

THE IMPACT OF MANDATORY COURT REVIEW ON BATTERER PROGRAM COMPLIANCE

PART I: INTRODUCTION

OVERVIEW

Purpose

The main objective of this study was to assess the impact of court-mandated review of domestic violence cases on compliance to batterer program referral. Does mandated court review decrease the “no shows” for program intake and the “dropouts” from the program after intake? The problem of “non-compliance” is a particularly significant one in realm of batterer programs. Between 40 to 60% tend to dropout of batterer programs after program intake, and the percentage of “no shows” from court referral appears to be just as high (Gondolf, 1990). This translates into approximately 25% of the men who are court-referred actually entering and completing a program (Gondolf & Foster, 1991).

Mandated court review was implemented in the Pittsburgh Domestic Violence Court in January 1995 in an effort to increase the compliance to batterer program referral. Men referred to a batterer program are required to appear in court 30 days after the initial hearing in order to verify compliance to the court referral. They must appear in court 90 days after their hearing, as required previously, to verify program completion. The men scheduled for review appear before the presiding magistrate at the beginning of the court session. A court-liaison from the batterer program is present to corroborate or clarify the compliance. If a man has not been compliant, the magistrate either has him jailed, fined, held over for prosecution, or returned to the program, depending on the circumstances. Approximately 60% are jailed for what is termed a “violation of bond,” about 20% get a hearing on the original charges, and 20% are returned to the batterer program. If a man fails to appear for the review, a warrant is issued for his arrest and it is highly likely that he will be sent to jail. If he re-offends (i.e., assaults his partner again), the court typically revokes bond and sets a hearing for the full charges. (See Appendix I for a summary of the Pittsburgh Domestic Violence Court)

Part of the study was also to observe other changes and developments in the to help interpret any differences in compliance. This part of the study expanded considerably in response to changes over time in arrests, dispositions, referrals, and the batterer program. We systematically documented the court load, dispositions, and program intake both before and after the study period (1994 and 1997) to identify trends that might have implications on our compliance findings for 1994-1995. These additional findings put the compliance findings in context and applied them to the present. They also expose other issues about the court procedures of which mandated review is a part. Finally, we assessed the batterer program outcome in terms of re-arrests in order to determine the utility of the program referral.

Research Methods

The research design is a “naturalistic” experiment that compares the compliance of court cases before and after mandatory court review was implemented (see Appendix II for further details on the methodology). A sample of men (n=300) appearing in the Pittsburgh Domestic Violence Court was

administered a background questionnaire to identify demographics and influential behavior represented in past alcohol or psychological treatment or criminal arrest. Similarly, men appearing at the Domestic Abuse Counseling Center (DACC) for program intake were administered a similar background questionnaire (n=900). The information obtained from these questionnaires was used to determine the similarities between the pre-review and post-review groups and develop equivalent samples through matching or weighting cases if necessary.

Additionally, a series of records were obtained to help determine the disposition and outcome of cases. The court dockets for the research period were coded for the charges and disposition of the cases (n=1,411). The program attendance records were coded for program intake and program completion, and used to determine court compliance in terms of “no show” and “dropout.” Finally, arrest records were obtained and coded for a stratified sample of 1995 court cases (200 not referred to DACC and 200 referred to DACC) to assess the program effectiveness in reducing recidivism. Arrests for domestic violence, other violent offenses, and other crimes or misdemeanors after the initial court hearing were noted. Court records of cases held over for prosecution were also used to determine the disposition of these cases, as opposed to those handled in the pre-trial hearing.

The principal investigator also observed the court procedures on three occasions before and after the court review was implemented to identify any changes in procedure that might influence the compliance outcome. He also conducted unstructured interviews with program staff, court officials, and police during this time period.

The data was analyzed as follows. First, the characteristics of the court cases and DACC participants were compared for each year to help describe the pre-review and post-review samples and identify any significant trends. Second, the court dispositions were determined for each year in order to identify the portion and number of cases eligible for program referral and actually referred. Third, the compliance rates (e.g., “no shows” and “dropouts”) were compared for the pre-review and post-review samples to determine if compliance improved after court review. Fourth, the court observations were summarized and used to qualify the findings about compliance. Fifth, the arrest records for the court cases, both not-referred and referred to DACC, were compared in order to see if DACC participation lowered recidivism. The disposition of cases held for prosecution was summarized from additional court records. Finally, we synthesized these findings to pose recommendations for court policies and procedures.

In sum, the study attempted to determine if mandated court review increased compliance to batterer program referral, and if that increased compliance was applicable to the present court and attributable to other factors.

THE COURT AND BATTERER PROGRAM

The settings for our study of court review were the Domestic Violence Court of the Pittsburgh Municipal Courts and the Domestic Abuse Counseling Center (DACC) of Pittsburgh. DACC is the major recipient of court referrals to batterer counseling and has worked closely with the court to develop and implement the court review. Both the Domestic Violence Court and DACC have a combination of features and procedures that distinguish them from other large urban courts. The designation of a domestic violence court, the use of preliminary hearings for referral, the presence of

a program court liaison, and the procedures of compliance review are not typical to most courts. The details of the domestic violence court and batterer program are discussed below.

Domestic Violence Court of Pittsburgh

The Pittsburgh Domestic Violence Court is a section of the municipal court that convenes every Tuesday and Thursday afternoon to conduct preliminary hearings for those arrested for domestic violence. The state's domestic violence act requires "probable cause" arrests for assaults, threats, or harassment among family members or those in intimate relationships. Magistrates presiding in the court may defer the court decision (or adjudication) for up to 90 days. The offenders are generally referred to a batterer program as a stipulation of bond. If they complete the program, their charges are reduced to a summary misdemeanor or withdrawn. The case may still be withdrawn or dismissed, for lack of evidence or dropped charges. It may also be referred to criminal court if it is a severe assault or repeated offense, or if the victim requests the criminal hearing.

The Domestic Violence Court of Pittsburgh is somewhat unique in that it relies primarily on deferred adjudication for batterer counseling. Those arrested for domestic violence are referred to batterer counseling program at a preliminary hearing, rather than after being tried and convicted in a criminal court (or pleading guilty to criminal charges). Their offense is usually reduced or dismissed if they complete the program. This contrasts to post-prosecution referral to a batterer program that is a condition of probation or sentence. A "non-compliant" case is considered one in which the man does not report to his appointment for program intake or does not complete the assigned number of program sessions. Approximately 60% of the men who are "non-compliant" are jailed as a violation of their bond condition, about 20% receive a full hearing on the original charges, and 20% are permitted to re-enter the batterer program.

The trend in most courts has been to make referrals to batterer programs for post-prosecution. This has been encouraged in part because a conviction or plea is thought to represent a more decisive sanction against battering. Having a conviction on one's record also offers more leverage especially in the event of re-offense or probation violation. The trade-off with the post-prosecution approach has been that 80-90% of the arrest cases never make it to conviction, and only a portion of the convicted cases are court-referred. Many of the cases that end in a criminal conviction are very severe in nature and warrant jailing or prison sentences, or in-patient alcohol or mental health treatment. Additional problems in major metropolitan courts are the long delays in bringing criminal cases to conviction and the uncertain and delayed response of probation offices to non-compliance.

Several of these problems became apparent in our multi-site evaluation funded by the Centers for Disease Control (CDC), U.S. Department of Health and Human Services (Gondolf, 1997). For example, the average time from initial hearing to program intake in Pittsburgh was 2.5 weeks as opposed to between 9-12 weeks in Houston, Dallas, and Denver. Probation offices in Denver may wait up to a year to respond to non-compliant cases, and may send non-compliant men back to the program or to another program. These differences are reflected in perceptions reported by batterer program participants about consequences for non-compliance in each city. Half of the men in Pittsburgh (51%) thought it was "very likely" that they would be jailed if they did not attend the program, compared to only 25% in Houston, 32% in Dallas, and 40% in Denver.

Domestic Abuse Counseling Center (DACC)

The Domestic Abuse Counseling Center (DACC) is the primary recipient of court referrals in Pittsburgh. At the time of our court study, it received 90-95% of the men referred to counseling.

The court referred approximately 1,725 men to DACC in 1994 and 1995—over 1,000 referrals in 1995 out of nearly 3,400 arrests. A small portion of men are referred to either a program at the Veterans Affairs Hospital or to private counselors. The cases that are not referred to counseling, are either dismissed, withdrawn, or referred to other kinds of treatment or evaluation (e.g., drug and alcohol treatment, psychiatric treatment).

DACC offers weekly sessions of 1½ hours for groups of 12-18 men. The format is primarily instructional or didactic. Trained group leaders generally begin with a “check-in” period in which the participants report any particular accomplishments or problems from the previous week. A topic about domestic violence is presented followed by exercises or demonstrations. Responses and discussions are integrated into the session or solicited in a period near the end of the session. This approach conforms to the gender-based cognitive behavioral curriculum prevalent in the field (e.g., Pence & Paymar, 1993; Stordeur & Stille, 1989).

At the time of the PCCD court study, the batterer program was 13-weeks long, including the program intake and orientation session. The 13-week duration corresponds to the power of the court to postpone cases for up to 90 days. Men report to the DACC main office for program intake. There are intake sessions at least once a week in both the afternoon and evening. General information is collected from the men, and some preliminary screening is conducted in a group, but no formal individual assessments are conducted. At intake, men are assigned to the group site closest to their residence. At the time of our court study, DACC operated groups at three sites distributed around the city. It now has five sites around the city and three sites in outlying communities or districts. After our study in late 1996, DACC extended the duration of its program to 16 weeks.

A court-liaison from the program is present at each court session to corroborate and consult on the review of cases, and to receive new cases. The court-liaison advises the man of program expectations and procedures in the courtroom, and gives him an illustrated form that outlines the procedures. He explains the program intake, site assignments, and compliance expectations. The man must pay \$25 when he appears for the program intake. He must also pay for each group session at the beginning of the session or he is not admitted. The amount of the group session is determined by a sliding-scale applied to the man’s income level. The income level must be documented at the program intake. The group counselors receive the program payments and records attendance. Three absences or any arrest for reassault result in the man’s dismissal from the program and he becomes what we refer to as a “dropout.” If a legitimate excuse for absences is substantiated, a non-compliant man may be allowed to continue in the program.

CHANGES IN THE COURT

As part of our research, we observed the domestic violence court twice a year from 1994-1997, and also monitored police arrest practices through media, official reports, and informal interviews with police in the courtroom. The purpose of this observation and monitoring was to identify other factors that may contribute to our findings and to qualify their implications for the current court. Does what we found for 1994-1995 apply to the 1997 domestic violence court? Specifically, the principal investigator visited a court session at random and observed the setting, procedures, personnel, and dispositions. He also spoke with program staff, court officials, and police

about changes in the domestic violence court. The most apparent changes are summarized below along with their implications for the findings of our court review study.

Court Facility

The domestic violence court has changed in several ways since the beginning of our study. Prior to 1995, the domestic violence court convened in a temporary municipal building across the river from the downtown, and then in an overflow municipal building a block from the city hall. The temporary building was difficult to reach by public transportation and was overcrowded. In both buildings, the courtroom was a large white room with folding chairs and a raised counter up front for the magistrate. The informality and congestion was reflected in noisy conversation from the 75-125 people who sat waiting for their hearings. In early 1995, the court moved to its current facility—a new municipal and court building near the city hall. The new facility is easily accessible, has plenty of parking, and is connected to the new jail. At each court session, at least 4 men enter from the jail in cuffs and jail uniforms, and as many men are cuffed and escorted to the jail door for non-compliance. The marble halls and gray décor, along with the magistrate’s “bench” and railings, create an official and formal air. The audience is much quieter and the proceedings can be observed and heard by all. The more orderly and formal setting conveys a message that a court hearing is “serious business.”

Personnel Turnover

The turnover in court personnel may have affected the number of referrals to batterer counseling. William Simmons replaced Donald Machen as chief magistrate in January 1995. Simmons was committed to continuing Machen’s court-review initiative in the domestic violence court, and also streamlined warrants for court “no shows” and non-compliant defendants. Non-compliance became an automatic bench warrant. The streamlined warrants were instrumental in making consequences for non-compliance a “felt reality.” Under Chief Magistrate Simmons, intake appointments for batterer counseling were also made in the courtroom. The appointments were set for within 6 days of the court day. Previously, the defendants had to arrange for intake on their own within two weeks of the court date, which allowed more chance for non-compliance and delays in responding to program “no shows.” The intake appointments, streamlined warrants, and the formal courtroom are all likely to have reinforced the court-review under study. They signal that sanctions for non-compliance are highly likely.

Three of the five magistrates also changed during this time. The magistrates are appointed by the mayor and preside in the domestic violence court on a rotating basis. Some magistrates make more referrals to the batterer programs than others. Two magistrates, for instance, make half as many referrals as the other magistrates do. One magistrate is more likely to press for fines over batterer counseling, and another is more likely to move cases to criminal court. The interpersonal style of the magistrates, moreover, varies considerably. One of the current magistrates, for instance, spends considerable time with each case discussing the circumstances and advising the defendant. Another magistrate is very directive, giving stern reprimands and decisive decrees. These inconsistencies may offset some of the reinforcement for court review mentioned above, but court review for the cases referred to batterer counseling appears to be implemented uniformly.

Other Personnel Changes

There has been turnover of other personnel associated with the court that may have influenced trends in court dispositions. The district attorney representative in 1996-1997 tended to favor fines

over batterer counseling in order to speed the process of the court. The percentage of referrals to batterer counseling decreased during her tenure, and increased slightly after her departure. The number of DACC referrals was also affected by a new batterer program that emerged in the fall of 1996. The program, started by two former DACC employees, was active in the court for three months. The new program received only 31 court referrals during its court operation, and did not consistently provide corroboration for the court review of those cases.

The number of men with private attorneys has, on the other hand, gradually increased from 1994 to the present. This increase may be the result of more aggressive attorneys and men being more “savvy” about the system. As our tabulation of the court dockets indicate, men with private attorneys, as opposed to the assigned public defendant, are more likely to get the case dismissed or reduced to summary offense and a fine. The observed shift in the advocates approach and increase in private attorneys may also be contributing to the reduction in DACC referrals, and raising resentments in the men that do get referred to batterer counseling.

Lastly, the supervisor of the battered women legal advocates retired in 1996. The new supervisor has publicly supported holding more men over for criminal court, especially re-offenders. The objective is to establish criminal records for batterers rather than allow them to receive no record under a pre-trial referral to a batterer program. This stance, coupled with the tendencies of one magistrate in this direction, may explain the noticeable increase in the number of cases held over for criminal prosecution in 1997.

Police Arrests

The police arrest rate has also influenced the number and type of cases that come to court. The domestic violence arrests were down substantially in 1996-1997. This decrease corresponded with three significant events. One, the mayor’s office limited the overtime pay given to police appearing in court for testimony. In response, police reduced the arrests that would bring them to court without over-time pay. Second, the highly publicized Johnny Gammage case brought criticism of police arrest practices. John Gammage was an African-American man who was killed in 1995, allegedly as a result of the brutality of white police officers. The Department of Justice completed an investigation of the police department in 1996, and issued a “consent decree” outlining reforms and training to redress racial discrimination. Consequently, some police officers became hesitant to arrest African-American men unless the case was very severe. These circumstances may have contributed to the decrease in the portion of African-American men in the domestic violence court from 1995-1997. A third event that may have influenced arrests was an internal police memo encouraging police to make probable-cause arrests on sufficient evidence. The intent was to help reduce the number of cases dismissed or withdrawn because of insufficient evidence or testimony. Additionally, there has been a 5-10% decrease in violent crime in general during the last two years of the study. Some of this decrease may account for the decrease in domestic violence arrests, but it does not account for the substantial reduction in such arrests discussed further in Part III.

Summary

Our observations of the court suggest that changes in the court location, procedures, personnel, and police practices are likely to have affected the number of batterer program referrals and the court review of these cases. Specifically, the reduction in police arrests have recently reduced the number of cases in the domestic violence court, and also may account for the decrease in the percentage of African-American men appearing in court. Batterer program referrals have further decreased in large

part as a result of the fewer referrals from two magistrates, increased involvement of private attorneys, and less support for batterer counseling from advocates. The new court facility, streamlined warrants, and intake appointments improved the implementation of the court review and, no doubt, heightened its impact.

It is difficult to gauge the consequences of these changes on our findings regarding the impact of court review. The shifts in arrest practices and personnel have a noticeable effect after 1995, but may have contributed to the slight differences in the characteristics of the 1994 and 1995 court and DACC samples. The number of court cases subject to batterer counseling and court review is, therefore, substantially fewer in 1996-1997, but the impact of the court review on those cases is not necessarily reduced.

It is important to note that the effectiveness of court review is attributable, at least in part, to the streamlined warrants, intake appointments, and court facility implemented at the inception of the 30-day court review begun in 1995. These enhancements, however, were gradually instituted over a 3-6 month period in early 1995 and are presently routine and established aspects of the court. Furthermore, cases appearing for court review in front of those waiting for a hearing did not begin to escalate until March to June 1995. As a result, court review was strengthened as our 1995 sample was recruited, and its impact became greater over time.

PART II: COURT CASES AND BATTERER PROGRAM ENROLLEES (Sample Characteristics)

CHARACTERISTICS OF COURT CASES

In the first step of our study, we examined the characteristics of men arrested for domestic violence who appeared in the domestic violence court. A DACC staff member administered a brief background questionnaire to an “accidental” sample of men appearing in the court for a hearing. The first 8 men appearing in court were interviewed until a sample of approximately 100 was recruited for each of the study years: 1994, 1995, and 1997. We examined the demographics and behavioral indicators (e.g., substance abuse treatment, psychological treatment, previous arrests, and prior domestic violence services) for men prior to and after the court-review, and also in the past year (1997). The latter sample helped expose trends that might qualify the application of our findings and expose changes in court or arrest procedures. We also asked additional questions of the initial sample that provided more details on drinking, mental health, and arrest incidents. Unfortunately, it was impractical to ask these questions throughout all the samples.

Sample Description

The domestic violence court cases, overall, were marked by some striking dichotomies that limited convenient generalizations (see Table 1). About half (46%) of the men were between 25-34 with a mean age of 32, but the other half were split between those under 25 (25%) and those over 34 (30%). A few men in the sample were in their 70s. About half of the men were African-American and the other half, Caucasian. Nearly 40% were unemployed versus 60% who were partially or fully employed. Over half of the men were never married and half were not living with their partners. Approximately half of the men had children living with them and half did not. The court cases were disproportionately from a lower socio-economic status than the population of the city at large. The men in court were more likely to come from the lower income areas.

The most striking behavioral finding was that about 40% of the men reported having been previously arrested in each year. In 1997, over one quarter (27%) reported prior domestic violence arrests. Only about a fifth (21%) had been previously treated for substance abuse (i.e., detox 14%, inpatient 17%, outpatient 14%, AA or NA 14%), only 10% had a previous psychiatric hospitalization (i.e., inpatient), and 14% had used medication for psychological problems. About a quarter (26%) of the men’s partners obtained protection orders, but only 7% had visited a battered women’s shelter in the past. Consistent with our CDC study, 15-20% of the men accounted for the vast majority of severe physical abuse and had evidence of problems with major alcohol, psychological disorders, and criminal histories (Gondolf, in press-a). The men with prior substance abuse treatment, psychiatric hospitalization, or arrests were significantly more likely to have partners who visited a shelter or filed a protection order, according to a logistic regression for the behavioral indicators and protection orders and a logistic regression predicting shelter use.

Additional Information

In the 1994 sample, we gathered some additional details about the man’s parents and his current mental health. To respond to the attention given to the inter-generational transmission of

domestic violence, we asked the men questions about their parents' behavior toward each other and toward the men when they were growing up. Approximately one-third (33%) of the court men reported that a parent had been violent toward the other, a third (30%) reported being physically harmed by their parents, and a third (34%) reported that their parents had a drug or alcohol "problem." Over two-thirds (68%) of the men's parents had either hit the other parent, harmed the man as a child, or had a drug or alcohol problem. This percentage was relatively high, especially considering that it was based on men's self-reports on a sensitive topic, which they would be unlikely to discuss.

Men were also administered a symptom checklist of emotional problems for the prior three months. A third (33%) indicated they had been seriously depressed, and 16% reported they had threatened suicide within the previous 3 months. A quarter (26%) had threatened suicide sometime in the past. Three-fourths (76%) had outburst of temper, half (48%) had severe anxiety, and 7% reported hearing voices within the past three months. Nearly half of the men (47%) reported drinking at least a few times per week, and 21% claimed they only drink a few times a year (13%) or never (8%). Nearly a quarter (24%) of the men reported they were not "drunk" during the past year.

As mentioned, 40% of the men had been previously arrested for an offense other than domestic violence. The most recent offense was a drug or alcohol offense for nearly half (46%) of those previously arrested, and was a violent crime for over a quarter (29%). Over a quarter (27%) had a prior domestic violence arrest. Nearly half (48%) of the men admitted hitting a non-family member sometime in the past. In sum, a substantial portion of the men in domestic violence court had additional problems in terms of emotional disturbance, depression, heavy alcohol use, and criminal histories. These findings have been indicated in previous studies on the characteristics of batterer program participants.

Trends

Overall we found very little difference in the demographics of the men appearing in court, except that a decreasing percentage being arrested were African-American men. The samples were not significantly different in terms of age, education, and employment. However, in 1994 almost 70% of the men in the DV court were of African-American decent, in 1995 this percentage dropped to 50% and in 1997 to 45%. The decrease in African-American men is associated with slight increases in high school graduates, married men, and men with no children living with them. It is important to note, however, that these tendencies are likely to be related to socio-economic status of the African-American men rather than racial background.

The behavioral indicators suggest a similarity across the samples. There is no significant difference among the samples in terms of prior substance abuse treatment, psychological treatment, and prior arrest. The 1995 post-review men were, however, about half as likely to have had substance abuse or psychological treatment than the pre-review (1994) and current men (1997). The overall portion of men who had treatment is small enough to raise questions about the significance of this difference both statistically and clinically. It remains a difference, in any case, that we can not readily explain. Interestingly, the proportion of men whose partners previously visited a battered women's shelter or obtained a protection order substantially decreased over time. Men with partners using a shelter dropped from 12% to 3%, and those previously obtaining a protection order dropped from 43% to 17%. This trend does not necessarily suggest less severe abuse. It may suggest different help-seeking tendencies associated with the higher socio-economic cases.

Arrest Incident

In 12% of the 1997 cases, the victims of the current arrest were relatives or other persons (not wife, ex-wife, or intimate partner), and 62% of the victims were the persons who contacted the police (as opposed to neighbors or relatives). A third of the cases (36%) have been referred to DACC before, and 79% of these men (or 30% of the total 1997 court cases) are in the court for their mandated review of compliance.

Over 90% of the men admitted that the arrest incident did involve some sort of physical assault (although they tend to minimize the severity of it) and 75% admitted to using “severe” tactics (i.e., punch, kick, choke, beat up, use weapons, force sex). This amount included 15% of the cases that involved threats with a gun or knife. The abuse had been going on for an average of 2.7 years ($sd=.68$). A third (32%) of the women had received medical care and 8% had had gone to a hospital for domestic violence injuries sometime in the past.

The women had also taken a variety of actions prior to the current court appearance. In response to domestic violence, 65% had threatened divorce, 42% had stayed overnight at a friend’s or relative’s house, 16% had sought counseling, and 7% had visited a shelter. Nearly two-thirds of the women had taken legal action prior to the current arrest and court appearance: 45% had contacted the police before, 26% had obtained a protection order, 33% had pressed charges, and 13% had obtained legal assistance.

In 1997, 61% of the men claimed that the women had struck them during the current incident, and 21% of the men reported that their partners had also been arrested at the time of the incident. In 1995, 16% of the men’s partners had also been arrested according to our review of the actual police reports. The charges for the majority of these women were dismissed because the man was the primary perpetrator, and the remainder were referred to group counseling offered by the women’s center and shelter.

Summary

As other studies of arrested batterers suggest, a substantial portion of the men were from lower socio-economic status, but dichotomies emerged that may have clinical significance. For instance, while nearly 40% were unemployed nearly 60% were employed. Half of the men were never married and the other half had been. Of greatest concern is the high percentage of men with prior arrests and alcohol abuse. Approximately 40% had been arrested previously for some offense, and over one quarter (27%) reported prior domestic violence arrests. A fifth (19%) of the men reported serious depression in the previous three months. In sum, a substantial portion of the men had compounding problems or histories that might reduce the effectiveness of domestic violence intervention. The characteristics of the court men did not substantially differ over time (1994-1997), except for decrease in the percentage of African-American men in the court and some accompanying shifts in the women’s help-seeking efforts. The decrease in African-American men was most likely related to a change in arrest practices following discrimination charges against the police.

CHARACTERISTICS OF BATTERER PROGRAM ENROLLEES

We also examined the characteristics of the batterer program enrollees. The “enrollees” are men who completed a program intake at DACC in response to a court referral. These men were administered a background questionnaire, similar to the questionnaire administered to men appearing in the courts, as part of the program intake. The batterer program questionnaire asked standardized questions about demographics and behavioral indicators. First, we summarized the characteristics of the 1995 sample to help describe the program enrollees. Second, we compared the characteristics of the batterer program enrollees for the two test samples (1994 and 1995). This comparison was intended to expose sample differences that might contribute to non-compliance from one year to the next, especially in terms of “dropout” rates. Third, we compared trends in the characteristics from 1994 to the 1997 sample in order to draw implications of the court review findings for the present. Fourth, we compared the program enrollees to the court cases in general to see if the program enrollees differed from the court cases. (This comparison was made on a yearly basis to ensure that trends within either the program enrollees or court cases did not obscure or exaggerate potential differences.) The program enrollees might exhibit different characteristics if those referred to counseling were referred as a result of some distinguishing criteria.

1995 Sample Description

The 1995 sample was very similar demographically to the court sample of that year (See Table 1 for summary of characteristics for full sample of program enrollees 1993-1997). A fifth (19%) of the men had not finished high school, and yet over a third (35%) had some college education. Exactly half (50%) were African-American (46%) or Latino men (3%). About a third (31%) were employed full-time, and over a third (39%) were unemployed. The majority (80%) of the men’s most recent or current employment was in a “blue collar” job (i.e., laborer or semi-skilled). In terms of relationships, only about a quarter (29%) of the men were currently married (20%) or separated (9%), and nearly half (46%) had never been married. Nearly half (45%) of the program enrollees were not living with their partner at the time of program intake, and half (46%) of the men had children living with them (or 62% of the men living with their partner had children living with them). A third (38%) of the men with children had “toddlers” (3 years or younger).

The behavioral indicators suggest that a small portion of the program men had severe psychological problems and about a quarter were likely to be addicted to alcohol or other drugs. According to the men’s reports, about a fifth (18%) had been previously treated for alcohol abuse, and 22% were currently drinking at least a few times a week. Only 6% reported having been on psychiatric medication, 4% had previous inpatient treatment for psychological problems, and 14% had received some sort of psychological treatment or counseling. A small percentage (14%) admitted to recent “serious depression” in the past 3 months and only a few (2%) admitted to thoughts of suicide. Nearly half (51%) of the men had been previously arrested. The majority of the arrested men also had previous alcohol treatment.

Additional 1995 Sample

This description of the 1995 program enrollees corresponds to the description of a similar sample drawn in the same year for our national CDC study of batterer programs (Gondolf, 1996). Only a few percentage points distinguish the characteristics of batterers described here, and those described in the CDC study (Gondolf, 1996). The CDC study provided additional information,

especially about behavior characteristics. Over half (56%) of the men had evidence of alcoholism on an alcohol-screening test (Michigan Alcohol Screening Test; MAST), and over a quarter (27%) scored positive on the alcohol dependency subscale of the Millon Clinical Multiaxial Inventory (MCMI-III). Those with evidence of severe personality disorders (Axis II) or major clinical syndromes (Axis I) comprised 22% of the CDC sample, according to the results of the MCMI (Gondolf, under review). About 10% of the 1995 sample showed evidence of major depression.

Test Samples

The differences between the 1994 and 1995 test samples were not substantial or significant. The greatest demographic difference was with unemployment: 32% of the 1994 sample reported being unemployed versus 39% of the 1995 sample. This reflects a trend in the city overall. Those reporting mental health symptoms, mental health treatment, alcohol use, substance abuse, and prior arrests were comparable across the two test samples. A multivariate analysis entering the demographics and behavioral indicators confirmed that there were no significant differences in the two samples. In sum, the 1994 and 1995 samples were basically equivalent in terms of available demographic and behavioral indicators. We were therefore able to compare the compliance outcomes of the two test samples (1994 and 1995) without having to adjust for sample differences.

Trends

There were some notable long-term trends from 1993 to 1997. When we compared the DACC samples for 1993, 1994, 1995, and 1997, we found a slight trend toward a greater percentage of African-American men being enrolled in the batterer program. The percentage of African-American men increased 14% from 1993 to 1997—from 41% to 55%. The increase in unemployment was more dramatic—and was statistically significant. The portion of unemployed men admitted to the program increased from 19% in 1993 to 38% in 1997. To ensure that the trends were not influenced by an increase of program enrollees from outside the city, we selected only the city zones (using zip codes). The percentages of African-American and unemployed men persisted (e.g., 44% minority for the court cases and 53% minority for the program enrollees, although this difference was not statistically significant).

The 1997 enrollees were also on average a few years older, and were more likely to have had some college education, had been white collar workers, had not been married, and had not been living with their partner (by about 5% in each category). The magnitude of these trends was too small to have much practical significance unless they continued through the coming years. The differences between the 1995 sample and 1997 sample were, moreover, negligible and enabled us to project the court review findings to the present.

Court vs. Program

A final sample comparison was between the characteristics of the batterer enrollees and the court cases for each sample year. We might expect the program enrollees to have more severe behavioral problems than the corresponding court samples. A substantial portion of the court cases that were not referred to batterer counseling were either dismissed, withdrawn, or fined, and we might hope were less in need of batterer counseling. A comparison of court cases and program enrollees for each individual year might also suggest a change in referral practices. (See Table 1 for a demographic and behavioral comparison of the entire sample of program enrollees, 1993-1997, to the entire sample of court cases, 1993-1997.)

The most notable difference between court cases and program enrollees has been in terms of race. As the percentage of African-American men decreased in the court (70% to 45%) from 1994 to 1997, the percentage of African-American men in the program increased (49% to 56%). The batterer program had 20% fewer minority men than the court in 1994 ($p \leq .001$), and 10% more minority men in 1997 ($p \leq .07$). The difference between the two samples for men with some college education was 25% versus 30% in 1997, as opposed to 20% versus 22% in 1994, but these small differences were not significant.

In terms of behavioral indicators, DACC did enroll a greater percentage of men with prior arrests from 1994-1997 than were in the court overall. In 1995, 51% of the program enrollees had prior arrests as opposed to 37% of the court cases ($p \leq .05$). In 1997, the difference was non-significant (46% for the program and 40% for the court). The percentages of court cases and program enrollees with partners who visited a women's shelter and with partners who obtained protection orders were comparable in 1997. At least currently, the court men and program men appear comparable in terms of their domestic violence and criminal pasts.

We did extensively examine the distribution of program enrollees over police zones, and found no significant difference in the portion of men coming from the major police zones in the city from 1994 to 1997. The percentage of DACC enrollees from courts and zones outside the city (e.g., Alikisi and Mon Valley) did gradually increase, but the percentages of cases from the city districts had remained fairly constant. The distribution of DACC enrollees over city districts was comparable to the distribution of court cases in general for the year 1997 (zip codes of court cases were not available for previous years). In sum, the districts of the program enrollees did not appear to account for the demographic trends over time or for the current differences between court cases and program enrollees.

Summary

According to the 1995 sample, program enrollees, like the court cases in general, are disproportionately African American (46%) and unemployed (39%). Nearly half (45%) are not living with their partners at program intake and half have never been married. Over half (56%) appear to have problems with alcohol, according to the MAST, and a fifth (22%) show evidence of severe personality or psychological disorder, according to the MCMI. Over half (51%) were arrested prior to the incident that brought them to the program. In sum, a substantial portion of program enrollees have compounding problems that are likely to impede their responsiveness to program counseling and increase their chances of reassault. The only notable trends were increases in the portion of African-American and unemployed enrollees, while the percentage of African-American court cases decreased over time (1993-1997).

The program enrollees are very similar in terms of demographic and behavioral indicators to the court cases in general and across years (1993-1997). The similarity across the study years enables a direct comparison of the findings from pre-review and post-review samples (1994 and 1995), along with the more recent study year of 1997. The similarity between the program enrollees and the court cases in general suggests that demographic and behavioral characteristics do not influence program referral. Program referral, as we explore further in the next section, might be influenced more by the circumstances of the arrest incident and of the court hearing itself (e.g., who is present at the hearing).

PART III: COURT DISPOSITIONS, REFERRAL COMPLIANCE, AND PROGRAM OUTCOME (Study Findings)

COURT DISPOSITIONS

The court dispositions for pre-review and post-review years were also of interest. The dispositions helped identify the portion of available cases for referral to the batterer program as opposed to those cases being resolved in other ways (i.e., dismissed, withdrawn, held over for prosecution). The relevance of mandated court-review would obviously be reduced if the number of referrals were substantially diminished, or if the characteristics of referrals changed over time. The court dispositions, in sum, provided a context for batterer program referrals and represented the pool of cases from which program referrals were drawn.

Court dockets for 3-months in 1994, 1995, and 1997 were coded for the number of new cases, and the main disposition of each of these cases. (As discussed in Appendix II, the docket coding was an extremely complex task because of the reappearance of individuals in court and because of the contingencies of dispositions for each appearance.) We expected that the number and portion of program referrals would increase over time, given the improvements to the intervention system in general (i.e., coordination of arrest, court, and referral) and the court-review process. We also explored court circumstances (i.e., use of a private attorney, jailed prior to court appearance, bond status) and case characteristics (i.e., criminal charges, police district) associated with the main dispositions in 1995. We expected that cases with private attorneys might be less likely to be referred to batterer counseling.

Total Appearances

The majority of the individuals scheduled for domestic violence court on any one day were not new to the court. A substantial portion of cases have been previously postponed in response to an attorney's request, a scheduling conflict of police, the victim's failure to appear, or pending some stipulation of the court (e.g., payment of a fine or completing a counseling program). Also, some defendants were there for a 30-day or 90-day review of their case. Over two-thirds (68%) of the cases in 1995 (February and March) were postponed for future court action. The postponements generally received a stipulation of a fine or program referral, or were dismissed or withdrawn within five weeks time.

The average number of scheduled cases per month was 219 in 1994, 787 in 1995, and 475 in 1997. The domestic violence court met 8 afternoons a month--twice a week. The average number of cases in one session was, therefore, approximately 27 in 1994, 98 in 1995, and 59 in 1997. Approximately 30-40% of these appearances were new men before the court. The "new men" excluded men in court as a result of a postponement, re-arrest for new offenses, or re-arrest on a warrant for failing to appear or comply. (The "new men" also did not include the women in court for an arrest.) The "new men" in the court were the cases that were considered eligible for referral to DACC.

Based on our review of 2-3 months (February-April) of court dockets in each year, we estimated the total number of new court cases for men. The total number estimated for 1994 is 2,577 (215/mo.), for 1995 is 3,394 (283/mo.), for 1997 is 1,960 (159/mo.), and the projection for 1998 is

1,087 (91/mo.) (see Figure 1). The number of cases decreased by nearly 60% from 1995 to 1997 and by a third (32%) from 1997 to 1998. For comparison, the total number of domestic violence arrests during 1997 in Colorado Springs was approximately 4,500 for a population of 325,000—slightly smaller than the population within the city limits of Pittsburgh (370,000) (McVey, 1998). The number of new arrests of only men in Colorado Springs is approximately 3,250 (based on a deletion of the estimated re-arrests and female arrests for that city). The 1997 Colorado arrest rate for males is equivalent to the arrest rate for Pittsburgh in 1995, but a third less than the 1997 Pittsburgh arrest rate. In sum, the domestic violence arrests in Pittsburgh have dramatically decreased since 1995 to substantially less than cities similar in size to Pittsburgh. The number of cases available for referral to DACC has, consequently, been substantially reduced.

Individual Cases

The main disposition of cases is indicated in Table 2. DACC received approximately a quarter (26%) of the new men in 1994, nearly a third (31%) in 1995, and only a fifth (20%) in 1997, according to our coding of the dockets for 2-3 months in each of those years. As discussed in the section on court observations, the lower program referral rate was associated with an increase in men sent to higher court (4% in 1995 and 16% in 1997). This referral rate, coupled with the fluctuation in available new arrest cases, amounted to 670 men referred to DACC in 1994, 1052 in 1995, and only 392 in 1997 (see Table 3 and Figure 2). The change in the level of new cases is also discussed further in the section on court observations. It may reflect changes in police arrest practices, as well as a reduction in the amount of violent crime in general.

The other major shift in disposition was in withdrawals and dismissals. They were notably lower in 1995 than in 1994 and 1997 (i.e., 11% withdrawn in 1995 vs. 21% in 1997). The combined proportion of withdrawn or dismissed cases ranged from about a third in 1994 and 1997 to about a fifth of the cases in 1995. This shift might be related to a change in the district attorney representative and the diversion of some cases into other new programs and community service (15% of the 1995 dispositions). The other major disposition remained fairly constant. For instance, 20-25% of the cases received a fine.

Factors Associated with Dispositions

Our cross-tabulation of main disposition with court circumstances did reveal some anticipated results. Cases with an attorney or public defender were less likely to be referred to a counseling program and more likely to have had their case withdrawn, dismissed, or received a fine (29% of the men with attorneys and 55% of the men without attorneys were referred to counseling; $X^2=17.22[4]$; $p\leq.01$; $n=378$). Men “released on reconnaissance,” as opposed to cash bond, were slightly more likely to be referred to a counseling program (59% vs. 49%; $X^2=27.53[12]$; $p\leq.05$; 378), but being jailed prior to court appearance did not appear to influence the main disposition. The vast majority (76%) of the men in court had simple assault as their most severe charge, as opposed to harassment (4%), aggravated assault (10%), or other charges (10%). There was no significant relationship between these initial charges and the main disposition. The percentage of referrals from each of the six police districts was similar, except for the higher income downtown district. Men from this district were less likely to be sent to counseling and more likely to receive a fine (40% to batterer counseling vs. 60-65% in the other districts; n.s.).

Summary

The majority of cases scheduled for the domestic violence court were individuals reappearing as the result of postponements, reviews, or warrants. Only about 30-40% were men new to the court and eligible for referral to the batterer program. The actual number of new cases, however, dramatically decreased from 1994 to the present, primarily as a result of changes in police practices. The new cases peaked in 1995 at 3,394 and fell to 1,960 in 1997; only 1,087 are projected for 1998. Between 20% to 30% of these cases were referred to DACC from 1993-1997, with the highest percentage in 1995 (31%) and the lowest in 1997 (20%). This percentage translated into 1052 referrals to DACC in 1995 and only 392 in 1997. (DACC's referrals from other jurisdictions have increased in the meantime to offset the decline of city court referrals.) Program referral appeared slightly less likely in cases with an attorney, and "released on reconnaissance," but no prior jailing or initial charge.

In sum, the cases available for referral to batterer counseling and the court-review understudy peaked in 1995 and have decreased since that year, as has the percentage of new cases actually referred in their court disposition. The reduction of available cases was associated largely with arrest trends and practices. The percentage of referrals appeared to be related to a shift by one or two magistrates toward holding some cases over for high court, and another tending to opt for fines. The court circumstances and case characteristics did not substantially affect the disposition, although attorneys and bond status contributed to program referral. As discussed previously, the batterer program referrals were relatively similar to the other cases in terms of demographics, clinical markers (e.g., prior psychological or alcohol treatment), and criminal charges. These similarities imply that other factors may have influenced the case outcomes, or that the dispositions were the result of an arbitrary process. Our court observations suggested negotiation of a variety of case circumstances and the interplay of the court officials. For instance, the preferences of the victim, the encouragement of the advocate, the recommendation of the district attorney, the position of the public defender, the discretion of the magistrate, the attitude and case history of the defendant, the testimony of the police, all appeared to interact in the disposition decision.

COMPLIANCE RATES

We examined two aspects of compliance to court-referred batterer counseling both before and after the implementation of court review. Compliance was indicated by the number and percentage of men who were referred to the Domestic Abuse Counseling Program (DACC) and who actually appeared for program intake, as opposed to becoming a "no show." Compliance was also represented by the number and percentage of men who appeared for program intake and completed the required 12 group sessions, as opposed to "dropping out." This information was drawn from DACC rosters of court referrals for 1994, 1995, and 1997. These years were selected for the following reasons: 1994 was the year prior to implementing court review, 1995 was the year after the review was implemented, and 1997 provided a look at the continuation of the implementation. We expected the compliance rate to increase in response to the mandated court review—that is, in the years following its implementation.

Program Intake

Compliance, in terms of appearance at program intake, noticeably increased from 1994 to 1995 as predicted. As indicated in Table 3, 64% of the men referred to DACC completed the program intake in 1994, and 73% appeared for program intake in 1995 under the mandatory court review. This represented an increase of 9%. There was also a substantial increase in the number of program intakes because of the increase in the raw number of referrals (431 in 1994 and 766 in 1995). The number of “intakes” in 1995 was almost twice that of 1994 (594 vs. 320).

The most dramatic finding was the high percentage of court referrals appearing for intake in 1997. Two years after the implementation of mandatory court review, 94% of the referred men appeared for intake. This extremely high compliance to program intake might reflect the full implementation of the mandated court review and the expedited warrants that were added later. The compliance rate in 1995 gradually increased over the year suggesting that the impact of court review developed over time, rather than immediately at implementation.

Program Completion

The rates of program completion did not substantially increase from 1994 to 1995 under mandatory court review. Moreover, the completion rate decreased nearly 10% from 1995 to 1997. As shown in Table 3, the completion rate for program intakes dropped from 74% in 1994 and 78% in 1995 to 69% in 1997. The lower completion rate in 1997 was probably due to two main program influences. One, the number of required sessions was increased from 12 to 15 group sessions in late 1996. The increase in sessions obviously increased the chances for dropout. Two, the dramatic increase of intake compliance (from 73% in 1995 to 94% in 1997) brought more men into the program who in the past would have “dropped out” by not showing for intake. In any case, the completion rate in the range of 68% and 79% was very high for batterer programs and might reflect a ceiling for these type of cases. Our CDC-funded multi-site program evaluation found completion rates for three months of counseling to vary from 55% to 65% at three other well-established programs (Gondolf, 1997).

Total Compliance

Program completion might also be assessed in terms of the percentage of court referrals that attended the required number of sessions (rather than the percentage of program intakes that completed the program). This percentage combined the influence of intake compliance with session compliance for what we refer to as “total compliance.” Conversely, it accounted for “no-shows” at intake and “dropouts” during the program. The total compliance (i.e., completion rate of referrals) was 48% in 1994, 57% in 1995, and 65% in 1997. (Inversely, the “total non-compliance” rate was 52% in 1994, 44% in 1995, and 35% in 1997, as indicated in Table 4 and Figure 3.) Even with the increased number of required sessions, the total compliance (i.e., completion rate of referrals) rose by 17% since the pre-review year of 1994. A much higher portion of court referrals had actually completed the program.

Summary

The compliance of court referrals to program intake increased by 9% (from 64% to 73%) during the first year of mandated court review of domestic violence cases. Within two years (1995-1997), the compliance rate to intakes had increased to 94%. Nearly all court referrals were reporting for program intake. The completion rates of program intakes remained fairly constant both before and after the implementation of court review. (There was a slight decrease in 1997 that might be

explained by the increase in the length of the program and the increased percentage of intakes.) Combining the effect of intake and session compliance produced an indication of “total compliance”—that is, the percentage of court referrals that completed the program. This rate increased from 48% in 1994 to 57% in 1995 to 65% of the referrals in 1997—a 17% increase from 1994 to 1997. In other words, nearly two-thirds of the men who were referred to the program actually completed the required 15-weeks of the batterer program.

In sum, the 30-day court review appeared to have had a substantial impact on the compliance rates to the batterer program. Additional refinements to the review process, including expedited warrants, might have contributed to a further increase in compliance during subsequent years. The increase in compliance rates was an accomplishment given the characteristic resistance and denial associated with batterers, and was significant since a decrease in reassaults is associated with program completion (Davis, in press).

PROSECUTION AND RE-ARREST OUTCOMES

Prosecution Outcome

One of the trends contributing to fewer referrals to batterer programs is holding a greater percentage of domestic violence cases for prosecution in criminal court. As mentioned in the previous section, 16% of the pre-trial cases were held over for prosecution in 1997—up from 4% in 1995. The rationale for this trend is to ensure formal sanctions against the batterers and to increase their accountability to the criminal justice system. To investigate the implications of this trend, we tracked the dispositions of 100 of these cases from early 1997. These cases were the first 100 cases starting in February and ending in March which were “held over” according to our docket coding. Twenty-two of the more recent 100 cases are still unresolved: 11 cases are currently in trial and another 11 cases had no information available. The latter cases have most likely been dropped, according to court officials. The 22 unresolved cases were deleted from the sample of “held over” cases for a final sample of 78 cases. It is important to note that these cases are screened by the pre-trial hearing and, therefore, should be cases with the greatest chance of being prosecuted.

The average delay from the initial pre-trial court date to the outcome of the criminal court is 6 months ($sd=3.5$ mos.). This amount of time approaches the estimated 8-9 months delay for criminal cases in general identified in a recent journalistic investigation of the Pittsburgh criminal courts (Schmitz, 1998). The final outcomes for the cases “held over” for criminal prosecution appear in Table 5. Approximately half (45%) of the cases were not prosecuted. They were either dismissed or withdrawn (19%), or not processed or returned to the lower court (26%). The other half (55%) of the cases were prosecuted. Most of these cases (78%) were found guilty and put on probation; only 22% of the prosecuted cases resulted in a jail sentence.

Only 12% of the total cases held for prosecution end up with jail sentences; and 42% of the total cases are put on probation. Probation does not, however, stipulate participation in a batterer program. The heavy caseload, furthermore, limits the amount of contact with men on probation to a very low level. There is an average of 250 cases per probation officer in Pittsburgh, according to the probation office.

Re-Arrest Outcome

To explore the outcome of batterer program completion, re-arrest rates were compared for those men referred to the batterer program to those who were not referred (cases withdrawn, dismissed, fined, or held for higher court). The characteristics of the referred and non-referred, as discussed in a previous section, did not significantly differ. Arrest records were coded for the 15-month period following the court date. Arrests for domestic violence, other assaults, and other offenses (i.e., not domestic violence and not other assault) were noted for approximately 200 program intakes and 200 non-referrals in 1995. (The arrest records for the 200 program intakes had been obtained for our CDC-funded multi-site evaluation.) The year 1995 was used to allow for a sufficient follow-up period and to capture referrals made under mandated court review. We expected a lower re-arrest rate among the program participants, suggesting a “program effect.”

Re-arrests for domestic violence were lower for batterer program completers than for non-referrals and program dropouts. As indicated in Table 6, 14% of the non-program cases (n=231) were re-arrested, as were 14% of program dropouts (n=47). The re-arrest rate for the program completers was, however, only 8% (n=132)—nearly half the rate of the non-program cases. The re-arrest rate for all the program intakes—dropouts and completers—was 10%, or about a third of the non-program cases. The non-referrals were over twice as likely than the program completers to be arrested for any assault (i.e., domestic violence or assault against other persons). Over a third (37%) of the non-referrals were arrested for assaults versus only one-sixth (16%) of the program completers. The arrest rate for other offenses was also lower for program dropouts (33%) and program completers (24%), when compared to the non-referrals (43%). When we considered the men arrested for any offense (domestic violence, other assault, or other offenses), we found that the non-referrals were twice as likely as the program completers to be arrested during the 15-month follow-up (56% vs. 30%).

Summary

The objectives of more formal sanctions and heightened accountability are not reached for the majority of cases held for prosecution. Nearly half the cases (45%) are dropped and most of those that are prosecuted (78%) receive probation with minimal supervision. Only 12% of the cases that are held for prosecution receive jail sentences. Moreover, the long delays of an average of 6 months from initial court date to the final outcome may further diffuse the impact of prosecution. It is important to note that these outcomes are for domestic violence cases screened in the pre-trial hearing and should be cases most likely to receive full prosecution.

The completion of the batterer program appears to contribute to a decrease in re-arrests not only for domestic violence and other assaults (16% vs. 37%), but also for offenses in general (30% vs. 56%). The program dropouts were re-arrested at rates comparable to non-referrals, as one might expect if there was a “program effect.” Both the dropouts and the non-referrals had limited or no exposure to counseling. Moreover, the difference in re-arrest rates was apparently not attributable to different characteristics in the comparison sample. Not only were the demographics similar for the non-referrals and program referrals, but also for the dropouts and completers of the program referrals (Gondolf, 1998).

PART IV: CONCLUSION AND IMPLICATIONS

Major Findings

The main purpose of this study was to determine the impact of mandated court review on compliance to batterer program referral. Compliance in the form of appearing for program intake and completing the required number of group sessions has been a major concern in the field. Our findings show a substantial decrease in non-compliance following the implementation of mandated court review of cases in the Pittsburgh Domestic Violence Court. The review occurs before the magistrate 30 days after program referral.

The total non-compliance—that is, the court referrals who did not complete a program—dropped dramatically from 52% in 1994 prior to the court-review to 35% in 1997, two years following implementation of the court review process. This decrease in total non-compliance was largely the result of the decrease in “no-shows” for program intake. The rate of “no-shows” went from 36% in 1994 to only 6% in 1997. Non-compliance in terms of “dropouts” following program intake remained relatively stable from 1994-1997 (26%-31%). This dropout rate was relatively low compared to a national study of other “well-established” batterer programs that revealed dropout rates ranging from 45% to 35% for 3 months of sessions (Gondolf, 1998). The court-review might contribute to sustaining the low dropout rate, especially since the dramatic reduction of no-shows for program intake was likely to increase the number of men prone to dropout in the program.

This compliance is important since program completion was associated with a reduction in re-arrests and reassaults. In other words, getting program referrals to program completion matters. Men who completed the batterer program were half as likely to be re-arrested for assault charges (16% vs. 37%) and less likely to be re-arrested for any offense overall (37% vs. 56%) following their initial court appearance. Arrest records were compared for 200 batterer program referrals and 200 arrested men not referred to the program for a 15-month period after the initial court date in the first half of 1995. The demographic and case characteristics of the referred and non-referred men were similar and did not appear to account for the differences in re-arrests.

Moreover, a recent review of quasi-experimental and controlled-experimental evaluations found a “program effect” for batterer programs in general (Davis, in press). The female partners of the program completers tended to report a significantly lower rate of reassault than did partners of dropouts and non-participants. In our CDC-funded multi-site study, the reassault rate for the Pittsburgh batterer program (DACC) at 15 months after program intake was equivalent to batterer programs in Texas and Colorado with longer durations (5 months and 9 months as opposed to 3 months in Pittsburgh) and additional services (e.g., alcohol treatment, psychological evaluations, victim services) (Gondolf, in press-b). In sum, there appeared to be a “program effect” on recidivism and reassault beyond the arrest and court appearance, and the effectiveness of the Pittsburgh program appeared equivalent to “well-established” programs in other major cities.

The shorter duration of the Pittsburgh batterer program might be compensated by the court’s quick response to arrests and to non-compliance. The longer programs relied primarily on post-prosecution for referrals. The average delay from court date to program intake was consequently much longer than in the Pittsburgh program that received referrals from a preliminary hearing (2.5 weeks in Pittsburgh to 3 months in Houston). Pittsburgh men were also brought into court much sooner after arrest—within 5-10 days. The 30-day court review in Pittsburgh also provided a quick and sure response to non-compliance. The response to men under post-prosecution was more

uncertain because it depended on probation officers to respond to cases. The probation officers generally assessed the violations and then placed the case on the court docket. There was substantial variation in response across probation offices and across cases.

Secondary Findings

Our study exposed several secondary findings that affect the relevance of court-review. While compliance dramatically increased following mandated court review, the actual number of referrals to batterer counseling sharply declined (from 1052 in 1995 to 392 in 1997). This decline corresponded with a change in police practices and with a reduction in the level of violent crime in general that have contributed to fewer domestic violence arrests. The number of new domestic violence cases fell by two-thirds from 1995 to the present (3,394 new cases in 1995 to 1,087 projected for 1998). The current amount of arrests is substantially lower than in other cities of comparable size. For instance, Colorado Springs had approximately 3,250 domestic violence arrests of male perpetrators in 1997 as compared to 1,960 for Pittsburgh in the same year. The batterer program referrals from the smaller pool of court cases have been further reduced by a reduction in the percentage of cases being referred to the batterer program (31% in 1995 to 20% in 1997). Two magistrates were making fewer program referrals in favor of other court actions. In sum, the potential contribution of batterer programming coupled with court review was applicable to fewer court cases.

Another secondary finding concerned the characteristics of court cases. The demographics and case characteristics had not substantially changed over time. There was, however, a smaller percentage of African-American men appearing in court (70% in 1994 and 45% in 1997), but a larger percentage being referred to the batterer program (41% in 1994 to 55% in 1997). The percentage decrease in African-American arrests might be related to a change in police practices in response to discrimination charges. The racial composition of domestic violence cases and batterer programs, in general, warrants more attention. It is not clear to what role economic issues, cultural differences, and discrimination play in police arrests and program referrals. Nor do we know the impact of racial composition on program outcomes.

The characteristics of the cases referred to programs and those not referred were very similar. The dispositions of cases did not appear to reflect the difference in demographics or case characteristics. (Having a private attorney made program referral less likely, however.) Our observations suggest that dispositions were the result of a tacit negotiation among court personnel and magistrate discretion. We found a similar result in a study of the court response to civil orders of protection in Reading, Pennsylvania (Gondolf et al., 1994). From the vantage point of the program, program referrals appeared somewhat arbitrary or circumstantial. These observations are not unusual to court dispositions. A recent study funded by the National Institute of Justice found no correspondence between charges and disposition in domestic violence cases in a Miami area courtroom (Goldkamp, 1996).

Finally, we have one technical finding that has relevance for future research and policy analysis. While the court dockets may adequately address the procedural needs of the court, they are very difficult to interpret for program, policy, or evaluation purposes. There is, for instance, no convenient means to determine the actual number of unique arrest cases, unique female cases, or cases not involving an intimate partner. All this information would be useful in projecting service and program needs. Part of the problem is that the dockets are paper records with hand written codes for dispositions and other court actions. The complex contingencies are difficult to sort (e.g., when a postponement is for a program referral as opposed to a failure to appear). Also, the extent of coding

appears to vary with the presiding clerk. Having dockets computerized would ultimately help to standardize the information and improve access to that information.

Implications

The court-review process within the preliminary hearing system appears to offer a viable alternative to post-prosecution program referral and probation supervision. Our findings suggest the impact of quick and certain response to non-compliance in a preliminary hearing system. A response of this kind is not always feasible in the post-prosecution process of the criminal courts. Our intent here is not to recommend a preliminary hearing system over post-prosecution in the criminal courts, but rather pose the trade-offs between the two court systems that need to be weighed.

As discussed in the introduction, some battered women's advocates prefer that batterer program referrals come through prosecution of a criminal offense rather than through a preliminary hearing. The assumption is that post-prosecution offers a formal sanction, which is more likely to deter abuse in the future. The outcome of our CDC-funded study suggests that the quick response and court review of program referrals from a preliminary hearing have similar reassault rates, at least in the short-term (15 months after program intake) (Gondolf, in press-b). Additionally, a sample (n=78) of domestic violence cases held for prosecution took 6 months to reach an outcome. The deterrent effect of conviction may be neutralized by the long delays, especially since nearly half of the men are not living with their partners at arrest and the percentage increases over time. The men after a long delay are less likely to associate sanctions with the past incident, and they are more likely to feel the problem is "over" since they are no longer with the partner. Resentment and resistance may be heightened, consequently, rather than deterrence be achieved.

Model programs have been implemented in criminal courts that combine the official sanction of conviction with the quick response and certain review of the Pittsburgh preliminary court. Criminal courts in Quincy, Massachusetts, and in San Diego, California, are the most notable. The success of these courts appears to be related to influential leadership in the district attorney and judicial offices of those cities. Many other larger municipalities have obstacles that prohibit or at least complicate the establishment of such a system. The caseload and delays in the Pittsburgh criminal courts, for instance, make a quick response to and review of domestic violence cases unlikely anytime soon.

Another trade-off between preliminary-hearing and post-prosecution referrals is the amount of withdrawn, released, and dismissed cases in the criminal courts. According to our assessment of the Pittsburgh dockets, about a third of the cases in the Pittsburgh Domestic Violence Court are dismissed or withdrawn. Holding cases for prosecution in criminal court does not improve the chances of adjudication. Nearly half of the court cases held over for prosecution in the Pittsburgh domestic violence court end up dropped or dismissed. Only 12% of the cases receive a jail sentence and the rest are put on probation with marginal supervision. These prosecuted cases are screened in the pre-trial hearing and are the most likely to be adjudicated. In the criminal courts of Philadelphia and Miami, over 80% of the domestic violence cases end this way (Goldkamp, 1996). Only a small percentage of the cases that do result in a conviction are sent to a batterer program, as opposed to open probation or jail time. In sum, the percentage of arrests that receive some court sanction is very low in the criminal courts, and the percentage of cases referred to batterer programs is even lower.

The conclusions drawn here from the Pittsburgh Domestic Violence Court do not necessarily apply to other city and court systems. Generalizations must be made with caution. Different cities have different court systems, different resources, and different expectations, as we have found in our

CDC-funded multi-site evaluation. What “works” in one court and at one time may not be practical or effective in a different setting. One thing, however, is apparent from this current study of court review: court procedures surrounding program referral warrant more attention. Most all batterer program evaluations have focused on the program impact irrespective of court context, procedures, and response. This study shows that the court procedures--in this case, court reviews—substantially effect the program “input” and apparently the “output” as well.

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APPENDIX I

Domestic Violence Court Procedures Pittsburgh, PA

There are states and jurisdictions, notably Colorado and Washington State, which have long-term batterer counseling as a legislated requirement of sentence or probation for a domestic violence offense. In many large cities, such as Philadelphia, the percentage of domestic violence arrests resulting in convictions is low, and court-ordered counseling for the convictions is limited due to a lack of externally imposed sentencing guidelines or requirements. Some jurisdictions allow a diversion-type procedure in which batterer counseling is given as an alternative to trial. There are some battered women's advocates that feel such diversion, while more expedient, is too lenient; and that batterer counseling as a condition of sentence or probation is more effective in reducing violence. A conviction supposedly offers a more severe sanction than a diversion-type procedure and puts the offense on record.

The Domestic Abuse Counseling Center (DACC) employs a middle alternative in what amounts to a plea bargain. Charges are reduced or dropped if a man attends a program intake and 12-weeks of group sessions at DACC. In the majority of cases, the charges are withdrawn. He must also appear in court for a case review 30-days and 90-days after the initial hearing. If the man satisfactorily completes the batterer program, his charges are formally reduced or dropped at the 90-day hearing. The dates for the review hearings are set in the court at the initial hearing. Additionally, men who plead guilty to a summary offense (less than a misdemeanor), and accept the fine that goes with it (\$300), have the option of attending the batterer program. If they complete the batterer program, their fine is waived.

Magistrates in the Pittsburgh Domestic Violence Court conduct preliminary hearings for all domestic violence arrest cases. If the assistant district attorney feels there may not be enough evidence to establish a simple assault charge, and the victim accepts that counseling be mandated, the assistant district attorney offers batterer counseling in lieu of a hearing on a lesser charge (usually harassment). If the accused batterer agrees, he must attend a program intake and 12 weeks of DACC as a condition of his bond. The man is also required to reappear in court 30 days after the preliminary hearing to review his compliance to the DACC order. If the man does not comply, he may be fined, put in jail, or sent to trial. If he does comply, his case is held over for another 60 days, or until the court receives confirmation that the man has completed the DACC program. At this point, the case is closed and the man receives only the harassment charge (a "summary" rather than "felony" offense) on his record.

A court-liaison for the DACC program verifies compliance with the court referral directly to the court. DACC issues a list of men who completed the program intake each week to the court clerk and updates on men who have been discharged or dropout of the program after intake. The court then issues warrants for the non-compliant men. As of 1997, the court will waive the 30-day review for men who have complied with the batterer program referral. The program staff informs the compliant men that they do not need to attend the 30-day review but must still attend the 90-day review. This waiver procedure offers an additional "reward" to the men complying with the batterer's program, and helps reduce the number of review cases appearing in the court.

There are obviously some advantages and disadvantages to this middle alternative. It assures more men being directed to counseling and at least something being done. The court is able to handle

a much greater volume of cases. Some 7,000 domestic violence cases appear in the Pittsburgh court per year, and about 1,000 of these are referred to DACC. Other cases may be sent to the criminal court because of the severity of the crime or record of the perpetrator; some cases are referred to mental health or drug and alcohol treatment; and of course some cases are dismissed, withdrawn, or judged not guilty. Furthermore, DACC may refuse to accept a man whom the staff deems unsuited for the program, or may refer him to drug and alcohol evaluation and treatment. The majority of "unmotivated" men self-select out of the program and end up back in court by simply not appearing for one of the orientation meetings or counseling sessions.

The court-referral system was established primarily through meetings with the battered women's legal advocates, the DACC director, and the chief magistrate. The magistrate was very eager to have the current system implemented because it drastically increased the efficiency of the domestic violence court. It also conveyed to the community that something was being done with domestic violence cases. The local battered women's advocates have, for the most part, supported the system because it gets quicker action for women and offers at least some sense of sanction to the men. The successful implementation of the system is largely the result of relationships that have been built among the DACC program, the women's services, the district attorney's office, and the magistrate office. DACC remains accountable to these other agencies in the system and to individuals working in those agencies.

APPENDIX II

Research Methods

Overview: The research design approximates a naturalistic experiment “testing” the outcome before and after programmatic implementation. In this case, the implementation is the mandatory 30-day court-review in the Domestic Violence Court of Pittsburgh. We compared the non-compliance rates for the year prior to the implementation of court review to the year after (1994 and 1995). Non-compliance was assessed in two ways: 1) “no show” at the program intake, and 2) “dropout” prior to the required 12-weeks of weekly group sessions. Men who may be discharged from the batterer program for non-payment but finished the required sessions, and men who were referred to alternative services (e.g., substance abuse treatment or psychiatric care) after batterer program intake are considered to be “compliant” and not as a “dropout.”

A variety of sources are used to assemble the data for this comparison. Several samples of court cases and batterer program enrollees were used to identify the characteristics of the pre- and post-court review individuals and to expose trends that might effect the compliance rates. Court observations were conducted twice each year to detect any additional factors that might be contributing to compliance rates. Court dockets were obtained from two years prior and two years after the implementation of court review. The dockets indicated the charges and court disposition (e.g., whether a case is referred to the batterer program or not). Program attendance records were also obtained from the batterer programs to identify program dropouts and completers. Police records were obtained for a sample of program enrollees and non-program referrals for 1997, and court records were reviewed for a sample of cases held for prosecution in the criminal courts during 1997. (See Appendix III for copies of the questionnaires and docket coding forms).

Test Samples: Two “test” samples of court cases were recruited from the courtroom: one before the court review in 1994 and a second after its implementation in 1995. A second pair of “test” samples was established for the 1994 batterer program enrollees and 1995 enrollees. (“Enrollees” are those men referred by the court to batterer counseling who completed program intake.) An additional set of court and program samples after the “test” samples (in early 1997) was also used to examine trends over time that may influence the findings of the test samples.

The court sample was established through “accidental” random sampling in the courtroom. A batterer program staff helped establish the courtroom samples. This person was hired for the study because he had sufficient familiarity with court and its procedures to deal with questions and operate in the courtroom. The assistant positioned himself by the courtroom door and approached the first male who arrived for court. He pulled the man into the hallway and conducted a structured interview that lasted about 5-10 minutes. He then repositioned himself and took the next man that came to the door. The assistant interviewed 5-8 men at a particular court session until approximately 100 were recruited for the year. Less than 5% of the men refused to be interviewed and those who did professed extenuating circumstances (e.g., their case was being called or they had to look after a child). This procedure was used in order not to disrupt the court proceedings and to ensure a high response rate.

We tested other sampling procedures but found them unsatisfactory. For instance, we attempted initially calling female partners of men on the court docket. We were able to contact less than a third of the sample and several of those whom we did contact were reluctant to talk about the in court case. We had a similar experience trying to contact the men by phone. We were unable to

establish a more systematic sampling procedure in the courtroom itself without, disrupting the court procedures or disturbing the waiting audience.

Recruitment and Questionnaire: The batterer program samples were established through the batterer program intake. Men were required to complete a background questionnaire used in our study as part of the intake session. A staff member read the questionnaire to the group of men present for intake, and the men checked the appropriate answers on the copies of the questionnaire in front of them. All the program intakes for the first 9 months of 1994 were used for the 1994 pre-test sample (n=585), and approximately 200 program intakes were used from 1995 for the post-test sample. The intakes for the second half of each month from January to June were used, since another study was being conducted with the men from the first half of each month. There were no significant differences in the characteristics of the sample for this study versus the sample for the other study.

In both the court and batterer program samples, the men were administered a 20-item questionnaire about demographic characteristics and behavioral indicators. The demographic questions addressed age, race, education, employment, marital status, children, and partner contact. The behavioral indicators included questions about psychological treatment, alcohol and drug treatment, and previous arrests. All the questions used an inventory of categorical responses, and the questionnaires were deliberately short in length in order to maximize cooperation and response. Longer questionnaires that we have used with this population are more likely to be refused or not completed. The demographics and behavioral indicators were selected because they have been shown in previous research to be associated with batterer program outcome. Treatment and arrest were used as behavioral indicators because they are concrete and documented interventions generally associated with a severe level of psychological problems, alcohol abuse, or criminality. The Michigan Alcohol Screening Test (MAST), for instance, relies on such items with individuals that may resist self-disclosure or be in a state of denial. A questionnaire with additional items was administered to the batterer program sample of 1995. This questionnaire included items about drinking, psychological symptoms, and other help-seeking by the man's female partner. Most of the questions had been developed and used in previous research we had conducted with men who batter their female partners.

The principal investigator observed the courtroom twice each year and informally interviewed courtroom personnel to help identify additional factors that may influence changes in non-compliance. He observed and took notes on the court procedures, the court personnel, waiting court cases, and courtroom setting. These observations are summarized and used in qualifying the findings about court review.

The most time consuming part of the study was obtaining the data from the diverse sources and coding. We did some experimentation to derive an acceptable means of subject recruitment in the courtroom. A coding system had to be developed for the court dockets that were partially written by hand and in abbreviations, which varied among clerks and over time (see next section). Also, the dockets had to be reviewed for duplicate appearances of the same cases. Similar coding and data entry for the police arrest records and program attendance records had to be developed. We were able to use some of our experience with a related study to derive and test the re-arrest coding scheme. It took a few months to obtain permission to access arrest records, and a few weeks to collect them from the police department.

Dockets: The most difficult and time consuming task of the research was developing a coding scheme for the court dockets that accommodated all the possible contingencies of case reappearances and court dispositions. First, we developed four sets of possible dispositions: various categories of

bond and release, of case status (e.g., postponement, warrant, dismissal, withdrawal, held over for criminal prosecution), of program referral (e.g., DACC, VA, drug and alcohol counseling) and of other stipulations (e.g., fines, suspended sentence), and of pleas. The available dockets (six months in early 1994, in early 1995, and in early 1997) were coded for these categories (see the Appendix III for a sample “docket coding” form).

The second step was to identify the reappearances associated with each individual case. The coded cases were alphabetize by the individual names and next by court date and arrest dates. Coders reviewed the names and dates to identify multiple appearances by one individual. The coders also identified court appearances of women defendants based on the first names of the cases.

The third step was to determine the final outcome among reappearance for each individual case. For instance, a case may be postponed because the victim failed to appear, the man was referred to batterer counseling, or the perpetrator is seeking an attorney. A warrant might be issued that further delays a main disposition. Cases may be dismissed or withdrawn because a person has finished a program or paid a fine, or because there is insufficient evidence or support to have the case continue. The multiple appearances for each case were reviewed to determine the main disposition. Coders selected the main disposition in this priority: 1) program referrals, required fines, or held over for prosecution; 2) dismissed or withdrawn cases with no fine or program stipulations, and postponements and warrants independent of any program referral or fine. This procedure enabled us to identify the cases that were referred to a batterer program over other options. We applied this process to two months of dockets for each year in which we had obtained dockets. As a result we had record of reappearances prior and after a selected appearance to help determine the main disposition of a case. We also selected months that were not atypical because of extended holidays or court scheduling (i.e., February and March).

The fourth major step was to sort out the main dispositions that were incomplete or in transition. Postponements and warrants with no other stipulations were deleted as incomplete cases, and unspecified dismissals and withdrawals over 5.5 weeks after arrest were deleted as responses to paid fines or program completions. (According to our court observations and discussions with court liaisons, very few cases are delayed more than 5 weeks unless they are review of a prior disposition. This cutoff was confirmed by the bimodal distribution of time from arrest to court date.) This procedure left the unique cases for the two-month period. We did confirm the sorting process by comparing the number of court referrals to DACC with the number recorded by DACC for that period. Finally, we collapsed various categories of main dispositions to simplify the outcome for comparison (e.g., any program referral, withdraw or dismissal, fines, held over, and other outcomes).

Analysis: The data was analyzed to determine the correspondence of the “test” years and the change in compliance for those years. We also summarized trends in the characteristics of the samples and of court dispositions. The specific steps are as follows:

1) Summarize the characteristics of the test samples (for 1994 and 1995) and additional sample of court cases (for 1997), and compare the characteristics of these samples to identify influential trends.

2) Summarize the characteristics of the test samples (for 1994 and 1995) and additional samples of batterer program enrollees (for 1993 and 1997), and compare the characteristics of these samples to identify influential trends. Also, compare the characteristics of the program enrollees with court cases (for each respective year) to expose possible shifts in referral practices.

3) Summarize the case dispositions (i.e., batterer program, other counseling or evaluation, criminal trial, fine, withdrawal, dismissal) of the court cases for 1994, 1995, and 1997, according to

court dockets. Compare rate of various dispositions across years to identify trends. Identify the distinguishing characteristics of those receiving various dispositions (e.g., batterer program vs. fines vs. dismissal).

4) Identify the percentage of program referrals that are “no shows” and “dropouts” for 1994, 1995, and 1997. The program rosters for 1994-1997 were tabulated to determine “no-shows”, and attendance records were reviewed to compute the “dropout” rate.

5) Identify external factors (e.g., changes in other court procedures or personnel) that may contribute to changes in non-compliance (summary of court observations and monitoring by principal investigator).

6) Assess the program effectiveness in reducing recidivism by comparing the re-arrest records for batterer program enrollees and court cases not referred to the batterer program. The disposition of cases held over for prosecution in the criminal court was assessed using court records.

The samples were compared using cross-tabulations and the chi-square test statistic (significance level of $p \leq .05$). The significance level, however, may arguably not be applicable with accidental random samples and the unique populations under study. It also does not indicate the clinical importance of differences or changes. These must be derived from more subjective interpretation. Multi-variate analyses of the characteristics for the paired samples (e.g., 1994 vs. 1995 court sample) were used to confirm that there were no confounding interactions among these characteristics that might suppress or heighten their bivariate differences. Logistic regressions were used for this purpose primarily because they can accommodate the categorical data from our questionnaires.

Qualifications: The ideal way to test the impact of court review would be an experimental design that randomly assigned court referrals either to court review or no court review. The court procedures, unfortunately, make such an experiment impractical. Moreover, it would be difficult to convince the district attorney’s office and public defenders that some cases should be dealt with differently. It would also be difficult to isolate those in the courtroom from the cases reappearing in the courtroom for court review and the effects that appearance has on the waiting audience of cases. To accommodate these problems, we employed a naturalistic experimental design, “before” and “after” samples were used in place of random assignment to experimental and control conditions.

The major limitation in the naturalistic design was in establishing the necessary “test” samples. We had to draw small independent samples from the courtroom because of the procedures of the court and vast number of cases. The court and legal advocates are, furthermore, reluctant to require or support routine data collection on the cases beyond what appears on the court dockets. (There is no record, for instance, of the income, race, or marital status of the court cases.) Separate independent samples had to be drawn from the courtroom, batterer program, and dockets that do not necessarily correspond (e.g., program or disposition information may not be available for a specific man in the court sample). “Test” samples from the court were compared to determine if the “before” and “after” court cases were equivalent and therefore comparable. A similar procedure was performed for the batterer program samples. In sum, we relied on separate samplings of the court, program, and dockets to assess aggregate “no show”, “dropout”, and total non-compliance rates.

The main limitation of these procedures is a cumbersome set of analyses that rely substantially on inference. We are left to assume that the court samples apply to the aggregate court population and that we can apply the aggregate outcomes to the “test” years. A further limitation is in the foundational court sampling itself. The method of accidental random sampling leaves room for a bias sample. The interviewer may have inadvertently selected individuals that appeared to be more

accessible or cooperative, or certain types of cases may have systematically arrived when the interviewer was selecting subjects. Finally, the time constraints and potential resistance contributed to a relatively short questionnaire. More detailed indicators and validated scales may have further distinguished the samples and identified influential characteristics.

We believe our procedures to be the most expedient and appropriate for the circumstances of the court and questions to be studied. They also enabled us to obtain additional descriptive material that is helpful in understanding the operation and outcomes of the domestic violence court. Several steps were taken (e.g., testing for trends, conducting courtroom observations) to check for potential biases or additional influences. Moreover, the design limitations are not likely to account for the pronounced findings regarding court review. Important policy implications can be drawn, even though the “science” may not be precise.

The courtroom samples were too small to include a sufficient number of program enrollees and completers to track for compliance. The batterer program enrollees do not necessarily correspond with the sample of court cases. Therefore,

Court samples for the test years were compared to determine if the populations for those years were equivalent and therefore comparable. We also looked for trends beyond the test year to determine if the findings were applicable to the present. The somewhat cumbersome execution of the design is the consequence of the difficulty in sampling the courtroom cases.

Comparison to 95 CDC sample

Accidental sample

Coding sheets and questionnaires

Difficulties in data management and coding

Police zones

Initial court and DACC interview longer

Initially women report in court

women court cases – deleted from samples

_____ It was not feasible to collect information for a set random sample of cases through the court and batterer program. This is mainly because of procedures of the courtroom and the vast number of cases that pass through it. and that assume that separate aggregate outcomes for non-compliance would apply.

Third, we attempt to identify case characteristics that distinguish the non-compliant (both no shows and dropouts) using a multivariate analysis (i.e., logistic regression) and a summary of reasons reported by men in follow-up interviews.

problem of 94 data vs. 97 in helpseeking. MH hospital and shelter
PF sign and shelter less in 95 vs. 94—half—earlier arrests

The decrease may be related to more aggressive policing in higher income areas of the city, or a less aggressive arrest practices in the lower income areas. (The distribution of court cases across police zones does indicate a change in arrests.)

DV Arrests (males) ---- (2,577) ---- (3,394) ---- (1,960)

Based on our review of 2-3 months (February-April) of court dockets in each year, we estimated the total number of new court cases for men. These new cases are the number of arrests for domestic violence in that year (re-arrests not included). The total number estimated for 1994 is 2,577, for 1995 is 3,394, for 1997 is 1,960, and for 1998 is 1,087 (based on February to April 1998) (See

Table *). The number of cases decreased by nearly 60% from 1995 to 1997 and by a third (32%) from 1997 to 1998. For comparison, the total number of domestic violence arrests during 1997 in Colorado Springs was approximately 4,500 for a population of 325,000—slightly smaller than the population within the city limits of Pittsburgh (370,000). The number of new arrests of only men in Colorado Springs is approximately 3,250 (based on a deletion of the estimated re-arrests and female arrests for that city). The 1997 Colorado arrest rate for males is equivalent to the arrest rate for Pittsburgh in 1995, but a third less than the 1997 Pittsburgh arrest rate. In sum, the domestic violence arrests in Pittsburgh have dramatically decreased since 1995 to substantially less than cities its own size.

 As found in a previous study the average number of days from arrest to the court date was *. This information adds an useful dimension to the notion of “quick response.” The cases referred to DACC are enrolled and participating in the program within an average of 2.5 weeks from the initial court date. This amount of time added to the average time from arrest to court (*) equals a total of * weeks from arrest to program participation. The delay from arrest to court appearance is estimated as * times as long at the other research sites in our CDC multi-site evaluation.

To investigate the implications of holding cases over for prosecution in criminal court, we tracked the dispositions of 100 of these cases from early 1997. These cases were the first 100 cases starting in February and ending in March which were “held over” according to our docket coding. Of the 100 cases 11 cases were still in trial and another 11 cases had no information available. According to the court officials, these cases were still unresolved as well (i.e., they had not as yet reach the criminal court).

Outcome of Cases Held for Prosecution

To investigate the implications of holding cases over for prosecution in criminal court, we tracked the dispositions of 100 of these cases from early 1997. The average delay from the initial pre-trial court date to the outcome of prosecution in the criminal court is *. This amount approaches the estimated 8-9 months delay for criminal cases in general identified in a recent journalistic investigation of the Pittsburgh criminal courts (Schmitz, 1998). The final outcome for the cases “held over” for criminal prosecution appear in Table 6. Approximately half (45%) of the cases were not prosecuted. They were either dismissed or withdrawn (19%), or not processed or returned to the lower court (26%). The other half (55%) of the cases were prosecuted. Most of these cases (78%) were found guilty and put on probation; only 22% of the prosecuted cases resulted in a jail sentence. Only 12% of the total cases held for prosecution end up with jail sentences; and 42% of the total cases are put on probation. Probation does not, however, stipulate participation in a batterer program. The heavy caseload, furthermore, limits the amount of contact with men on probation to a very low level. There is an average of 250 cases per probation officer in Pittsburgh, according to the probation office.

In sum, the objective of more formal sanctions and heightened accountability are not reached for the majority of cases held for prosecution. Nearly half the cases are dropped and most of those that are prosecuted receive probation with minimal supervision. Moreover, the long delays of an average of * from initial court date to the final outcome may further diffuse the impact of prosecution.

