the actual percentage of men in counseling with a protection order may be closer to 10% or 12%. As we will see in the follow-up outcome of our interview sample, some men disregard both the protection order and the counseling.

Overlap Characteristics

We compared the civil docket information for the overlap cases (n=126) to the remaining civil-court-only cases (n=1,322) to explore for potential differences in the case characteristics. We compared the total number of petitions, continuances, final orders granted, contempt charges, contempt outcome, child support, and divorce petitions. The main difference was that the overlap cases were more likely to have petitions prior to 2000 and filed more petitions in general (more than one petition for protection order: 20% overlap vs. 7% civil-only; $X^2(4)=264.34$; $p<.001$). While the percentage of women filing contempt charges was similar across the two groups (14% vs. 12%), the contempt charges in overlap cases were more likely to result in jail (60% vs. 42%) as opposed to being dismissed or released on bond. The overlap cases were also twice as likely to have accompanying divorce petitions (16% vs. 7%; $X^2(1)=7.21$; $p<.01$). The greater likelihood of other petitions, jailing for contempt, and divorce charges may indicate women who are more intent on leaving what are potentially more violent men.

We also compared criminal docket information for the overlap cases (n=126) to the remaining criminal court-only cases (n=488), and found no significant or substantial differences. This comparison included use of lawyers, bond status, charges, disposition, program referral, and other dispositions. The overlap cases were, however, significantly more likely to be charged with harassment or threats (36% vs. 26%; $X^2(1)=4.56$, $p<.05$), and have more total charges than the criminal-only cases. These tendencies, along with those revealed in the previous docket comparison, suggest that the overlap cases are slightly more abusive than the other cases, as our follow-up sample confirmed (See Part III).

DISCUSSION

CIVIL COURT CASES

The family division of the civil courts obviously assists a great number of women. In fact, there were about 50% more civil cases than criminal cases involving battered women within the City of Pittsburgh (approximately 900 vs. 600). However, the “no contact” intent of protection orders reaches a relatively small portion of the petitioners. Only half of the petitions were granted final orders, with about 20% of the final orders resulting in contempt charges. It appears, therefore, that only about a quarter of the petitioners receive a final order that does not result in contempt. Also, about a fifth of the women who filed for petitions in 2000 had filed in the recent past (1995-1999). Many women who seek protection orders in combination with other assistance may, however, be achieving their own goals of reduced abuse or increased separation.

These findings raise the questions of why such a large portion of women (52%) did not receive a final order and what eventually happens to this portion of women. A similar portion of women in the criminal court had their case dismissed or withdrawn. Are they not with the partners, are they threatened by their partners, do they feel the initial action of a preliminary petition is sufficient, or do they take other actions including going to criminal court? Another issue is the portion of cases in which the women’s partner also filed for a petition (16% or one-in-six). One has to wonder about the circumstances of these cases, as well. Are the men using the petitions to retaliate against the women’s initiative? Are the men and women both physically assaultive in some of these cases? Are these cases more likely to result in further abuse and violence?

CRIMINAL COURT CASES

The most striking finding of the criminal court dockets was the small percentage of the docket entries (representing scheduled court appearances) that were of new or unique cases of male defendants. Only a third of the cases (35%: 609 out of 1,747 docket entries) were unique men’s cases. This number may, moreover, be slightly inflated by women defendants, men abusing non-intimate partners (e.g., an aunt, their mother, a friend), and gay couples (we were not able to identify the non-intimate and gay couples). The unique court cases of male defendants reflect a slight increase in domestic violence arrests. Arrests were about 1,960 in 1997. There were 1,087 domestic violence arrests in 1998 and in 2000. This slight increase follows a sharp decline in domestic violence arrests from 1995 with 3,394 arrests. The decline was associated primarily with a change in police practices rather than an actual decrease in domestic violence (Gondolf, 1998).

The domestic violence court appears to be efficiently dispensing with the array of cases it receives. About 30% of the unique cases end up in counseling, and over a quarter are held over for full prosecution. A small percentage receives fines or a suspended sentence. The remaining quarter of the cases are dismissed or withdrawn. In other words, about half of the cases receiving court action (i.e., not dismissed or withdrawn) are sent to counseling and nearly the other half are sent for prosecution. Those men with the more severe charge of aggravated assault are more likely to be held over for prosecution, as one might expect.

However, the portion of withdrawn and dismissed cases raises some concern. Why do a quarter of the cases end up without court action? Are the women pressured by their partners to not testify or appear in court? What portion of women only wants the arrest to interrupt the incident and do not want any further action from the court? On the other hand, we don’t know for certain the effectiveness of any of the court actions, and whether the actions would be preferable over a case

being dismissed or withdrawn. Our past study of the prosecuted cases revealed that most of the cases did not reach a conviction and only 12% resulted in jail time (Gondolf, 1998). Our previous evaluation of batterer counseling showed, moreover, that a third of the men sent to counseling reassaulted their partners at least once after program intake (Gondolf, 1997b). Approximately 10% of these referrals were rearrested during that same time period.

Another concern is the actual number of cases that receive the benefit of batterer counseling. The cases referred to batterer counseling are relatively low in number. The Domestic Abuse Counseling Center received a projected 280 referrals in 2000, as opposed to 392 in 1997 and 1,052 in 1995. The percentage of unique cases referred to DACC was approximately the same as in 1997 (22%), but slightly down from 1995 (31%), as a result of a greater percentage of men being held for further prosecution. In sum, the actual number of men arrested for domestic violence and sent to batterer counseling in a city the size of Pittsburgh is relatively low, as discussed in a previous study of the domestic violence court (Gondolf, 1998).

OVERLAP CASES

The major finding regarding the overlap cases is the small portion of cases in which the man was the defendant in both the civil and criminal court for the same incident (i.e., an “overlap” case). Considering the emphasis on “coordinated community response” and maximizing legal remedies, we expected a much higher percent than 8% of the overall cases (about 20% of the cases within the criminal court and over 10% within the civil court were overlap cases). Abused women seeking legal remedies tend to go to one court or the other. It could be that the different courts are perceived as tailored for different circumstances. Our interviews with a sample of these women raise some possible explanations in this regard (see Part III). Some of the overlap may also be attributable to the lack of final action in one of the courts. Some of the many women not receiving a final protection order, or having their criminal case withdrawn or dismissed, may go to the other court for compensating action.

LIMITATIONS

The main limitations of this portion of our study lie in interpreting the court dockets. We had no means other than the gender of names to select the cases involving violence against women. The multiple appearances in the courts may also have led to some mistakenly deleted cases in our analysis, or errors in interpreting the outcome. Furthermore, we had to rely on the proximity of court appearances in the civil and criminal courts to identify “overlap” cases. Delays in the case may have caused us to misidentify some cases as not overlaps. The limited information on the dockets, moreover, made it difficult to interpret the outcome of the cases that we did identify. For instance, we were not able to assess the circumstances of the withdrawn and dismissed criminal cases or the civil cases without a final order. We have no way of knowing whether the court actions are what were desired by the women, or contrary to her preference and need. Finally, our annual estimates are likely to be lower than the actual rates since they are based on the first six months of the year. The peak months for court cases are generally July through September.

PART III: THE EFFECTIVENESS OF CIVIL, CRIMINAL, AND OVERLAP CASES

INTRODUCTION

The underlying assumption of a coordinated community response is that it is more effective in reducing re-assaults of battered women. Civil protection orders together with criminal court action is more likely to reduce reassault for practical reasons. The batterer not only has the criminal court action that offers some consequence for his behavior, but also has limited contact with his victim. In this way, the civil and criminal courts reinforce each other. We attempted to assess the effectiveness of overlap cases (i.e., those with civil and criminal court appearances) with a follow-up of a convenience sample of civil and criminal court cases (n=236). We compared the women's reports of re-assault and police records of re-arrests for the overlap cases to those of the civil-only and criminal-only cases.

METHOD

SUBJECT RECRUITMENT

A research assistant, hired from the Legal Advocacy Office of the Women's Center and Shelter of Pittsburgh, recruited and interviewed potential subjects from the courts. After advisement from our practitioner consultants, we decided that an interviewer experienced in working with battered women and the courts would be the most appropriate. Such an interviewer would be more sensitive to ethical or safety issues that might emerge in the interviews. She would also know how best to contact women during court proceedings. The principal investigator observed the recruitment process twice and discussed the procedures monthly with the interviewer to ensure implementation of the research design. The most difficult aspect was systematically recruiting subjects.

The subjects were recruited through what might be termed "convenience sampling." The interviewer questioned the first 4-6 women who agreed to the study in each court session. She approached women waiting for their court appearance or to file petitions and asked them if she could interview them for a study being done on the courts. As many as 1 in 4 women refused because they did not have time or their case was going to be dismissed or withdrawn. The women who did agree were individually led outside of the courtroom for a private interview. After the interview was completed, another woman would then be recruited. These procedures were necessary to ensure an interview during the court and to minimize the disruption to the courtroom. We did consider attempting to recruit women over the phone but knew from experience that this procedure would be very difficult to reach women and could endanger some women.

The interviewer orally administered a structured questionnaire that asked about demographics, relationship status, past and current abuse, the man's alcohol use and treatment, and mental health treatment, shelter and counseling contact, and previous protection orders and arrests (see Appendix). The interview typically lasted from 10 to 20 minutes depending on the issues raised by the woman. The completed interview forms were mailed to the investigator's research office where they were reviewed for errors and entered into a database. The final sample included 236 women recruited over a 6-month period—approximately 120 from each court.

The overlap cases were established by asking the women at the time of recruitment whether they had or planned to take action in the other court (i.e., press charges or file a petition). We asked again in the follow-up interview about the initial court appearances. We found that a few women from the civil court who had identified themselves as only filing petitions for a protection order had subsequently also pressed charges in the criminal court (n=5). This changed the percentage of overlap cases from 17% at recruitment to 19% for the follow-up respondents. We also compared the women's reports of court contact with the dockets. We found a few discrepancies (n=4), but we were not sure how to interpret these. Some women who reported appearing in criminal court, but were not on the docket, may have appeared in a different jurisdiction. Those not reporting but appearing on a docket may have been filing for a later, separate offense.

We, therefore, based our classification of case options on the women's reports at follow-up: 19% overlap (n=45), 37% civil-only (n=91), and 42% criminal-only (n=100). The percentage of overlap cases is over twice that of our docket study because of the recruitment or "selection" bias in our convenience sampling. The refusal of dismissed and withdrawn criminal cases, and civil cases not receiving a final order, accounted for many cases that would have been civil-only or criminal-only cases. Many of these women wanted minimal action from the court. The cases recruited in our convenience sample are more likely to be cases seeking court action and obtaining it.

FOLLOW-UP INTERVIEWS

Follow-up interviews were conducted with the recruited sample to assess the outcome of the three court options. A trained research assistant telephoned the women in the sample approximately six months after the initial court contact. Using phone numbers collected during the subject recruitment, the research assistant attempted to locate each subject. She adhered to a series of tracking and safety procedures developed during a previous multi-site evaluation of batterer programs (Gondolf, 2000a). The response rate was 59% (n=137 of 236), which approaches our goal of 60%. A small portion of women completed mailed interview forms at their request, rather than be interviewed over the phone (n=8; 6% of the respondents).

The research assistant administered a structured interview that included "funnel" questioning about abuse during the 6-month follow-up period. The approach combines open-ended and closed-ended questions to help a subject elaborate her "story," and to avoid the feeling of being "investigated" similar to what the women may have experienced from their abusive partners. The questionnaire first asked the women to rate their court experience and to identify the court actions that resulted. The questionnaire, next, addressed the women's relationship status and partner contact.

The subsequent questioning focused on the principle outcome measure for our follow-up study of effectiveness. These questions started with the broad open-ended "How has your relationship been going?", followed by increasingly more specific and more severe tactics of abuse drawn from the Conflict Tactics Scale (Straus, 1979). The women were also asked about the number and time of incidents, and to describe the most severe incident. They were then asked if they were injured and if they sought medical attention as a result of the incidents. The interviewer inquired, furthermore, about alcohol use, additional arrests, protection orders, the women's help-seeking, and additional services for the man. At the end of the interview, the women rated their quality-of-life and safety to provide a subjective experiential outcome.

An additional outcome measure was recidivism in terms of rearrests. We obtained arrest records for the 6-month follow-up period to determine arrests for domestic violence. The records list all the offenses committed by an individual and frequently list several charges for the same date. Research assistants coded each incident for the most serious offense and collapsed the coded

incidents into categories of “domestic violence,” “other violent offenses,” and “other non-violent offenses.”

SELECTION BIAS

We tested for selection bias in our convenience sample by comparing our recruited interview subjects to the other women appearing in the civil and criminal courts. We used the case characteristics available from the court dockets to do this (e.g., past petitions, receipt of a final order, contempt charges). The interview subjects recruited in the civil court ($n=127$) were more likely to have previously filed for a protection order (29% vs. 19%; $X^2(5)=27.43$; $p<.001$) and to file contempt charges for the current protection order (20% vs. 11%; $X^2(1)=9.67$; $p<.01$), than the women appearing on the civil court dockets during the same period. The interview subjects were similar to the other court women in terms of receiving of a final order, continuances granted, and divorce and child support petitions. The interview subjects, in sum, appeared to be with more persistently violent men. Their rates of reassault may, therefore, be higher than those for the women appearing in the civil court in general.

We found a similar selection bias when we compared the women recruited in the criminal court ($n=110$) to the other women appearing in the civil court. According to the case characteristics from the court dockets, the partners of the interview subjects were more likely to have their case deferred for counseling, fines, or further prosecution (74% vs. 64%; $X^2(1)=3.06$; $p<.05$) than the other male defendants in the domestic violence court. The other cases (i.e., non-subjects) were more likely to have dismissed or withdrawn cases. This tendency in court disposition is related, in part, to the partners of the interview subjects being more likely to be charged with aggravated or simple assault charges, rather than lesser charges (91% vs. 81%; $X^2(1)=5.47$; $p<.01$). The interview subjects appeared, therefore, more likely to receive court action.

We also compared the distribution of our court options (i.e., overlap, civil-only, criminal-only) for the interview subjects and the court-docket cases. The interview subjects were comprised of 19% overlap cases, 39% civil-only cases, and 42% criminal-only cases. Whereas, the court dockets showed 8% overlap cases, 56% civil-only cases, and 35% criminal-only cases during the same period. The difference may reflect our recruitment quota of approximately 125 in each court, and our interview subjects having slightly more violent partners than other court cases. The women with more violent men appear to be more likely to seek both civil and criminal court action, as we discuss further below.

Overall, our interview women, in either court, appear more likely to be severely abused and want court action, than the women on court dockets. This tendency might contribute to a higher reassault rate and a higher percentage of overlap cases in our interview sample. The extent of the bias is modest, however (i.e., only about 10% points difference, or about 5% points difference from the expected percentage of the total sample). The fact that these differences are statistically significant reflects, in part, the large sample size on the court dockets (i.e., the Chi Square test is influenced by sample size).

RESPONSE BIAS

Another methodological concern in any follow-up study is the response bias—that is, the interviewed women not being representative of the initial sample of subjects. In order to test for possible response bias, we compared the characteristics of the interview respondents to the non-respondents using the information collected when the subjects were recruited in the courts. We compared the demographics, alcohol use, past and current abuse, arrests, protection orders, shelter

contact, and batterer counseling. The only substantial and significant differences were with race, unemployment, living together, and partner contact. The respondents and non-respondents were remarkably similar in terms of the various kinds and severity of abuse that they experienced. Also, the portion of respondents and non-respondents was equivalent across the different court options (i.e., overlap, civil-only, criminal-only).

The respondents were more likely to be white and in daily contact with their partners. The racial difference continues, however, even when controlling for partner contact. Women without partner contact were more likely to have moved and be more difficult to locate in the follow-up. They may also be more likely to not want to report on their partner or think it is not relevant to do so, because they are no longer with him. In sum, we found a slight response bias in favor of women still with their partners and with more information to report. The actual rates of abuse may, therefore, be slightly lower if the additional women with no partner contact had been interviewed. The sample, nevertheless, offers characteristics and outcome of the women of greatest concern—those women experiencing the most severe violence.

ANALYSIS

We first conducted an analysis to determine the characteristics of the subjects in the various court options. How similar or comparable were these subjects across the options? We cross-tabulated the subject characteristics by the court options. These characteristics included demographics, relationship status, previous behavior, and previous interventions assessed at the court appearance.

We next analyzed the follow-up responses to identify differences in outcome across the court options and the relative effectiveness of the options. We also wanted to identify some of the potential intermediary outcomes (e.g., court experiences) or intervening variables (e.g., additional services). To do so, we cross-tabulated the follow-up responses by the court options. The responses included information about court experience, relationship status, additional interventions and services, and abuse during the follow-up. We also cross-tabulated the results of the arrest records by court option. (Physical abuse or “reassault” and re-arrests were our principle outcome measures.) Comments that were included along with the quantified responses were used to elaborate the results of the cross-tabulations. A research assistant reviewed the comments, summarized the main themes, and identified representative quotes for, especially, the questions about court experience.

Chi square tests were used to identify statistically significant differences, but these tests may be misleading. The small sample size makes it difficult to establish significance with anything but large differences across the options. Also, the significance tests do not necessarily apply to what is a specialized non-random sample. The best way to interpret the results may be to weigh the clinical relevance of the magnitude of the differences.

Our cross-tabulations are of course limited by the different subject characteristics for the court options. The differences in outcome may be explained by the different characteristics rather than the options themselves. To test for this possibility, we controlled for the different characteristics in a logistic regression predicting reassault (i.e., our principle outcome measure). The “overlap” court option was entered into this equation following the subject characteristics using a stepwise procedure. The overlap option was constructed as a dummy variable for three possibilities: overlap vs. civil-only, overlap vs. criminal-only, and overlap vs. civil-only and criminal-only combined.) Our main objective was to test our expectation that the overlap option was more effective than the other possibilities. If the court option remained influential and significant, we would conclude that the court option itself had an effect on the outcome. This analytical approach is somewhat limited,

however, by the few characteristics that were measured and the small sample size. (A larger sample size is necessary to ensure enough statistical power to use numerous characteristics as controls.)

FINDINGS

SUBJECT CHARACTERISTICS

The demographics of the women and their male partners were remarkably similar across the court options. The women's partners were similar across the court options in terms of race, employment, and occupation (see Table IIIA-1). Approximately half of the men were Caucasian and the other half were African American regardless of the court option. The women in the criminal-only option were older, however, and about one third as likely to have some college education as women in the other options (27% criminal vs. 47% civil vs. 40% overlap; $p < .05$; see Table IIIA-2). The overlap women were also more likely to be separated or divorced (45% overlap vs. 21% civil vs. 20% criminal; $p < .01$) and to *not* be living with their partner (33% overlap vs. 42% civil vs. 58% criminal; $p < .01$; see Table IIIA-3). The older, better educated, and separated women in the overlap option may be acting out of more experience with an abusive partner and help sources.

The major finding regarding the follow-up sample was that the men involved in the overlap and civil-only cases tended to be more violent and were more likely to be heavy alcohol users, in the past and present, than the criminal-only cases (see Table IIIA-4 and Table IIIA-5). For instance, approximately 60% of the overlap and civil-only women had been beaten or threatened with weapons as compared to only a quarter (27%) of the criminal-only women. Two-thirds (68%) to three-quarters (74%) of the overlap and civil-only men reportedly drank at least weekly as compared to half (53%) of the criminal-only men. The overlap cases were also more likely, than the civil-only and the criminal-only cases, to have prior arrests and current protection orders. In other words, the overlap women may be doing more in response to the current incident (i.e., appearing in both courts), because past singular efforts were not enough.

There are several additional findings with regard to the cases that are of interest. One, approximately 15% of the women with partners in the criminal court were also arrested (compared to 5% of the overlap women and 1% of the civil-only women; $p < .01$) (see Table IIIA-4). This is slightly lower than our analysis of court dockets that showed nearly 25% of the cases were women; however, that percentage also includes women who the police considered to be the sole perpetrators of the incidents.

Two, approximately a fifth of the men, in all of the court options, had previously been to batterer counseling. According to our previous evaluation of batterer programs approximately 30% of the DACC participants *who re-assaulted* (dropouts or completers) within a year were re-arrested (Gondolf, 1997b). These re-arrested cases would explain those previous counseling participants in our current court study.

Three, nearly 30% of the cases in our court sample are from zip codes 15210 and 15212—about 15% in each. These zip codes represent primarily minority and low-income neighborhoods. The only other zip codes with a substantial portion are 15206 with 11% and 15201 with 6%. The other cases are spread out over 40 other zip codes. The high concentration of cases within two geographic areas of the city suggests the need for further outreach and intervention focused on those areas.

SATISFACTION WITH COURTS

The women across the court options were highly satisfied with the court and especially the legal advocates. The vast majority (83%) of the women were “very satisfied” (21%) or “satisfied” (62%) with their initial court visit and nearly all the women (95%) appreciated the court advocates (“very satisfied”= 45% and “satisfied” = 49%) (see Table IIIB-1). Neither the court option nor subsequent reassault significantly affected the women’s ratings.

The women’s explanation of their ratings brought a wide range of comments. The women were generally pleased with the outcome of the court—that is, they obtain the action they sought, and many felt the action had at least a temporary impact. “The court experience was good for him.” However, a few felt the court was either too strict or too lean. “I wanted them to drop the charges but they wouldn’t. The court just caused more problems for me.” Other women complained about the long wait, the crowded conditions, or the need for more advocates—particularly in the civil court. There were also practical problems with finding the court, parking, and confidentiality.

The comments about the legal advocates in the court were focused on how “helpful,” “supportive,” or “nice” the advocates were. They clearly explained procedures and listened attentively to the women’s problems. A minority of women characterized the advocates as “rude” or “too mechanical.” “They tried to make you do what they wanted” or “dictated what you should put on forms.” A few women also noted the occasional failure of advocates to obtain certain information or help with additional service. A few advocates apparently were “not doing their job” or “didn’t seem to care.”

RELATIONSHIP STATUS

We examined what might be considered another “intermediate” or “secondary” outcome—that is, the status of the women’s relationships. The overlap and civil-only women were less likely to be living with their partners. The women within the civil-only option were, in fact, half as likely as those in the criminal-only option to be still living with their initial partner at the 6-month follow-up (21% civil vs. 56% criminal; $p < .001$) and more likely to be living with another man (30% civil vs. 10% overlap vs. 16% criminal; not significant) (see Table IIIB-2). Moreover, the percentage of civil-only women living with their initial partner decreased by 50% from the court appearance (42% living with partner) to the 6-month follow-up (21%). The percentage of overlap and criminal-only cases living with their partners was the same at court appearance and follow-up. The lower rates of civil-only women “living with their partner” reflects the “no contact” stipulation of a final order of protection. A third of the overlap and civil-only cases no longer had contact with their initial partners. Interestingly, the women in the overlap option were less likely to have children living with them (46% overlap vs. 69% civil and 62% criminal; n.s.) and less likely to be receiving welfare (15% overlap vs. 27% civil and 29% criminal).

REASSAULT DURING FOLLOW-UP

The main outcome of interest was abuse during the follow-up, especially reassault (see Table IIIB-3). The women in the civil-only option were more likely to suffer further abuse than women in the other two options. They were the most likely to report major problems or hassles (41% civil vs. 25% overlap vs. 23% criminal; n.s.), controlling behavior (46% vs. 35% vs. 35%; n.s.), property damage (29% vs. 15% vs. 19%; n.s.) and threats (52% vs. 31% vs. 29%; $p < .05$). Over a fifth (22%) of the women

overall reported being reassaulted. The civil-only cases were, again, the most likely to be reassaulted (27%), and the overlap cases were the least likely (16%). (The civil-only cases having one-third less

reassault is not statistically significant, but it would appear to be clinically important.) A greater portion of men in the civil-only option also *repeatedly* reassaulted or physically injured their partners, and verbally abused their children or caused custody problems (e.g., verbally abused children: 25% vs. 8% vs 7%; n.s.). None of the overlap women reported having custody problems (0% overlap vs. 38% civil vs. 36% criminal; $p < .05$), but they were also the least likely to have children living with them (46% overlap vs. 69% civil and 62% criminal) (see Table IIIB-4).

The rearrest rate during the 6-month follow-up reflects the patterns of reassault (see Table IIIB-5). According to police records ($n=168$), none of the men in the overlap option were arrested, as opposed to 11% of the civil-only men and 7% of the criminal-only men. There was a similar outcome for alcohol-related crimes (0% overlap vs. 12% civil vs. 4% criminal; $p < .05$). The portion of men arrested for other violence or other crimes was similar across the three options. According to the follow-up interviews with the women, the portion of men rearrested was higher for domestic violence (0% overlap vs. 11% civil vs. 0% criminal) and lower for other crimes (9% overlap vs. 25% civil vs. 10% criminal). The rate difference in domestic violence arrests may be attributable to police responding to a domestic violence call, but not arresting the man. The women may, also, simply not know about the men's other arrests, especially if they are no longer living with him. In sum, the civil-only men were the most likely to be rearrested and the overlap cases the least.

These outcomes reflect civil-only men who were much more likely to appear as antisocial or generally violent men (see Table IIIB-6). A greater portion of these men drank excessively (weekly: 58% civil vs. 31% overlap and 30% criminal; $p < .05$), were previously physically violent to others (30% vs. 10% and 9%; $p < .05$), and were previously arrested for other than domestic violence offenses (18% vs. 8% and 9%; n.s.). Their partners were more likely to call the police (23% civil vs. 4% overlap and 6% criminal; $p < .01$) and obtain another protection order (18% vs. 4% and 2%; $p < .05$) (see Table IIIB-7). The women in the overlap cases, on the other hand, tended to obtain additional services (see Table IIIB-8). They were nearly twice as likely to be contacted by advocates (55% overlap vs. 22% civil vs. 25% criminal) visit a women's program, and receive mental health treatment, as compared to civil-only and criminal-only women. A greater percentage of their partners received alcohol treatment (36% overlap vs. 11% civil vs. 17% criminal; $p < .05$) or additional counseling.

The women's perceptions of their of well-being did not, however, reflect the marked pattern of abuse during the follow-up. (See Table IIIB-9). The women from the civil-only cases had a slightly higher portion rating their life "better" overall (75% civil vs. 65% overlap 69% criminal; n.s.), but only 40% of this group reported feeling "very safe" compared to 55% in the criminal court option. In a previous batterer program evaluation that included the Pittsburgh site (Gondolf, 1997b), 75% of the women rated their life as "better" and 67% reported feeling "very safe" at the same 6-month follow-up. The much lower safety ratings for the civil-only cases may reflect the portion of cases not receiving a final protection order and the men appearing to be more abusive in general.

OPTION EFFECT

We attempted to control for different case characteristics across the court options in order to test the effect of the option itself on the reassault outcome. We entered demographics (i.e., age, race, education, employment), partner contact, prior interventions (i.e., shelter, arrests, protection order), prior behavior (i.e., heavy drinking, severe violence), and then the court option into a logistic regression for reassault during the follow-up. We tested 1) the overlap cases against the civil-only cases, 2) the overlap cases against the criminal-only cases, 3) the overlap cases against the other two options, and 4) the overlap plus civil-only cases against the criminal-only cases.

Overall, the overlap cases did not have a significant effect on reassault. A few case characteristics (e.g., employment, age, and alcohol use) were associated with reassault instead. One comparison of court options, however, was at least suggestive. The effect of the overlap cases as compared to the civil-only cases did approach significance, and appears to be substantial (OR=.21; $p=.168$; Model $X^2(12)=29.53$, $p<.01$; $n=71$). According to the odds ratio (OR=.21), women going to both courts (i.e., the overlap option) are 1/5 as likely to be reassaulted as those going to just the civil court. This finding is tentative, however, because of the limited number of control variables and the large confidence interval associated with the odds ratio for the overlap option. A larger sample size would allow us to control for more characteristics and possibly achieve a significant effect.

DOMESTIC ABUSE COUNSELING CENTER

We also examined the cases in our follow-up sample that were sent to the Domestic Abuse Counseling Center (DACC). We were interested in the outcome of these cases, compared to other criminal court actions, because referral to DACC was the most frequent action (or “disposition”) of the criminal court. As indicated in our analysis of the criminal court dockets, about a quarter of the cases were referred to DACC. Examination of the DACC outcome also offers a semblance of a “dose response” evaluation. That is, it gives some indication whether receiving a particular court action (i.e., “dose”) over another contributes to the outcome. Unfortunately, our analysis of DACC referrals must be considered tentative because of the relatively small number of respondents in the follow-up (n=46 DACC respondents out of 79) and the convenience sampling used to recruit follow-up subjects.

The men referred to DACC ($n=79$) appeared to have more opportunity for reassault, but less predisposition to do so (see Table IIIC-1). Compared to the men held over for full prosecution ($n=27$) and men receiving other dispositions ($n=24$; withdraw/dismissed, fine, other counseling), the men sent to DACC were more likely to be married and in daily contact with their partners (72% DACC vs. 44% held over and 46% other; $p<.01$). However, the DACC men were less likely to have drunk frequently (46% vs. 78% and 59%; $p<.01$) and to have been violent in the past (e.g., prior DV arrest: 33% vs. 56% and 42%; $p<.05$).

The men “held over” appear to warrant more restraint. Nearly a third of them had previously been in batterer counseling (as opposed to only 13% of the current DACC referrals) and a third had prior protection orders against them. They were twice as likely to have protection orders against them compared to DACC (15% DACC vs. 33% held over and 38% other; $p<.05$). (The portion of DACC men with protection orders against them was 24% according to the court dockets for 2000 and only 7% according to our multi-site evaluation in 1995.)

The outcomes for DACC were comparable to being held over for prosecution (see Table IIIC-2). Those men receiving other dispositions were about half as likely to reassault their partners in the 6-month follow-up than either the DACC or held-over men (26% DACC vs. 20% held over and 9% other). (The reassault rate at six-months after intake was identical for the DACC referrals in 1995, according to our multi-site evaluation [Gondolf, 1999a].) The “other” men were similar to the DACC men in terms of past domestic violence arrest and alcohol use, but their partners were more likely to have also obtained a protection order. The protection order could be contributing to the lower reassault rate of these men. The partners of the men in DACC were much more likely to be living with the men and appeared to have wanted their contact and relationship to continue. Referral to DACC appears at least no worse than being held over, and it is much less complicated and less costly than full prosecution.

Similarity in the outcomes of DACC and being held over could be explained in a variety of ways. One, a substantial portion (19%) of the DACC referrals did not comply with the referral and 37% of the enrollees dropped out, according to the program attendance records. These men were more likely to reassault than the completers (Gondolf, 1997b; Gondolf & Jones, in press). Second, many more DACC men had direct access to their partners than men who were held over. More were living with their partners and less likely to have a protection order against them. Third, differences in outcome may take longer to emerge than our 6-month follow-up allows. Our previous multi-site evaluation suggested that de-escalation in reassault occurred over a longer period of time (Gondolf, 2000b). Fourth, the outcomes are likely to be influenced by biases in our convenience sampling and our response rate. The very small follow-up subsample for DACC and the other court actions, unfortunately, precludes our testing these possible explanations.

DISCUSSION

COURT OPTION OUTCOMES

The women from the civil-only option were the most likely to be abused and to have their partners rearrested during the follow-up. Over a quarter (27%) of these women reported being reassaulted within six months of their initial court appearance. Their partners appear to be more antisocial and alcohol dependent. These characteristics have repeatedly been shown to be associated with reassault in outcome studies (e.g., Jones & Gondolf, in press). Interestingly, the partners of the overlap women were as abusive and antisocial in the past as civil-only partners. However, the overlap women tended to do more in response to their partner's behavior both before and during the follow-up. They were more likely to have prior protection orders and arrests of their partners, and these women also were more likely to get additional services, as were their male partners, during the follow-up.

The difference and outcome may in part be attributable to the different characteristics of the women in the overlap option. The fact that the overlap women tended to be older, better educated, not on welfare, and divorced or separated may imply that they were more experienced and mobile than women in the other options. The civil-only women, on the other hand, may be less likely to press charges because they are more likely to have children living with them and do not want to cause more complications. They may also be more fearful and entrapped by the antisocial tendencies of their partners, as previous research suggests is the case with partners of antisocial batterers (Jacobson & Gottman, 1998).

There was, however, some preliminary indication that the overlap option itself contributed to a reduced outcome. When we controlled for the different characteristics in a logistic regression, women in the overlap option were less likely to be reassault than the women in the civil-only option. This reduction might be considered a substantial effect, but is not statistically significant. The results are only tentative in our small and very select sample.

IMPLICATIONS

The outcomes raise several implications for intervention. One, it appeared that different "types" of women were pursuing different court options. The women who had been more severely abused, and for a longer time, tend to seek protection orders (i.e., either as a civil-only or overlap case). They were also more likely to have sought previous protection orders. The women in the overlap option were distinguished from the civil-only option by a tendency toward more current

injuries and previous arrests of their partners. The overlap women could be escalating their help seeking in response to the severe violence they have experienced. Their seeking additional services during the follow-up suggested, furthermore, their motivation to stop the abuse and get away from their abusive partner. The heightened help-seeking may reflect their experience, but also may be furthered by their more extensive contact with advocates.

In sum, more assertive women may be the one's to seek the more extensive intervention—action from both courts. The more severely abused women are attempting to get away from their partners with the help of a protection order, as opposed to only having them arrested and sent to counseling. The court options appear relatively appropriate to the women's situation. At least some of the women who warrant the most extensive intervention (i.e. the overlap cases) obtain it in the form of civil *and* criminal court action. The question remains whether criminal court action for the civil-only women would have improved their outcomes. The better outcomes of the overlap cases seem to suggest that it would.

LIMITATIONS

Our outcome study of court options has limitations to weigh with the findings. The main limitations lie in the research design and the research site. The findings may be difficult to generalize to the local courts because of the non-random convenience sample and to other city courts because of the unique components of particularly the Pittsburgh criminal court and demographics of the court defendants.

Convenience Sample

Our follow-up convenience sample is not necessarily representative of the cases appearing in the various courts. It is biased towards women who received court action (e.g., a final protection order in the civil court and fines, counseling, or further prosecution in the criminal court). The previous abuse was also more severe in our sample (as compared to the cases in general) and may contribute to the reassault rates being higher in our sample than in all the women appearing in court.

Comparing the effectiveness of the court options is limited because the options do not have equivalent subjects. Two of the options, for instance, have women who had been more severely abused. We are not able to determine conclusively which option is the most effective overall. Our naturalistic approach to option assignment (i.e., recruiting subjects after their own choice of courts rather than randomly assign them to options) enables us, however, to describe the women who actually end up in the various options and what happens to them.

Not A “Dose Response”

The options do not account for the extent and nature of the court action. They do not represent what is sometimes referred to in evaluation as a “dose response.” Some of the petitioners in the civil court do not receive a final order, and some of the cases in the criminal court are dismissed. Moreover, the criminal disposition can range from fines and counseling to a jail sentence. The outcomes may vary, therefore, in terms of the nature of the court disposition, rather than simply court option. There also may be an interaction between the “type” of case and the court option and action. We have some indication that the more severely abused women tend to seek protection orders and that additional services and intervention may help compensate for the heightened potential for reassault. Certain women may also be benefited by different kinds of court action. For instance, arrest and dismissal may be sufficient for some women with first-time and less severe abusers, and

jailing may be necessary to warrant some repeat reassaulters. The court options merely represent appearance in a certain court rather than court action.

Unique Site

The findings are drawn from one relatively unique site, and must be generalized with caution. Our previous multi-site evaluation documents several components that distinguish the Pittsburgh courts (see Chapter 4, Gondolf, 2001a). Most of the criminal cases are addressed at a preliminary hearing in a specialized domestic violence court, and are subject to periodic court review. The court review has been shown to substantially increase the compliance to batterer counseling (Gondolf, 2000c). The civil court and criminal court have experienced legal advocates to assist battered women appearing in these courts, and the women's center and shelter is one of the largest and most comprehensive on the east coast. We might expect, therefore, the outcomes to be lower in this highly developed court and program system than in other settings.

The demographics in the research site also differ from other sites. There is a greater percentage of African American men, and men with lower socio-economic status in Pittsburgh than Houston, Dallas, and Denver, according to our multi-site evaluation (Gondolf, 1999b). These men may be more resistant to criminal justice intervention and more inclined to reassault, as some previous research of "risk markers" suggests (Gelles, 1999).

Future Research

These limitations point to the need for replication of this sort of study in other court systems and in other cities. An experimental evaluation in which civil and criminal court cases are randomly assigned additional court involvement would also be ideal. It would help to test the effectiveness of "overlap" court cases versus singular court appearance. Experimental evaluations, however, are especially difficult to implement in criminal justice settings and raise additional limitations of their own (Gondolf, 2001b). Also, they still do not address the nature of the court action within each court option (i.e. the "dose-response" as opposed to the "intention to treat").

A more naturalistic approach is to examine the impact of an enhanced "community coordinated response" on the extent of overlap cases and their outcomes. In other words, we might focus on the ideal system and see if it increases the number of overlap cases and those cases' outcomes. A "before and after" examination of the outcomes and comparison of outcomes across different sites could reveal some instructive findings. A demonstration project funded by the National Institute of Justice is currently conducting extensive training and technical support to improve the cooperation between a variety of community services and both civil and criminal courts.

Our study focusing on the overlap of civil and criminal court appearance, nevertheless, provides an essential first step. It offers some indication of the characteristics of the cases comprising the various court options and the outcome of those cases. It offers an important consideration for "community coordinated response." More severely abused women tend to seek protection orders and those women who appear in civil court *and* criminal court reduce the likelihood of reassault. The additional intervention appears to compensate for the potential of further abuse and assault. The women using both courts appear to get to those courts as a result of their own assertive help-seeking and assistance from legal advocates.

PART IV: CIVIL AND CRIMINAL COURT DATA ISSUES

INTRODUCTION

An additional objective of our study was to identify issues related to the civil and criminal court data and to make recommendations for improving the database for court cases. Our assumption is that readily accessible information is needed to develop and maintain a coordinated community response.

On a case level, it would be helpful to know what court actions have been sought and received. What is the court history of an individual's case? Have there been, for instance, prior protection order petitions and were they granted? Was the man arrested previously, and what court action did he receive? Has an individual gone to both the civil and criminal court and how might the court actions from the two courts affect one another?

On an aggregate level, it would be useful to have current and past information on the number of unique civil and criminal court cases representing violence against women. Also, current information would help determine caseloads and objectives for legal advocates and help plan for new staffing and procedures. Past information would help identify trends needed to develop or modify policies. A decline in criminal cases might, for instance, warrant an examination of police arrest practices. An increase in "overlap" cases might signal the impact of coordination efforts or new advocacy procedures.

The court dockets are the main source for this information (see Appendix). The civil court dockets are available directly over the internet by date, case type, or name. Each person has a separate page indicating date, case type, and description of the case. All the court appearances for one person are in the same file. The criminal court dockets are available from the court in paper form. These dockets are a list of scheduled cases for each court date with several columns of information: defendant's name, bond status, arresting officer, arrest date, charges, and disposition. Interpreting this information to answer case-level and aggregate questions is difficult however, as we found in our previous and current analyses (see Gondolf, 1998). The civil court dockets have too much text data that needs to be read and assessed, and the criminal court dockets have too little and sometimes inconsistent data. There is, moreover, no consistent identification number across both civil and criminal dockets that would enable an easy comparison of court overlap.

DOCKET DIFFICULTIES

The main difficulties are in determining the unique number of cases with male defendants and matching cases across the civil and court dockets. The dockets include multiple entries, cases other than "violence against women," and complicating inconsistencies in data. We discuss these problems in more detail below.

One, both civil and criminal court dockets have multiple entries for each individual. Each time an individual appears in court there is another entry. Some of the entries represent reappearances for the same incident. These are caused by court delays, continuances, or postponements prior to obtaining a final court action or disposition. A defendant may, also, be brought back to the court for non-compliance or violation of the court action, a review of compliance to the court action, or an entirely new and different domestic violence incident. The civil court dockets also include non-domestic violence cases—that is, cases about child custody and divorce—that must be separated from the domestic violence cases. We describe in the methods section of Parts II and III the extensive case review and coding used to identify the final court action. We have some question that these methods

lead to accurate results. We found, for instance, a discrepancy between the number of cases referred to batterer counseling according to our analysis of the dockets versus the roster of enrollees at the counseling program.

Two, the court dockets do not indicate the relationship of the perpetrator and victim, and do not readily make evident the gender of each. Therefore, it is difficult to distinguish cases that involve violence against an intimate female partner. A case could be one in which a woman assaulted a man, a man or woman assaulted another family member, or a man or woman assaulted a partner of the same sex. We relied on the gender suggested by the first names to make such distinctions, but the gender of many names is unclear. We were able to identify some same-sex couples by the name of the counseling program for gay men. (Approximately 22 cases out of 631 unique criminal court cases were sent to these specialized counseling programs.)

Three, there are several inconsistencies that need special attention. Mistakes in identifying overlap cases or multiple appearances can result from misspelled names, nicknames, aliases, or initials. Useful data, such as police zone or court disposition, may be missing or recorded in different ways. For instance, 65% of the arrest zones were not indicated and those that were indicated used police badge numbers or zone numbers. Different court clerks appear to enter some data differently. Finally, the difference in the jurisdiction of the civil and criminal courts complicates the identification of overlap cases. We used zip codes to identify the cases from the civil court that were from the City jurisdiction as opposed to other parts of the County.

DATABASE IMPROVEMENTS

There are some straightforward steps that could improve the court dockets and make them more useful as a case-level and aggregate source. Most of these would require merely modification of the current dockets rather than creation of a new database system. They seem to be, therefore, feasible and relatively inexpensive.

First, there is some basic information to be included. The inclusion of a few case characteristics would ease the difficulties in identifying unique cases involving violence against women. These additions are the gender of the defendant and victim and their relationship to one another. It would also be helpful to have race and perhaps age indicated.

Second, the date of the incident on both civil and criminal dockets would help identify court appearances for new incidents versus the same incident. Also, Social Security Numbers would offset the difficulties that arise with name misspellings, nicknames, and aliases.

Third, addresses and zip codes of the defendant's residence on the criminal dockets, and an indicator of city or non-city jurisdiction on the civil dockets, would assist in matching cases across the civil and criminal court dockets. (The civil court dockets already have addresses.) If courts in neighboring jurisdictions collected the same information, individuals' appearing in different jurisdictions could ultimately be identified, as well.

Some more complex modifications remain. One would be to develop a consistent coding for court actions that would enable a direct knowledge of those actions. Currently, the text in the civil dockets or the phrases under disposition in the criminal dockets need to be interpreted. A coding for the status of the case is needed to identify completed cases as opposed to those still in process. (Our coding systems included in the Appendix serve as an example.) The current criminal court dockets are, for instance, especially confounded by all the "postponements" and different kinds of postponements. There are also appearances for reviews of compliance to consider.

RELATIONAL DATABASE

The ideal would be to establish a relational database that links cases within and across courts by a singular identification number. Such a database would enable easy access to civil and criminal court actions for a particular individual. It would also enable identification of overlap cases past and present. The dockets currently are not linked in anyway and must be accessed separately and from different sources. The criminal court dockets are not computerized, but could be easily stored on a computerized spreadsheet rather than paper forms.

Establishing a relational database would require data storage in compatible software programs and some programming to create the links and appropriate queries. This conversion should not be particularly expensive or time consuming. Many institutions and agencies have made such conversions with much more complex data, and many database experts are available to make such conversions on a consultant basis.

One of the issues that accompany a relational database is the question of access. Technically, the information is already considered “public knowledge.” In some states, there are restrictions, however, on access to criminal records and court dockets. Some sort of log-on and security procedure could easily be developed to address this issue. Ideally, victim advocates, batterer program staff, and court officials should be able to access the relational database to find out a person’s court history in order to make more appropriate recommendations to the court and to help develop safety plans for the victim. The database could also be used to generate periodic reports of the court cases. These would help in monitoring objectives for caseloads, overlap cases, and staffing.

PART V: CONCLUSION

INTRODUCTION

We conducted two related studies to address the extent and impact of “overlap” cases. Our expectation was that the portion of overlap cases would be relatively high as a result of on-going efforts to establish a “coordinated community response” to domestic violence cases. We also expected that overlap cases would be more effective in reducing further abuse, as compared to appearing only in the civil court or only in the criminal court. The combined court action in overlap cases would ideally do more to protect a battered woman and contain her male batterer.

We found only partial support for the first expectation and more substantial support for the second. Overlap cases are not as extensive as we would have expected, but they appear to contribute to a reduction in reassault. In other words, efforts to increase the number of overlap cases would probably be beneficial. This especially applies for women in the civil courts who are more likely to have experienced more severe and extensive abuse.

THE EXTENT OF OVERLAP CASES

Our analysis of court dockets partially supports our first expectation about overlap cases. Only 8% of the total cases in both the civil and criminal courts were overlap cases, and between 10% and 20% of the cases in any one court were “overlap” cases. Nearly half of the women appearing in the civil court did not receive a final protection order, and a fifth of those who did receive an order ended up filing contempt charges. Similarly in the criminal court, over half of the batterers are sent to counseling or are fully prosecuted. The rest of the cases are dismissed, withdrawn, or fined.

However, most women seem to receive what is appropriate and wanted. The women with the most extensively and severely violent partners were more likely to be overlap cases or civil-only cases. What appeared to distinguish the overlap from civil-only cases was that more women in the overlap cases had previously and currently sought more assistance and separated from their partners. The women across all the court options rated both their experience in the court and the assistance from advocates as very high.

We are left to wonder about several things:

1) Could and should the portion of overlap cases be higher? The answer to this question depends on what is considered an optimal goal based on the women’s needs and wants and the impact of overlap cases. The criteria for overlap cases, no doubt, is a complicated one that comes in part from women’s initiative and in part from advocate recommendations.

2) What is the reason for nearly half of the cases in both courts not receiving the maximum court action (i.e., a final protection order, batterer counseling, or full prosecution)? Some of the women may not want further action, but might benefit from it. The court procedures may be too intrusive or complicated for some women, and others may fear retaliation from their partners if they continue with court proceedings.

3) What portion of overlap cases includes the maximum action in both courts? We do not know whether women are going to another court because they did not receive the action they sought in the first court, or whether they are going to another court to complement the action they received in the first court. We might assume the later if the woman received the maximum action in both courts, but our analysis did not address this question.

Some secondary findings raised additional questions:

1) What are the circumstances and issues of cases where the man is also petitioning for a protection order or the woman is also arrested? The woman was simultaneously a defendant in about

15% to 20% of the cases in both the civil court and criminal court. The man may have been retaliating for the women's efforts to get a protection order, or the woman may have been defending herself against his attacks prior to an arrest. Do these cases warrant special or different consideration than other cases?

2) What are the implications of the trend in petitions and arrests? We found a sharp decline in arrest cases during the last five years, and a slight increase in the civil court cases. It is possible that more women are turning to protection orders to compensate for a change in arrest practices. Or, more women may be realizing that the separation from their partner, as specified in a protection order, is more appropriate or useful than arrest. Our concern is that many women who previously turned to the police and criminal courts have given up on them and are not seeking civil protection orders as an alternative.

THE EFFECTIVENESS OF OVERLAP CASES

Our follow-up study of a convenience sample of court cases confirmed our second expectation about the effectiveness of overlap cases. The rates for conflicts, child abuse, reassault, and rearrest were lowest for the overlap cases and highest for the civil-only cases. For instance, 16% of the overlap cases were reassaulted during the 6-month follow-up versus 27% of the civil-only cases. The differences in case characteristics, no doubt, contribute to the outcome. The criminal-only cases tended to have experienced less severe violence. The women in the criminal cases were more likely to have been living with a man and had experienced less severe and extensive violence than the overlap and civil-only cases.

While the overlap cases had previously experienced levels of violence similar to the civil-only cases, they were more likely to be older and employed, sought other assistance in the past and present, and had contact with advocates during the follow-up period. These women appeared to be addressing the severity of violence with additional intervention and support, and this intervention and support seems to have reduced the violence further than receiving only a protection order. When we controlled for some of these differences, the court overlap still had a significant effect of reassault over going to the only civil court.

There are several issues to consider as a result of our convenience sampling:

1) Our follow-up subjects were more likely to have received some court action than the cases on the court dockets. We do not know how representative our results are for those women reporting in court, especially the one's with dismissed or withdrawn cases.

2) Our results also do not consider the extent of the court action or the response to it. We do not know, for instance, what the effect is of a final protection order *and* jailing versus only a preliminary order and a dismissed criminal case. We also do not know the effect of batterer counseling when the man completes the required sessions versus full prosecution that results in open probation. The point is that there are many combinations of court outcomes and overlap cases that warrant consideration.

3) Would we obtain similar results in a different court system or community? If there were no specialized "domestic violence" criminal court or if all cases were fully prosecuted, would we have the same results? How does the availability of victims assistance programs and other services contribute to the outcomes? It may be that the overlap cases had better outcomes because the women sought and received additional support and assistance outside the courts.

IMPLICATIONS

Overall, it appears that overlap cases are desirable especially for women appearing in the civil court. The question is how to best increase the use of both civil and criminal courts in response to domestic violence. A protocol of criteria and options might be developed for legal advocates. Are there certain case characteristics that would warrant a more extensive response, and how might this response be implemented? On the other hand, actively supporting and encouraging women's help-seeking may in itself lead to more extensive court use. This appears to be the situation for many of the women who ended up as overlap cases. Another related question is how best to reduce the number of cases that fail to receive court action. A protocol for these cases might consider what women warrant alternative assistance, additional court action, or follow-up support. Are there changes in the court procedures that might help increase the number of women receiving protection orders or arrested men who receive batterer counseling?

Our research faced a few limitations that need to be addressed in order to answer many of these questions and issues. As discussed in Part IV, court dockets need to be coded and analyzed in order to answer basic questions about the number of cases involving violence against women. The dockets do not explicitly identify the gender of the defendants or the nature of the relationship. The dockets also include multiple court appearances for the same incident. The final outcome of the cases needs to be separated out from all the preliminary appearances. Furthermore, we had to rely on court dates to identify overlap cases. We cannot be certain that cases appearing in both courts are for the same incidents. Therefore, our results regarding the extent of overlap cases must be considered an estimate. We propose the addition of some basic information to the court dockets, systematic coding of court appearances and dispositions, and the possibility of a relational database that links case information across the courts.

As discussed in Part III, our follow-up study was limited by convenience sampling. This sampling approach was necessary to accommodate court procedures and advocates' concerns. The sample from the courts does not represent the court cases in general. It has, for instance, a disproportionate group of subjects who received the maximum court action. Also, the court options do not consider the variation in court action or a "dose response." We did at least take a preliminary look at the variation in criminal court actions by comparing the outcomes for batterer counseling, full prosecution, and other actions. These variations do not, however, fully account for "doses" such as the number of counseling sessions attended or the results of the full prosecution, and the small sample size allowed for only exploratory analyses.

Furthermore, our sample is based on the "naturalistic" assignment of subjects to court options, rather than random assignment. The court options, therefore, had different characteristics that may account for the different outcomes. As mentioned above, we attempted to control for these characteristics in a logistic regression, but could not account for all possible characteristics this way. The ideal test for the effectiveness would be an experimental evaluation that included random assignment to court options and produced similar characteristics across the options. As we explained in Part III, this approach would be very difficult to implement and would raise serious ethical questions. Our follow-up study offers, therefore, a beginning and informative step in overlap research.

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TABLES AND FIGURES

PART II: THE EXTENT OF CIVIL, CRIMINAL, AND OVERLAP CASES

- Table II-1: Petitions filed according to civil dockets
- Table II-2: Criminal court cases according to dockets
- Table II-3: Arresting officer, charges, and bond status of criminal case
- Table II-4: Disposition of criminal cases
- FigureII-1: Estimated Trend of Civil and Criminal Cases

PART III: THE EFFECTIVENESS OF CIVIL, CRIMINAL, AND OVERLAP CASES

Subject Characteristics

- Table IIIA-1: Man's characteristics of follow-up sample
- Table IIIA-2: Women's characteristics of follow-up sample
- Table IIIA-3: Relationship status of follow-up sample
- Table IIIA-4: Past domestic violence of follow-up sample
- Table IIIA-5: Current incident of follow-up sample

Satisfaction with Courts and Relationship Status

- Table IIIB-1: Women's ratings of initial court contact
- Table IIIB-2: Relationship status during follow-up

Reassault During Follow-Up

- Table IIIB-3: Abuse of woman during follow-up
- Table IIIB-4: Abuse of children during follow-up
- Table IIIB-5: Arrest according to police records during follow-up
- Table IIIB-6: Man's alcohol use and other violence during follow-up
- Table IIIB-7: Police contact, protection orders, and physical action during follow-up
- Table IIIB-8: Additional services during follow-up
- Table IIIB-9: Women's perceptions of quality-of-life and safety

Domestic Abuse Counseling Center

- Table IIIC-1: Men's characteristics for DACC follow-up subsample
- Table IIIC-2: Outcomes for DACC subsample

TABLE II-1: PETITIONS FILED ACCORDING TO CIVIL DOCKETS

Petitions	Percent
Petition filed in 2000 (Jan.-Jun.)	
Preliminary petition granted	90
Continuance granted	24
Eventually withdrawn or dismissed	26
Final order granted	48
2 nd petition filed	6
Contempt charges on final orders	22
Contempt charge results	
Contempt cases dismissed	12
Contempt cases bond or ROR	42
Contempt cases jailed	43
Contempt cases 2 nd charge	19
Additional filings in 2000	
Man also filed petition	16
Divorce filed	9
Child support filed	14
Prior petitions filed (1995-99)	
Petition filed prior to 2000	19
2 or more petitions prior to 2000	4
Divorce filed prior to 2000	6
Child support filed prior to 2000	23

Note: Based on Pittsburgh Family Court dockets, Jan.-Jun. 2000; n=1488

TABLE II-2. CRIMINAL COURT CASES ACCORDING TO DOCKETS

Cases	Percent	Number
Total appearances/entries	100	1747
Man appearances	76	1330
Woman appearances	24	417
Compliance reviews	29	387
Man unique completed cases (excluding multiple appearances for same charge)	35	609

Note: Based on Pittsburgh Domestic Violence Court dockets; Jan.-Jun. 2000; n=1747.

TABLE II-3. ARRESTING OFFICER, CHARGES, AND BOND STATUS OF CRIMINAL CASE

Criminal Charge	Percent
Arresting Officer/Zone	
(not given=65)	
Zone 1	23
Zone 2	10
Zone 3	18
Zone 4	10
Zone 5	29
Zone 6	9
Charges (multiple charges included)	
Aggravated assault	15
Simple assault	81
Terroristic threats	18
Harassment	12
Reckless endangerment	9
Unlawful restraint	3
Disorderly conduct	3
Public drunkenness	1
Criminal trespassing	7
Criminal mischief	3
Theft	3
Avoiding arrest	4
Bond for future	3
Other	17
Most Severe Charge	
Aggravated assault	15
Simple assault	75
Harassment/ Terror	4
Other	6
Bond Status	
Straight	34
Percent of bond	39
ROR	25
Summons	1

Note: Based on unique completed cases for male defendants, Jan.-Jun. 2000; n=609

TABLE II-4. DISPOSITION OF CRIMINAL CASES

Disposition	Percent
Main Disposition	
Withdrawn	13
Dismissed	12
Waived	5
Warrant	4
Postponed	65
Referral (Deferred Cases)	
Not applicable	70
DACC	22
DACC and Alcohol. Tx.	1
Veterans hospital	1
Alcohol treatment	1
Community service	.2
Other	4
Other Dispositions	
Not Applicable	60
Held for court	27
Fine and costs	4
Suspended sentence	7
No contact	6
Time	.4
Other	5

Note: Based on unique completed cases for male defendants,
Jan.-Jun. 2000; n=609

TABLE IIIA-1. MAN'S CHARACTERISTICS OF FOLLOW-UP SAMPLE (PERCENT)

Characteristic	Court Option			Total n=236
	Overlap n=45	Civil n=91	Criminal n=100	
DEMOGRAPICS				
Race				
White	41	44	49	45
Non-white	59	56	52	55
Education				
No college	65	72	76	72
Some college	35	28	24	28
Current employment				
Full time employment	57	53	53	54
Part time employment	8	9	4	7
Not employed	27	25	28	27
Other	8	14	15	13
Occupation				
Professional	10	16	9	12
Administration or clerical	13	11	6	9
Labor	39	53	59	53
Miscellaneous	39	19	26	25
PAST BEHAVIOR				
Alcohol or drug use				
Never	3	11	26	16
Monthly or less	29	15	22	20
Weekly or daily	68	74	53	64***
Alcohol treatment (past)	39	36	35	36
Psychological treatment (past)	34	34	21	29
Non-DV arrest (past)	69	56	46	54
Non-DV arrest (how long ago)				
0-1 yrs. ago	41	45	31	39
1+ yrs. ago	59	55	69	61
On probation or parole (currently)	27	24	25	25

*** $p < .001$

TABLE IIIA-2. WOMEN'S CHARACTERISTICS OF FOLLOW-UP SAMPLE (PERCENT)

Characteristic	Court Option			Total n=236
	Overlap n=45	Civil n=91	Criminal n=100	
Age				
18-25	24	20	31	26
26-35	22	37	40	36
36+	54	43	29	39*
Race				
Caucasian	48	49	53	51
African American	53	51	47	49
Education				
No college	60	53	73	63
Some college	40	47	27	37*
Current employment				
Full time employment	35	37	28	33
Part time employment	15	27	21	22
Not employed	43	27	43	37
Other	8	10	8	9
Occupation				
Professional	9	28	20	21
Administration or clerical	44	40	34	38
Labor	42	27	36	33
Miscellaneous	6	5	10	8

* $p < .05$

TABLE IIIA-3. RELATIONSHIP STATUS OF FOLLOW-UP SAMPLE (PERCENT)

Characteristic	Court Option			Total n=236
	Overlap n=45	Civil n=91	Criminal n=100	
RELATIONSHIP				
Marital status				
Married	20	38	23	29
Separated or divorced	45	21	20	25
Never married	35	42	57	47**
Living together	33	42	58	47**
See man (how often)				
Everyday	43	66	68	66
Weekly	28	20	12	18
Occasionally/not at all	29	14	20	16*
Relationship length				
Less than 2 yrs.	28	18	20	20
2-3 yrs.	15	16	26	20
4-5 yrs.	10	12	22	16
6-11 yrs.	23	25	18	22
12+ yrs.	23	30	14	22*
CHILDREN				
Children living with woman				
None	40	20	36	30
One child	23	24	21	23
2 children	10	30	19	22
3+ children	28	26	24	26
Age of youngest child				
1-2 yrs.	44	29	45	38
3+ yrs.	56	71	55	62
Age of oldest child				
1-10 yrs.	67	36	51	46
10+ yrs.	33	64	49	54*
Man is children's father	63	71	69	69

* $p < .05$; ** $p < .01$

TABLE IIIA-4. PAST DOMESTIC VIOLENCE OF FOLLOW-UP SAMPLE (PERCENT)

Characteristic	Court Option			Total N=236
	Overlap N=45	PFA N=91	Criminal N=100	
PAST INCIDENTS				
First hit (how long ago)				
1 – 2 years ago	63	54	74	64
3+ years ago	37	46	26	36*
Bruised or injured (past)	68	70	38	56***
PROTECTION ORDER IN PAST				
Protection Order petition ever	65	50	27	43***
Received a final order¹	56	47	64	52
Most recent PFA¹				
Less than .5 yrs. ago	35	19	32	26
.5 –1 yrs. ago	30	26	32	29
1-4 yrs. ago	30	26	4	21
4+ yrs. ago	5	29	32	24*
Number of past PFAs¹				
One	57	66	85	69
Two or more	44	34	15	31*
“No contact” order currently	69	31	39	41***
DV ARRESTS IN PAST				
DV arrest ever	63	36	36	40*
Most recent DV arrest				
Less than .5 yrs. ago	29	12	7	14
.5 –1 yr. ago	24	28	31	28
1-3 yrs. ago	24	36	17	25
3+ yrs. ago	24	24	45	32
Woman to shelter	13	16	9	12
Man to batterer counseling	22	18	17	18
Most recent counseling				
0-.5 year ago	29	9	27	21
.5-1 year ago	14	18	18	17
1-3 years ago	29	27	18	24
3+ years ago	29	46	36	38

*p<.05; **p<.01; ***p<.001

1. Based on those who previously petitioned for protection order.

TABLE IIIA-5. CURRENT INCIDENT OF FOLLOW-UP SAMPLE (PERCENT)

Characteristic	Court Option			Total n=236
	Overlap n=45	Civil n=91	Criminal n=100	
Severe violence¹				
None	7	12	9	10
Less severe	11	11	26	17
Severe	24	17	40	28
Most severe	58	60	27	46***
Severe/Most severe	82	77	66	73**
Bruised or injured	80	56	75	66**
Woman also arrested	2	1	14	7**

* $p < .05$; ** $p < .01$; *** $p < .001$

1. “Less Severe” = push; shove; slap; “Severe” = punch; kick; pull hair; burn; grab neck; hit with object; “Most Severe” = beat; threaten with a weapon; use gun or knife, force sex.

TABLE IIIB-1: WOMEN’S RATINGS OF INITIAL COURT CONTACT (PERCENT)

Court Contact	Court Option			Total n=137
	Overlap n=27	Civil n=56	Criminal n=54	
Court visit				
Very Satisfied	20	23	20	21
Satisfied	64	59	64	62
Not Satisfied	16	18	16	17
Court advocates				
Very satisfied	48	50	39	45
Satisfied	48	44	55	49
Not Satisfied	4	5	6	5

TABLE IIIB-2: RELATIONSHIP STATUS DURING FOLLOW-UP (PERCENT)

Relationship Status	Court Option			Total n=137
	Overlap n=27	Civil n=56	Criminal n=54	
Living with initial man	32	21	56	38***
No contact	31	33	14	25**
With another man now	10	30	16	21
Children living with woman	46	69	62	61
Woman rec'd Welfare	15	27	29	26

** $p < .01$; *** $p < .001$

TABLE IIIB-3: ABUSE OF WOMAN DURING FOLLOW-UP (PERCENT)

Abusive Behavior	Court Option			Total n=137
	Overlap n=27	Civil n=56	Criminal n=54	
Conflicts				
Major problems/hassles	25	41	23	31
Communication problems	29	31	38	33
Conflicts/arguments	46	43	65	52
Poor sexual relations	13	18	13	15
Non-Physical Abuse				
Controlling behavior	35	46	35	39
Verbal abuse	54	58	52	55
Property damage	15	29	19	23
Threaten	31	52	29	38*
Assault				
Physically assaulted	16	27	20	22
Assaulted two or more times	4	16	11	12
Physically injured/bruised	8	13	4	8
Sought medical help	0	4	0	1
Drinking prior to incident	50	50	55	52

* $p < .05$

Note: Based on women's report at six months after court date.

TABLE IIIB-4: ABUSE OF CHILDREN DURING FOLLOW-UP (PERCENT)

Abuse toward children	Court Option			Total n=137
	Overlap n=27	Civil n=56	Criminal n=54	
Man hit children	0	5	6	5
Man verbally abused children	8	25	7	16
Custody problems	0	38	36	32*

* $p < .05$

Note: Percents based on women with children.

TABLE IIIB-5: ARREST ACCORDING TO POLICE RECORDS DURING FOLLOW-UP (PERCENT)

Type of Arrest	Court Option			
	Overlap n=29	Civil n=82	Criminal n=57	Total n=168
Earlier Than One-Month Prior Prior to Court				
Domestic Violence	28	27	19	24
Other Violence	62	60	47	56
Alcohol and Drug Related	48	65	54	58
One-Month Prior to Court				
Domestic Violence	21	20	28	23
Other Violence	28	21	18	21
Six-Month Follow-up After Court				
Domestic Violence	0	11	7	8
Other Violence	7	9	7	8
Alcohol or Drug Related	0	12	4	7*
All Other Crimes	17	20	14	17

* $p < .05$

TABLE IIIB-6: MAN'S ALCOHOL USE AND OTHER VIOLENCE DURING FOLLOW-UP (PERCENT)

Man's Behavior	Court Option			Total n=137
	Overlap n=27	Civil n=56	Criminal n=54	
Drunk or high during FU				
Never	56	36	45	44
1-2 times a month	13	6	26	17
Weekly	31	58	30	40*
Man threatened or struck someone other than family	10	30	9	16*
Man arrested for other than DV (Women's Report)	8	18	9	13

* $p < .05$ **TABLE IIIB-7: POLICE CONTACT, PROTECTION ORDERS, AND PHYSICAL ACTION DURING FOLLOW-UP (PERCENT)**

Contact/Action	Court Option			Total n=137
	Overlap n=27	Civil n=56	Criminal n=54	
Police				
Called police	4	23	6	12**
Man arrested for another DV incident (women's report)	0	7	0	3*
Protection Order				
Woman sought new PFA	4	18	2	9*
New PFA violated	0	33	0	27
Physical Action				
Woman physically confronted man	7	4	13	8
Man grabbed woman first ¹	0	67	0	18*
Woman arrested new DV charge ¹	0	67	0	18*

1. Percentage based on "women who physically confronted man"

* $p < .05$; ** $p < .01$

TABLE IIIB-8: ADDITIONAL SERVICES DURING FOLLOW-UP (PERCENT)

Additional Services	Court Option			Total n=137
	Overlap n=27	Civil n=56	Criminal n=54	
Women's additional services				
Contacted by advocates during FU	55	22	25	29*
Contact with women's shelter or program	39	27	20	26
Mental health treatment	46	29	31	33
Alcohol or drug treatment	12	4	9	7
Other assistance, training, social services	34	41	41	40
Filed for divorce	8	4	4	4
Threatened divorce	15	21	26	22
Talked with relative or friend	69	79	55	67*
Man's additional services				
Sought help, assistance or support	60	57	65	61
Alcohol or drug treatment	36	11	15	17*
Counseling (other than DV program)	36	19	22	23
Other assistance or activity	32	26	30	29
Church attendance	20	19	20	20

* $p < .05$

TABLE IIIB-9: WOMEN'S PERCEPTIONS OF QUALITY-OF-LIFE AND SAFETY (PERCENT)

Women's Perceptions	Court Option			Total n=137
	Overlap n=27	PFA n=56	Criminal n=54	
Life changed overall				
Better	65	75	69	70
Mixed	23	16	24	21
Worse	12	9	9	10
Feel very safe	42	39	55	46

**TABLE IIIC-1: MEN'S CHARACTERISTICS FOR DACC FOLLOW-UP
SUBSAMPLE (PERCENT)**

Characteristic	Court Action			Total n=130
	DACC n=79	Held Over n=27	Other ¹ n=24	
Demographics				
Age (26-35)	40	35	32	37
Anglo/White	53	37	38	47
Some College	22	31	30	25
Employed Full-time	57	44	49	52
Relationship				
Married	27	19	13	23
Daily Contact	72	44	46	39**
Children (living with woman)	66	63	54	63
Past Domestic Violence				
Prior DV arrest	33	56	42	39*
Prior non – DV arrest	34	67	58	45*
Prior PFA	32	46	42	36
Prior batterer counseling	13	32	29	20
Current Incident				
Alcohol use (weekly/daily)	46	78	59	55**
Severe Assault	60	85	71	67*
Seeking PFA for current incident	14	41	39	24**
Obtained PFA for current incident (according to court docket)	15	33	38	23*

* $p < .05$; ** $p < .01$

1. "other" = dismissed/withdrawn, fine, other counseling

**TABLE IIIC-2: OUTCOMES FOR DACC FOLLOW-UP SUBSAMPLE
(PERCENT)**

Outcome	Court Action			Total n=72
	DACC n=46	Held over n=15	Other¹ n=11	
Physical Assault	22	20	9	79
Feel Safe	50	53	36	49
DV arrest	5	5	7	5
Other arrest	15	16	7	14
Bruised or injured	7	0	0	4

Note: Arrest rates based on police reports. Other outcomes based on women's follow-up interviews. All outcomes for six months after initial court date.

1. "other" = dismissed/withdrawn, fine, other counseling

APPENDIX

Sample of Civil Court Docket

Coding Sheet for Civil Court Docket

Sample of Criminal Court Docket

Coding Sheet for Criminal Court Docket