

**The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:**

**Document Title: Lexington County Domestic Violence Court: A Partnership and Evaluation**

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**Document No.: 204023**

**Date Received: February 2004**

**Award Number: 2000-WT-VX-0015**

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## **The Lexington County Domestic Violence Court: A Partnership and Evaluation**

Research Report Submitted to the National Institute of Justice and the  
Lexington County Sheriff's Department

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This project funded by the National Institute of Justice, U.S. Department of Justice,  
award #2000-WT-VX-0015.

July 2003

**FINAL REPORT**

Approved By: M. Battle

Date: 10/1/03

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## ACKNOWLEDGEMENTS

This report was prepared with the participation of the Lexington County Criminal Domestic Violence Court personnel and in partnership with the Lexington County Sheriff's Department. Their valuable participation, assistance, and insights are gratefully acknowledged. We thank Sheriff James R. Metts for his willingness and assistance in establishing a research-practitioner partnership between his agency and the University of South Carolina. We also appreciate the assistance of those who provided resources used in this research. Judge Bruce Rutland graciously provided the research staff with access to court case files in all the Lexington County magistrates' courts. Captain Scott Prill provided invaluable assistance in facilitating the on-going partnership throughout the study period. Steve Mason and the staff in the records division at the Lexington County Sheriff's Department were especially accommodating in assisting with the sample identification and acquisition of data. We'd like to thank Judge Scott Whittle and Judge Shirley Sons for their kindness in allowing the research staff to spend many hours observing their court sessions. We offer a special thanks to Prosecutor Nicole Howland, Investigator Oscar McIntosh, Investigator Ashley Milton, Sistercare Legal Advocate Debra Haney, and Mental Health Counselor Susan Harris for their invaluable insight and assistance. Finally, this project would not have been possible if it were not for the efforts of Jay Phillips and Nandalyn Heaitley of Lexington County Sheriff's Department who wrote the initial grant that funded the court.

This investigation was supported under award #2000-WT-VX-0015 from the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the authors and do not necessarily represent the official position of the U.S. Department of Justice. We greatly appreciate the support of our NIJ Project Monitor Dr. Angela Moore Parmley. For more information regarding this report, direct correspondence to [govera@gwm.sc.edu](mailto:govera@gwm.sc.edu).

## **Abstract**

### ***Research Goals and Objectives:***

The current study involved a process and impact evaluation of Lexington County, South Carolina's Criminal Domestic Violence Court (CDVC). The goal of the project was to determine whether the CDVC was successfully implemented and to assess its impact on recidivism of domestic violence in Lexington County. The CDVC is a specialized court that combines the efforts of law enforcement, judges, prosecutors, mental health professionals, and victim advocates, to improve the safety of domestic violence victims and hold offenders accountable.

### ***Research Design & Methodology:***

Three methods of data collection were used to conduct the process evaluation component of the study. Research staff observed 30 court sessions, interviewed seven key court officials, and interviewed 50 victims and 50 defendants whose cases were processed in the domestic violence court. The following three methods of quantitative analysis were used to examine the overall impact of the domestic court: a time series intervention analysis; a spatial analysis of the geographic boundaries of domestic violence arrests; and a recidivism analysis of 189 defendants arrested for domestic violence before the implementation of the court and 197 defendants arrested for domestic violence after the court's implementation.

***Research Results and Conclusions:***

The results from the process evaluation indicate that an effective courtroom workgroup emerged and that important systemic changes occurred in the manner in which domestic violence cases were processed. Specifically, the CDVC had changed the focus of domestic violence prosecution from a traditional passive approach to an active approach that emphasized victim safety, offender accountability, and batterer treatment. Victims and defendants generally thought the CDVC officials treated them with respect and that the outcomes of their cases were fair. These results suggest that specialized domestic violence courts that emphasize collaboration between law enforcement officials, prosecutors, judges, and treatment providers can be successfully implemented and can change the process through which domestic violence cases are adjudicated. The results from the impact evaluation indicate that domestic violence arrests increased significantly after the CDVC was established, but that recidivism rates significantly decreased for defendants processed through the CDVC compared to the historical control group. The results from the impact evaluation suggest that domestic violence can be affected by increased coordination and attention from representatives of the criminal justice system. The results from this study also suggest that systematic localized court interventions in rural settings aimed at domestic violence defendants can be effective at enhancing enforcement and improving victim safety. Findings from this study suggest that the CDVC can serve as a model for other rural jurisdictions interested in establishing domestic violence courts.

Goldkamp et al., 1996). Many of the jurisdictions that have implemented domestic violence courts have done so without a standardized definition that directs judicial practices (Weber, 2000). Even more problematic is that the majority of research on this topic examines domestic violence courts in urban settings. As a result, precious little evidence is available to assist criminal justice agencies in rural areas design appropriate judicial intervention to combat domestic violence.

The current study is designed to fill that void and evaluate the effectiveness of a specialized criminal domestic violence court. A separate Criminal Domestic Violence Court (CDVC) court was established in November 1999 in Lexington County, South Carolina, to hold perpetrators of domestic violence accountable through increasing fines and jail time, as well as placing a strong emphasis on mandatory batterer treatment programs. The court operates on a multi-agency collaborative approach and has handled more than 2,000 cases since its inception.

### **Scope and Methodology**

An evaluation was undertaken to measure the extent to which the CDVC was successful in implementing its goals of establishing an effective court that enhances victim safety and providing a model of therapeutic jurisprudence. The central focus of therapeutic jurisprudence is to provide treatment options for the offender in order to resolve the underlying cause of the dispute before the court in an effort to increase victim safety. Our findings are based on observations of court operations, interviews with key court staff, interviews with victims and defendants, analysis of arrest trends, and the recidivism rates from a sample of defendants processed through the CDVC compared to a historical comparison sample of defendants processed in traditional magistrates courts. First we will describe the process evaluation followed by a discussion of the outcome methods and findings.

## **Process Evaluation**

In an effort to document the court process, research staff observed thirty court sessions during 2002. The qualitative data gathered through courtroom observations describe the general courtroom work group and the level of cooperation among the Sheriff's investigators, the domestic violence prosecutor, the judge, the victim and the offender. Observations were guided by an open-ended instrument that required observers to document the extent to which the court operates on a model of therapeutic jurisprudence, collaborative process, problem-solving dispute avoidance, and commonsense decisions that display judicial leadership.

From the court observations it was clear that a collaborative workgroup developed. The judges, prosecutor, mental health coordinator, criminal domestic violence investigators, and court administrator all worked closely toward processing cases as effectively and efficiently as possible. There was an effort in the proceedings to give victims and defendants a clear understanding of their rights and the procedures of the criminal domestic violence court. Within the limits of the criminal domestic violence law judges typically gave defendants the maximum sentence, which would be reduced upon completion of 26 weeks of domestic abuse counseling. The ability to reduce a sentence showed the court's preference for a therapeutic model. This preference is also evident from the statement the judge makes during the videotaped instructions: "The purpose of this court is to provide treatment options." In terms of general courtroom conduct, the only observation contrary to the therapeutic model was the occasional victim blaming by one of the judges.

Interviews also were conducted with individuals who played an integral role in the operation of the domestic violence court. The primary purpose of these interviews was to obtain data on the perceptions of how the Lexington County Sheriff's Department's response to



domestic violence had changed since the court's inception, and how their role impacted the court's operation. Specifically, the interviews were designed to cover five content areas: (1) case processing in the CDVC; (2) impressions of the CDVC and its victims and offenders; (3) differences between the way domestic violence cases are treated compared to other crimes; (4) factors that impact the successful prosecution of a domestic violence case; and (5) comparisons between the way domestic violence cases were handled prior to and after the court's inception and suggestions for reform.

Interviews with key participants in the CDVC showed that the goal of an integrated criminal justice system, to hold domestic violence offenders accountable and to enhance victim safety, was being met. The difficulty in obtaining victim cooperation, having offenders acknowledge their wrongdoing, collecting adequate evidence, and finding the "truth" in cases where both victims and defendants are scared and confused, were among the problems encountered. While the majority of those interviewed thought that the court had improved the response to criminal domestic violence in Lexington County, most agreed that more could be done. Importantly, they suggested that bond violations could be enforced more effectively. As defendants often violate their "no contact" provisions, it becomes more difficult to obtain victim cooperation and safety. In addition, it was clear that training on evidence collection is an important area that could improve the successful prosecution of domestic violence cases.

Interviews with victims and defendants were conducted to examine their overall level of satisfaction with the court process, their perceptions of procedural justice, and to obtain their recommendations for improving the CDVC process. A total of 50 victims and 50 defendants were interviewed from a convenience sample. Interviews were conducted in-person immediately after a case was heard. Only four of the victims and defendants who were asked to participate

refused. Victims and defendants were asked structured questions about their perceptions of the court's processes, whether they felt they were treated with dignity and respect, and about their overall impression of the court's treatment of domestic violence cases.

Overall, both victims and defendants suggested a high rate of satisfaction with the CDVC. The majority of victims and defendants thought that their case was handled in a fair, good, or excellent manner. Importantly, both victims and defendants on average thought that they had been given adequate time to explain "their side of the story" and that the outcome of their case was "fair and just." Additionally, the majority of victims and defendants thought they were treated with respect and dignity by the court. These interviews show that the court is successful in giving individuals involved in domestic violence cases the opportunity to provide input and report that they were treated fairly.

### **Outcome Evaluation**

The time series intervention analysis examined the monthly frequency of criminal domestic violence for years 1997 through 2001 (N=60). Criminal domestic violence cases were compared for the thirty-four months before the establishment of the CDVC (Jan. 1997 to Oct. 1999) and the first twenty-six months following its implementation (Nov. 1999 to Dec. 2001). The data were analyzed as a set of interrupted time-series experiments. The time series analysis involved a quasi-experimental design that rules out a number of rival hypotheses (Cook & Campbell, 1979). To reduce the chance of historical threats, such as law enforcement officers reclassifying simple assaults and aggravated assaults between intimates as criminal domestic violence cases, a control series was included in the analysis. Domestic violence arrests were compared to simple and aggravated assaults arrests. If the experimental series of domestic violence arrests increased or decreased in the post-court period while the control series remained

stable, it would be possible to conclude that the establishment of the court had an effect. If all three series increased or decreased, this would lead to the conclusion that the introduction of the court was confounded with history.

The interrupted time experiments examined whether the effects of the court had an abrupt permanent effect on criminal domestic violence (McDowall, McCleary, Meidinger, & Hay, 1980). The findings indicate that the introduction of the criminal domestic violence court had a statistically significant positive effect on the number of domestic violence arrests. The coefficient interpretation suggests that, on average, the court increased domestic violence arrests by an average of 5.57 arrests per month. In contrast, there is little evidence that the introduction of the court had any effect on either simple assault or aggravated assault arrests.

These findings suggest that the establishment of a specialized court for handling domestic violence cases increased the responsiveness of law enforcement officers to this crime. The fact that the series for simple assaults and aggravated assaults remained the same before and after the establishment of the court suggests that the increase in domestic violence arrests was not an artifact of charge displacement.

The spatial distribution of domestic violence arrests was also examined as a quality control check on the aggregate interrupted time series analysis. The spatial analysis examined whether the spatial patterns of domestic violence moved between "hot spot" clusters to more spread out areas.

All domestic violence arrests in Lexington County for the years 1997-2001 were geocoded in an effort to examine how the CDVC affected the spatial dynamics of arrests before and after the establishment of the court. These data points were then aggregated into census

block group boundaries to provide “area” prevalence estimates of the number of incidences per 1,000 residents in a block group.

A review of the prevalence per block group does not show any significant displacement in criminal domestic violence. These findings indicate that during the first two-years following the establishment of the court, problematic clusters of domestic violence remained the same. An aggregate-level analysis, however, cannot determine the actual effect of the CDVC on specific repeat offending. To address this question an individual-level recidivism analysis of cases processed through the domestic violence court was conducted.

In an effort to examine the impact of the court on individual case outcomes, a recidivism analysis was performed on two random samples of cases. First a random sample of 200 cases were drawn (between January 1997 and June 1999) that were processed in magistrates’ courts in Lexington County. This sample represented the historical comparison group (pre-CDVC) of cases prior to the establishment of the CDVC. This sample was compared to an experimental group of 200 randomly selected cases that were processed in the CDVC.

In general, the two samples resembled each other. No differences were found between the pre-CDVC and the CDVC sample on age, race, gender, employment status, the number of charges, prior domestic violence history, and pretrial intervention. The only statistically significant differences between the two samples was for the number of days in jail pre-trial and the rate at which the samples recidivated.

To more accurately isolate the effects of the domestic violence court on recidivism a logistic regression model was used. This model estimates the impact of the court, controlling for prior domestic violence history, number of charges, pretrial diversion, employment status, race, gender, and the number of days in jail pre-trial. The findings indicate that only three measures

are significant predictors of recidivism. Defendants with greater prior domestic violence histories are significantly more likely to recidivate, holding all other factors constant. Those with a greater number of charges filed were also significantly more likely to recidivate. In contrast, defendants who went through the domestic violence court were significantly less likely to recidivate. Being processed through the domestic violence court decreased the odds of recidivism by 50 percent. Overall, the results from the logistic regression model provided strong evidence for the effectiveness of the court in reducing recidivism for domestic violence.

To provide a more meaningful interpretation of these results the estimates were converted into predicted probabilities. This method allows one to examine the effects of isolated factors, holding other variables constant at their mean values (see Long, 1997). These probabilities provide a profile of the effect of the specialized domestic violence court on recidivism, if all other characteristics of an offender were held constant at the average level. The predicted probability of being re-arrested for domestic violence was 18 percent for the comparison group and 10 percent for the treatment group, holding all other factors constant at their mean values.

Together, the findings from the logistic regression model and the predicted probabilities indicate that being processed through the CDVC significantly reduced the likelihood that an individual would be re-arrested for a domestic violence offense in an eighteen-month follow-up period. This effect is not the result of different types of offenders being processed during the two time periods. Therefore, it appears from the available data that the criminal domestic violence court has a significant inhibitory effect on the likelihood of re-arrest compared to the traditional magistrates approach to handling domestic violence cases.

## CONCLUSIONS AND IMPLICATIONS

The results from the process evaluation indicate that an effective courtroom workgroup emerged and that important systemic changes occurred in the manner in which domestic violence cases were processed. Specifically, the court had changed the focus of domestic violence prosecution from a traditional passive approach to an active approach that emphasized victim safety, offender accountability, and batterer treatment. Victims and defendants generally thought the court staff treated them with respect, felt the judge was concerned with their side of the story, and that the outcomes of their cases were fair. These results suggest that specialized domestic violence courts that emphasize collaboration between law enforcement officials, prosecutors, judges, and treatment providers can be successfully implemented and can change the intervention process through which domestic violence cases are adjudicated.

The results from the impact evaluation suggest that domestic violence can be affected by increasing the coordinated attention of representatives from the criminal justice system. Specifically, recidivism for domestic violence offenders was significantly reduced during a period when the overall number of domestic violence arrests increased. The findings suggest that evaluations of criminal justice interventions need to examine systemic effects at multiple levels. A focus at only the aggregate level would have suggested that this specialized court was increasing domestic violence, when in fact the probability of re-offending was decreasing. This dual methodological approach emphasizes the importance of understanding the nature of the research and making sure all measures of change are explored.

The results from this evaluation also suggest several recommended areas for continual improvement of Lexington County's response to domestic violence including:

- Include a mental health official in the CDVC. A mental health professional as part of the court will encourage immediate contact with a defendant who is in need of services.
- The development of a model domestic violence policy. A model policy on how sheriff's deputies should respond to domestic violence calls could enhance the ability to determine primary aggressors in domestic violence cases and provide adequate evidence for successful prosecution. Such a policy would include training on the dynamics of domestic violence and evidence collection.

Jurisdictions that choose to develop specialized domestic violence courts need to take several steps to assure an effective and efficient outcome. According to the positive outcome findings from this study the following suggestions will help a jurisdiction establish the appropriate design of a specialized domestic violence court.

- Develop communication and coordination among criminal justice and mental health professionals.
- Make sure the efforts of the professional groups are consistent and their message to victims and abusers is that domestic abuse will not be tolerated. Victims should be made to feel safe and offenders should be provided treatment and then punished if necessary.
- Design the efforts of investigators, prosecutors, mental health officials, as well as judges, to protect the victim and "treat" those abusers who show some willingness to accept rehabilitative efforts.
- Incapacitate repeat offenders who are unsuccessful with appropriate attempts at treatment.

- Provide sufficient resources to administer the court in a coordinated effort by trained and dedicated investigators, victim advocates, prosecutors, and mental health counselors.
- Provide sufficient resources to monitor offenders and assure that they are complying with court orders (e.g., no contact provisions).



## INTRODUCTION

Over the past decade there has been a growing awareness that domestic violence is a serious social problem. Much of this awareness can be credited to increased efforts to collect empirical data on this issue. According to the National Violence Against Women (NVAW) Survey, for example, approximately 4.5 million women in the United States were physically assaulted by their intimate partners during the 12 months preceding the survey (Tjaden & Thoennes, 2000). In addition, over a half million women in the United States were stalked and 322,230 women were raped by an intimate partner (Tjaden & Thoennes, 2000).

In addition to the increased awareness of domestic violence, during the past decade there have been significant changes in the criminal justice system's response to domestic violence (Buzawa & Buzawa, 1996; Clark, Burt, Schulte, & Maguire, 1996; Dobash & Dobash, 1992; Epstein, 1999; Ptacek, 1999). While most attention has been placed on the police response to domestic violence (e.g. mandatory arrest laws; Sherman, 1992), criminal courts have also experienced an increase in the processing of domestic violence cases over the past decade (Bell & Goodman, 2001). Between 1989 and 1998, for example, the number of domestic relations cases in state courts across the United States increased by 178 percent (Ostrom & Kauder, 1997). In response to rising caseloads and the growing awareness of domestic violence as a serious social problem, judicial systems have been looking for innovative methods for dealing with domestic violence cases. While such cases have traditionally been handled in various criminal and civil courts, specialized domestic violence courts are emerging as a more effective means to combat intimate partner violence (Belknap & Graham, 2000; Dawson & Dinovitzer, 2001; Fritzier & Simon, 2000; Goldkamp, Weiland, Collins, & White, 1996; Karan, Keilitz, & Denaro, 1999; Levey, Steketee, & Keilitz, 2001; Weber, 2000). Domestic violence courts have attempted

to improve the judiciary's response to this issue by increasing coordination among criminal justice and social service agencies, holding defendants accountable, and properly addressing the needs of victims. This type of specialized court adopts therapeutic jurisprudence to administer courtroom justice (Fritzler & Simon, 2000; Rottman & Cassey, 1999). In essence, the therapeutic jurisprudence approach focuses on offender accountability and victim safety and requires those who are making decisions to consider the potential benefits and consequences of their decisions with regard to those involved (Fritzler & Simon, 2000). Most experts agree that a multi-agency approach to domestic violence is the most appropriate strategy (Hofford, 1991).

### **Prior Literature**

Although domestic violence courts have not evolved to the same extent as other specialized courts (i.e., drug courts, juvenile courts, family courts), they emphasize the same need to pay special attention to domestic violence and to distinguish and separate the process from the traditional criminal court process (Karan et al., 1999; Keilitz, 2000). According to a survey conducted by the National Center for State Courts in 1998, more than 200 courts throughout the United States were providing specialized processing practices for domestic violence cases such as specialized intake centers, separate court calendars, and special domestic violence units (Karan et al., 1999). More recent estimates indicate that over 300 courts have recognized the need for special attention to domestic violence cases by incorporating specialized processing and structures within existing judicial systems (Keilitz, 2000; Levey et al., 2001).

Little empirical evidence, however, has been collected in order to evaluate the effectiveness of specific domestic violence courts and their processes (Buzawa, Hotaling, & Klein, 1998). Despite the lack of empirical studies, the number of specialized domestic violence courts has been increasing (Karan et al., 1999). Although many jurisdictions have introduced

domestic violence courts, there is no standardized definition that directs judicial practices within these courts (Weber, 2000). There are few published process and outcome evaluation studies of domestic violence courts that can serve as guides for local jurisdictions interested in implementing this type of specialized court (see Goldkamp et al., 1996).

In 1993 the state of Florida created a Domestic Violence Court in Miami to improve their case identification tracking, to coordinate the court's operations with other community resources, and to address the heavy domestic violence caseload faced by the judicial system (Karan et al., 1999). The improved judicial response was accomplished through the establishment of specialized intake units, dedicated calendars, specialized judges, and a fully integrated domestic violence court. The integrated court system oversaw protection orders and criminal domestic violence cases, which systematically linked cases to the processing and adjudication of civil matters, and provided an efficient and effective resolution to civil matters for victims and their children. According to a process evaluation of the domestic violence court, researchers determined that misdemeanor cases had a 37% lower dismissal rate compared to common practices prior to the implementation of the court (Goldkamp et al., 1996). In addition, researchers found 40-50% of the offenders who were processed by the domestic violence court were under the influence of alcohol or drugs at the time of the domestic violence incident. The batterer substance abuse treatment program associated with the court was found to be successful in enrolling offenders in the treatment and retaining participants in the program compared to the control group. Furthermore, offenders who participated in the integrated treatment program re-offended against the same victims at a lower rate compared to control offenders (six percent versus 14%) (Goldkamp et al., 1996).

A specialized domestic violence court developed in Leeds, England, also incorporated a multi-agency approach with input from law enforcement, social services, victim support services, and probation services (Walsh, 2001). The court's intent was for specialized magistrates to structure offenders' sentences towards a rehabilitative approach, as opposed to a custodial sentence, so that offenders would be able to attend community based treatment programs focused on the cause and the control of their violent behavior. In addition, the treatment focused domestic violence court anticipated that victims would have a higher likelihood of reporting instances of domestic violence given the rehabilitative philosophy (Walsh, 2001).

The Superior Court in the District of Columbia implemented a Domestic Violence Court in 1996 that included dedicated judges, courtrooms, officers, and staff, to create an integrated case management system for domestic violence cases (Levey et al., 2001). The court's goal was to provide collaborative efforts from several agencies working together to deliver a more effective response to issues of family violence in Washington, D.C. One unique aspect to this court was a separate intake unit in which the court does not have a role - an uncommon feature among other domestic violence courts. Overall, victims perceived the intake unit in a favorable manner and supported its focus as a component to the court's response to domestic violence. Another major component to D.C. domestic violence court was the incorporation of continual judicial training on domestic violence issues. Typically, domestic violence training for judges is not a priority: judicial training on domestic violence was only mandated in 11 states as of 1999 (Levey et al., 2001). In the Domestic Violence Court in Washington, D.C., the judges created their own training manual that focused on case processing issues and the complex nature of the crime of domestic violence.

In 1999 a dedicated domestic violence court was developed in Clark County, Washington (Fritzler & Simon, 2000). Prior to the development of the court, Clark County recognized current deficiencies in the handling of domestic violence cases and the competition of scarce resources. By creating a specialized approach to the prosecution of domestic violence the court intended to send a direct message to domestic violence offenders that reinforced the seriousness of the crime. The specialized court was implemented under the philosophy that therapeutic jurisprudence, punishment, deterrence, and traditional criminal justice objectives all remain courtroom goals. This court has operated as a venue for therapy, prevention, and restorative justice for victims. In addition, the safety of victims has been increased because all protection order requests are processed through one court (Fritzler & Simon, 2000).

A limited amount of research suggests that increased collaborative efforts between agencies that enhance victim participation and hold offenders accountable can lead to reductions in domestic violence recidivism (Gamache, Edleson, & Schock, 1988; Harrell, 1991; Tolman & Weiz, 1995). According to a recidivism analysis of offenders conducted one year after being convicted of misdemeanor domestic violence in Hamilton County, Ohio, offenders who received more severe sentences were less likely to recidivate compared to offenders who received less severe sentences (Thistlewaite, Wooldredge, & Gibbs, 1998). These researchers suggested that recidivism was related to the level of punishment imposed. The findings from this study indicate that the reduction of recidivism is significantly related to sentence severity in misdemeanor domestic violence cases (Thistlewaite et al., 1998). Few studies exist, however, that explicitly examine the impact of specialized domestic violence courts in holding offenders accountable and thereby reduce recidivism. A recent study conducted by Newark, Rampel, Diffily, and Kane (2001), for example, found that a felony domestic violence court in Brooklyn, NY increased

disposition of guilty pleas, but the interpretation of the court's effect on recidivism was unclear because of limitations with the data. As a result, it is unclear from the literature whether designing specialized domestic violence courts provides any improvement over traditional methods of adjudicating domestic violence cases.

## **PROJECT DESCRIPTION**

The current study evaluates the effectiveness of a misdemeanor criminal domestic violence court in Lexington County, South Carolina. The population of Lexington County is approximately 220,000 and 84% of the residents are White. The majority of the county is geographically dispersed in small rural communities. The county is predominately working class and the per capita income is approximately twenty-two thousand dollars a year (Bureau of Census, 2000). Throughout the state of South Carolina there has been a growing concern with issues related to domestic violence. In 1996, 54,602 domestic violence reports were filed in South Carolina, a 34.8% increase from 1992 (Uniform Crime Reports, 1998). During this same year in South Carolina 76% of female homicide victims (who knew their assailants) were murdered by their husbands, common-law husbands, ex-husbands, or boyfriends, compared to 56% nationally (Violence Policy Center, 2000). Domestic violence is of particular concern to the Lexington County Sheriff's Department, since this county has seen a recent resurgence of domestic violence abuse incidents. Their records indicated a dramatic growth in domestic violence between 1997 and 1998. However, utilizing their current staffing resources, the Lexington County Sheriff's Department had to assign all of the criminal domestic violence cases to the same three investigators who were responsible for robbery, aggravated assault and battery, homicide, and criminal sexual conduct investigations. Not surprisingly, due to the shortage of

resources, many domestic violence cases were not getting the attention for a complete investigation and eventual prosecution.

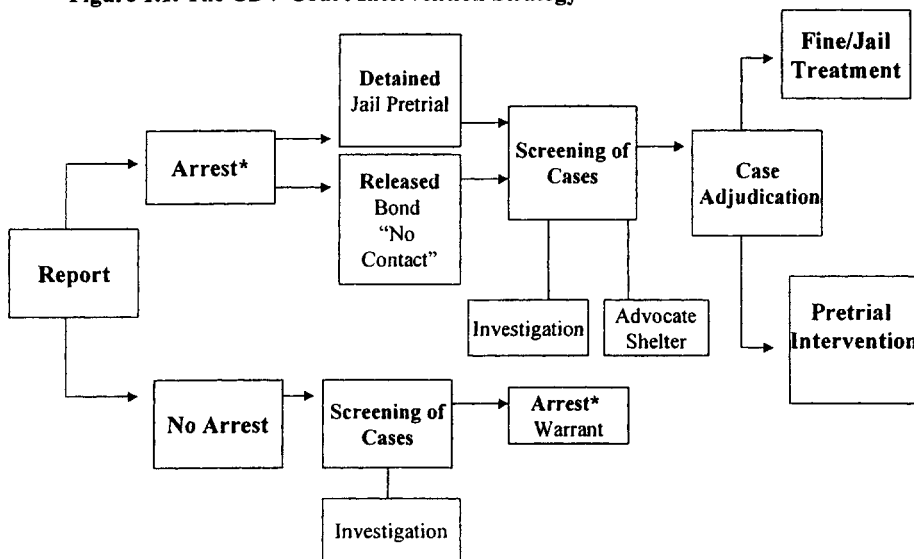
In addition, once a domestic violence case proceeded to court it was historically assigned to one of the eight Lexington County magistrate's courts. The magistrates courts in the state of South Carolina handle all non-felony related cases and can assign a maximum penalty of 30 days in jail or a \$1,000 fine. Traditionally, due to the fact that the magistrates' courts process all misdemeanor cases, individual domestic violence cases do not get the attention they need. In other words, as a result of a lack of magistrate's court resources, many domestic violence cases were either dismissed or assigned minor fines. It was believed that the lack of resources and attention was allowing a continued trend of domestic violence in Lexington County.

To address shortcomings in both the investigation and prosecution of criminal domestic violence cases, the Lexington County Sheriff's Department applied for and received a Violence Against Women's Act (VAWA) grant to establish a separate Criminal Domestic Violence Court within the Lexington County magistrate court system. All non-felony battery cases of domestic violence in Lexington County are referred to this specialized court. The separate domestic violence court was designed to hold perpetrators of domestic violence accountable through increasing fines and time spent in jail, as well as a placing a strong emphasis on mandatory batterer treatment.

The Domestic Violence Court in Lexington County was established in November 1999. Since the inception of the court, all non-felony battery cases of domestic violence cases in Lexington County have been processed by the Criminal Domestic Violence Court. To improve the criminal justice system's response to this social problem, the Lexington County Sheriff's Office established a multi-agency collaborative approach to processing domestic violence cases.

For example, the Sheriff's Office appointed two full-time investigators and a full-time prosecutor to work as a team on domestic violence cases. In addition, the Sheriff's Office hired a full-time victims advocate to assist domestic violence victims referred to the court. Also, a court administrator was hired to handle the administrative tasks involved in running a separate court docket for domestic violence cases. The Lexington County Department of Mental Health also dedicated two mental health counselors to diagnose and assign proper treatment programs for perpetrators of domestic violence. In addition, a legal advocate from a local domestic violence shelter makes contact with victims and is always present in court. Together, the Lexington County Criminal Domestic Violence Court has been operating as a multi-agency collaborative effort involving Sheriff's investigators, a full time prosecutor, court officials, local domestic violence shelter services, and the Department of Mental Health. The basic court intervention is displayed in Figure 1.1

**Figure 1.1. The CDV Court Intervention Strategy**





The process is as follows: Following an arrest defendants are either detained or are released on a "No-Contact Bond." Investigators are immediately assigned to cases and victims are contacted by advocates. The traditional magistrates court response to domestic violence involved little case screening or advocate or shelter contact with victims. During case adjudication all representatives of the court are present (the advocate who made contact with the victim, investigators, mental health personnel, etc.). Defendants can choose to have a bench trial, jury trial, plead guilty, or participate in pretrial intervention. Judges explain to defendants who plead guilty that they are waiving their right to be proven beyond a reasonable doubt by the state. Those opting for pretrial intervention receive treatment and have to pay fees in place of a guilty plea, bench trial, or a jury trial. Offenders who opt for pretrial intervention and successfully complete treatment can still own a firearm and have their domestic violence record expunged. Pretrial intervention, however, is only an option for those who are not currently on probation and have not been previously convicted of a felony or criminal domestic violence.

Overall, the broad goal of the Lexington County Criminal Domestic Violence Court is to improve investigations and prosecution of domestic violence cases through increased resources, improved collaboration, and a progressive new court approach. Additionally, the goal of this specialized court is to improve victim safety by holding defendants accountable for their actions and reducing recidivism. The court attempted to achieve these goals by focusing its efforts of coordination and cooperation among agencies responding to domestic violence. This was accomplished by having all key representatives from agencies dealing with the problem of domestic violence present during the court proceedings including law enforcement, prosecution, mental health, victims' services, and shelter services. Through the increased knowledge and skills of domestic violence associated with a dedicated full-time prosecutor and investigators

who only handle domestic violence cases, the court attempted to improve the investigation and prosecution of domestic violence cases. The focus of the court was a therapeutic model of jurisprudence to processing domestic violence cases. Specifically, the prosecutor, investigators, judges, advocates, and mental health officials worked together in a coordinated approach that placed the primary emphasis on treatment options for defendants convicted of domestic violence offenses. Typically, this was accomplished through suspending jail sentences in-lieu of the successful completion of a twenty-six week group based cognitive therapy program for domestic violence batterers. These referrals were accompanied by a strict weekly follow-up on defendants' progress in the treatment program. If a defendant failed to comply with their treatment conditions then a bench warrant would be issued for the defendant and their suspended jail sentence would be imposed. The Lexington County Criminal Domestic Violence Court emphasized the idea that criminal justice and mental health professionals must work together to attack the social problem of domestic violence. Since the domestic violence court began operating over 2,500 court cases have been processed. The federal funding for the court expired in June 2002. Since the expiration of the federal grant the Lexington County government has absorbed the operational costs of the court.

## **PROCESS EVALUATION**

### **Scope and Methodology**

The following sections describe domestic court practices in general and those of the CDVC during the period in which the impact evaluation was conducted. The process evaluation was undertaken to measure the extent to which the CDVC was successful in implementing its goals of establishing an effective domestic violence court that enhances victim safety and provides a model of therapeutic jurisprudence. These findings are based on the CDVC operations from May 2001 through July 2002. The data are based on observations of court operations, interviews with key court staff, and interviews with victims and defendants whose cases were processed in the CDVC.

### **COURT OBSERVATIONS**

In an effort to document the court process, research staff observed thirty separate court sessions over the course of one year. During these observations research staff documented the general context in which court cases were processed in the criminal domestic violence court. The qualitative data gathered through courtroom observations also describes the general courtroom work group and the level of cooperation between the Sheriff's investigators, the domestic violence prosecutor, the judge, the victim, and the offender. Observations were guided by an open-ended instrument that asked research staff to document the extent to which the court operates within a model of therapeutic jurisprudence through a collaborative process, problem-solving dispute avoidance, and commonsense decisions that display judicial leadership. The following section describes the general observations of the criminal domestic violence court and provides a context for understanding the actual operation of the court.

## **Collaborative Process**

1. *Did the judge ask defendants to explain why they committed the alleged act of criminal domestic violence?*

Overall, the court process is collaborative. Of the thirty court observations that were conducted, twenty-six classified the process as collaborative in some way. Few cases had the involvement of every court player. A large majority of these magistrate level cases do not involve any defense counsel because magistrate courts do not require that defendant's retain counsel. The most common collaboration occurs before court even begins. In nearly every court observation many of the court players including the sheriff's investigators, the mental health coordinator, the court administrator and staff, and at times the prosecutor, work together to process each defendant's case. After the judge explains the defendants' options on a court video, each defendant receives a document that further explains each option available: pre-trial intervention, guilty plea, bench trial, or jury trial. Each defendant is individually called up to the front of the courtroom by name. There, one of the aforementioned court players asks the defendant what option he or she will exercise. The defendant is required to indicate his or her choice on the document and sign and date it.

After all of the defendants have been processed, the judge enters and the trials begin. Collaboration continues into this phase of the court hearing. Communication between the judge and the prosecutor is common, with the prosecutor making sentencing recommendations to the judge regarding fines, jail time, and counseling. In one case observed, the prosecutor recommended a reduced sentence for the defendant because he was supporting the victim and their children. In another case, the prosecutor recommended that the judge sentence the defendant to thirty days in jail suspended to twenty-six weeks of counseling and to remove the

fine option, thus providing more incentive to attend counseling. The judge and prosecutor communicate effectively and it is rare that the judge does not follow whatever recommendations are made.

2. *Were victims allowed to voice their concerns to the court?*

Victims were given an opportunity to speak in nearly every case. While some chose not to address the court, many took advantage of the opportunity. In all cases involving a sentence through pretrial intervention (PTI), the judge first asked the victim if she had any objections because victim consent is a condition of the defendant's sentence. Most victims granted consent but did not choose to comment further. The input from victims who chose to testify or address the court was diverse. Some victims testified against the defendants; however, some strongly defended their abusers. In one observed case the victim testified against her abuser but was then upset at the brevity of his sentence. In this instance the defendant was found guilty and sentenced to time served. It was the defendant's second offense and he had spent slightly more than a week in jail. The victim was clearly upset and confused. As the defendant walked out of the courtroom, she asked "What was he found guilty of?" The criminal domestic violence investigator then led her out of the courtroom, attempting to explain what had happened.

The most common request from a victim who was friendly with the defendant was that "bond restrictions" be lifted to allow contact. Before each court session, the prosecutor addressed the issue of bond restrictions in her speech to victims and defendants sitting in the courtroom. She stated that victims and defendants should contact her for bond restrictions to be lifted, and if appropriate, she would request it from the judge.

Victims often chose to not speak when given the opportunity; however, when directly questioned would usually offer helpful insight into the case. There was an observable difference

in victim input when directly questioned by the judge. There were, however, times when questioning or comments by the judge were not appropriate. There were several instances when one judge, in particular, engaged in “victim blaming.” In one case the judge asked the victim if she objected to the defendant entering pretrial intervention. When the victim said there was no objection the judge asked, “Do you think y’all can stop fighting?” In another case a female defendant was charged with assaulting her boyfriend. There was also a domestic violence charge pending against the male victim for assaulting the female defendant. After the victim testified the judge sentenced the defendant to treatment and suspended the fine. The judge then looked up and said, “I think he [the victim] must be the real culprit in this case.”

In one of the least victim-friendly cases observed, a man was charged with trying to strangle his wife. The defendant stated in testimony that after he grabbed his wife by the chin (he denied trying to actually strangle her) she threw a spool of thread and hit him in the face with it. The judge asked then asked the victim (who was not under oath) to stand. The judge then began to question the victim in an assertive tone and asked why she threw a spool of thread at her husband. The victim responded, “Because he was trying to choke me.” The Sheriff’s deputy had testified earlier that upon arrival the victim was visibly upset and the defendant was intoxicated. The Sheriff’s deputy testified that victim had red marks about her throat and the defendant had a small laceration above his eye from a spool of thread. The deputy also testified that because the defendant had been the primary aggressor that he was placed under arrest. The judge interjected and the following exchange occurred:

Judge: “Deputy, what makes you so sure that the defendant was the primary aggressor if he had a cut on his eye?”  
Deputy: “Because of his drunken state, the defensive nature of his wound, and the red marks about the throat of the victim.”  
Judge: “Well, maybe her neck gets flush-looking when she gets mad.”  
Deputy: “The marks appeared to have been made by hands.”

Judge: "Let me see the photos...his cut is bleeding and I can barely make out the marks on her neck."  
Prosecutor: "Deputy, would you say that the appearance of blood makes the defendant's injury look more serious than it actually was?"  
Deputy: "Yes."  
Prosecutor: "...and would you agree that the full extent of the injury to the victim's neck is not represented in the photo?"  
Deputy: "Yes."

3. *Were defendants allowed to voice their concerns to the court?*

All defendants were given the opportunity to defend themselves. Few observed cases involved an attorney, and those that did usually ended in pretrial intervention or a plea agreement. Defendants who chose to plead guilty without the assistance of an attorney were advised that by doing so they were giving up their right for the State to prove beyond a reasonable doubt their guilt and forfeiting their right to offer up a defense. Defendants who chose to plead guilty were still afforded the opportunity to make a statement. Defendants who chose to plead not guilty and have a bench trial were given the opportunity to cross-examine any witnesses against them and then present a case in their defense. One defendant was brought before the judge because he had failed to attend his pretrial intervention appointments. The defendant claimed that he was unable to attend the appointments because of conflicts with his work schedule, which meant he was at risk of losing his job as a truck driver. The judge delayed making a decision until the defendant had an opportunity to speak with some court representatives about possible alternatives. In another case the arresting officer testified that the defendant was especially violent and resisted arrest even after being handcuffed. When given the opportunity to make a statement the defendant said, "I wish to apologize to the officer for my behavior. I was upset." One defendant had some concerns as to whether he should plead guilty. The following exchange occurred:

Judge: "Do you understand that by pleading guilty you are giving up your right

for the State to prove beyond a reasonable doubt your guilt?  
Defendant: "I don't know what I should do."  
Judge: "If you don't think you did it, don't plead guilty."  
Defendant: "Oh, I did my part but she did hers too. We fought. I got a scar on my head and scars on my heart."

Another defendant chose to defend himself after being charged with assaulting his mother over money the defendant claims she owed him. After testimony by the victim and the arresting officer the defendant was told that he was free to tell his side of the story. He made the following statement in his defense:

Defendant: "I was wrong. I'm not afraid to admit to my problems, know what I'm talkin' 'bout? They wasn't gonna pay me a damn thing!"  
Judge: "Two wrongs don't make a right."  
Defendant: "That mutha fucker's on crack real bad. If she'll call the cops on her own flesh and blood, she'll do anything!"

In another case a defendant was charged with assaulting her daughter. She denied being the primary aggressor. She also claimed to have heart problems, emphysema, lupus, and psychiatric problems. She claimed that her father had recently lost his leg. Another relative had heart trouble, and her daughter had just lost her home. She claimed that with all this stress an argument turned physical when her daughter assaulted her and the defendant was forced to retaliate in self-defense. She then alluded to a conspiracy by the police to charge her as the primary aggressor.

4. *Did the victim's and defendant's concerns have an impact on the decision making process?*

General observations indicated that the victims' and defendants' concerns had an impact on the decision making process. The observed impact it had varied largely on the credibility of the victims and defendants. For instance, one defendant stated, "I am not a violent person. I would not have done that." The judge then reviewed the defendant's criminal history and laughed. The defendant had prior convictions for assault and criminal domestic violence. In



another case the victim was not present in court. The judge began asking why the victim was not in court. Someone responded that the victim was in jail for domestic violence. The victim was retrieved and brought into court to testify in an orange jumpsuit.

There were several observed cases where input from victims and defendants probably did have an effect. In several cases the judge took family income and dependent children into consideration before sentencing a defendant. One defendant who was the sole supporter of his children was given a reduced fine. In another case a defendant was charged with assaulting his wife. The victim in this case argued on the defendant's behalf and stated that mental illness was to blame for the incident. The judge ordered the defendant to be evaluated by the Department of Mental Health for treatment but imposed no fine or jail time. In general, the judges did take into account what was in the best interests of all parties. In one case the defendant and victim wanted to reconcile and have the bond restrictions lifted; however, the judge did not feel that it would be to anyone's benefit for the couple to live under the same roof at that time.

*5. Did the judge, prosecutor, and defendant's attorney (if there was one) openly discuss the defendant's options and come to a unified agreement on outcomes (probation, fine, jail, treatment program)?*

The judge, prosecutor and other interested parties did openly discuss the defendants' options and come to a unified agreement on the outcomes. An example of this occurred in a case in which the defendant admitted to having been drunk and using crack cocaine at the time of the incident. The defendant was already participating in a domestic violence-counseling program for a prior criminal domestic violence conviction. When the responding police officer arrived the defendant resisted arrest and assaulted the officer. After being convicted for criminal domestic

violence and simple assault there was some open discussion regarding the appropriate sentence.

The following exchange occurred:

Judge: "I don't know what to do with you, but then you won't learn anything. Treatment obviously isn't working. Susan [mental health]?"  
Mental H: "We could rework his counseling to focus more on substance abuse."  
Prosecutor: "I would recommend holding jail over his head."  
Judge: "For the CDV I'm giving you 30 days suspended upon completion of a treatment program to help you get off the drugs and alcohol."  
Prosecutor: "Since Deputy [name unknown] was the one assaulted, I think she should have input on the sentence for the assault."  
Judge: "Deputy?"  
Deputy: "I cut him a break not charging him with assault while resisting to keep him out of General Sessions. I think he should get the maximum."  
Judge: "Very well, 30 days suspended upon payment of \$425. Do you need time to pay?"

Another case involved a female defendant who was going to participate in a diversion program with the cooperation of Sister Care, the local shelter service provider. Before court the prosecutor approached a deputy who was present for court and said, "I need you to sign off on this with any comments about the case such as 'drug issues' or 'alcohol issues.' We're gonna put her through the diversion program." The defendant, her attorney, and the Sistercare representative thanked the deputy and the defendant and her attorney before court began. Most cases involving a defense attorney were settled before court began. The prosecutor would arrange the details of the plea and the prosecutor would simply present them to the judge who would always approve them.

6. *Were there cases where the judge was non-adversarial (friendly, compassionate, etc.) in reaching a decision?*

There were several instances when the judge showed compassion in particular cases. One case involved a defendant with a history of mental illness. The defendant was in the state psychiatric hospital. The victim testified on behalf of the defendant, blaming the abuse incident

on his condition. The judge was sympathetic and sentenced the defendant to a mental health assessment by the court's mental health representative. Fines and jail time were suspended. There were also several instances where the judge significantly reduced fines in cases where dependent children were involved. The maximum fine of \$1,025 was usually reduced to \$225 in cases where the defendant agreed to enter a treatment program. In the cases involving defendants on minimal incomes, with children, the judge would often suspend the entire fine and require only counseling and a \$25 court/victim fee.

*7. Were there any cases where the judge was adversarial (confrontational) in reaching a decision?*

There were several observed instances where the judge was adversarial. The aggression was sometimes directed at the prosecution or defense attorneys but was most often directed towards the defendant. The most common situation was a confrontation between the judge and a defendant who had broken bond restrictions prohibiting contact with the victim.

In one observed case the judge was adversarial with someone who violated his bond restrictions and a motion was made by the prosecutor to amend the defendant's charge to a third criminal domestic violence conviction, thus negating an agreement that had been made previously. The judge ordered the defendant to approach the bench. The defendant did so and placed his hands on the bench edge. The judge said, "Get your hands off my desk and put them down at your sides!" The defendant admitted that he had contact with the victim, but stated that it was the victim's fault. The judge interjected, "Hush, if you see her coming you better turn and run because you're the one who's going back to jail!"

In another case the judge became adversarial in a case involving a defendant accused of violating his bond restrictions. The judge was about to have the defendant taken into custody

and jailed. The defendant then fell to the floor, seemingly having fainted. The victim said, as if on cue, "He suffers from seizures." The detective who was about to handcuff the defendant leaned over to check on him. The defendant, with one eye open, asked, "Did the judge say I still have to go to jail?" The detective then said something to the judge. Paramedics were called. The judge then said, "Give me some PTIs while we wait for the body removal." The man was eventually taken to the hospital, but before the defendant left the judge stated, "The only reason you're not going to jail today is because I'm not going to pay for your hospital and ambulance bills. Y'all can pay for that. Anymore contact and I'll issue a bench warrant, and you'll go to jail!"

In another case the judge became adversarial when the defendant, in the course of his testimony, admitted to having violated his bond restrictions by going to see his wife. The following exchange occurred:

Judge: "[interrupting defendant] Sir, do you realize that you are under court order to not have any contact with your wife?"  
Defendant: "Me and her worked something out..."  
Judge: "[interrupting defendant again] You do not have the right to work something out. [after sentencing the defendant] If there's a third [CDV charge] you're going up the creek!"

The judge was also adversarial in another case involving a defendant who violated his bond restrictions. The following exchange occurred:

Defendant: "She had moved over to her trailer across the property with her dogs, but she wanted to come home. I love my wife. What was I supposed to do?"  
Judge: "I have a problem with you battering her. I don't really have a problem with that because she accepts it. I have a problem wasting my breath on this order. Did you think I meant anything else but to stay away from her?"  
Defendant: "Judge, not to be smart or anything but those are just accusations that I battered her."  
Judge: "I find you in contempt. I sentence you to ten days in jail."  
Defendant: "Jail! I have a job!"  
Judge: "If you say one more word I'll give you thirty! It don't hurt my

feelings at all! It's not my life! [directed to victim] Each violation will be thirty days. It's not what you want! It's what I want! Now isn't that selfish? [directed to prosecutor] He wanted a jury trial so that stays in effect until then. I don't care if it takes three years!"

In another case, the judge was adversarial with a defendant who broke a no contact order for the purposes of getting a pillow and blanket from his house. The following exchange occurred:

Judge: "Are you a baby that you can't sleep without your blanky? You don't violate a judge's order. I don't care if you had a pile of leaves to sleep on. You'll spend five days in jail."  
Defendant: "I had to get my guns too. In her [the victim] state of mind I didn't think I should leave my guns there."  
Judge: "In her state of mind? Are you a doctor? I think we should be concerned with your state of mind!"

In another case, the judge was adversarial with a Hispanic defendant who was communicating through a bilingual member of the court staff. The following exchange occurred:

Judge: "Where are you staying?"  
Defendant: "[states address]"  
Deputy: "That is where the victim lives."  
Judge: "Why are you living with the victim when I said you could have no contact with her?"  
Defendant: "She had a baby and had nowhere to live."  
Judge: "When I put you in jail she'll have somewhere to stay. Comprendo? Are you illegal?"  
Defendant: "No."  
Judge: "Do you have a visa?"  
Defendant: "No."  
Judge: "Then you're illegal. No sense calling INS; they're not interested unless you're an Arab with a bomb in your shoe!"

In another case, the judge was adversarial with a defendant who told the other judge that he was not under bond restrictions. The following exchange occurred:

Judge: "My understanding is that that you said I gave you permission to go home."  
Defendant: "I thought if we reconciled...[cut off]"

Judge: "Do you see this? [holding paper up] You've got one in your hand."  
Defendant: "Yes."  
Judge: "Looks pretty plain to me. Can you read? What does it say in those big, bold letters?"  
Defendant: "No contact, but she contacted me."  
Judge: "Well, that's unfortunate because she's not going to jail – you are."  
Defendant: "Sorry. I musta misunderstood."  
Judge: "No, you're just a liar! You stood up here and testified that I said you could go back there."

The judge was also adversarial with the prosecutor in one observed case. The investigator played a 911 tape that the prosecutor brought in as evidence, but it was a tape from the wrong date. The prosecutor began looking for the correct tape, visibly flustered. The judge then directed the prosecutor to move on with the state's case and would not allow the correct tape to be played when it was found. When the prosecutor then tried to refute the defendant's claim that he was nonviolent by reading off his criminal history the judge stated, "Don't go there! You know better than that."

The judge was also adversarial with a defense attorney on one observed occasion. The defense attorney continued speaking after being told to stop. The judge stood slightly and pounded her fist on her desk and said, "This is my court! Hush! Don't interrupt me. I hold you in contempt and unless you want ten days in jail you better listen to me!"

8. *Was there input from other key participants? What participants (sheriff's deputies, D.V. investigators, family members, mental health Coordinator, etc.)?*

There was input from other key participants. The most common and active participants were the Sheriff's Deputies and Criminal Domestic Violence Investigators who were regularly called to testify on behalf of the State. In some cases where the prosecutor had no knowledge of the case, the deputy was called upon to prosecute the case with the prosecutor only assisting on procedural matters (e.g. if the deputy forgot to establish jurisdiction or the relationship between

the victim and defendant in his presentation of the case). The judge also called upon the deputies and investigators to take people into custody in certain situations. There were rare instances where defendants were found guilty of violating their bond restrictions or were arrested after coming into court under the influence of drugs or alcohol. One of the criminal domestic violence investigators was qualified as an expert witness and would sometimes testify to the dynamics of domestic violence and injury patterns.

Another frequent participant was the representative from the Department of Mental Health. The mental health worker would evaluate all the defendants who received counseling as part of their sentences or defendants who chose to enter the pretrial intervention program. In addition, the judge would sometimes consult with the mental health worker before sentencing defendants to counseling programs.

A representative from the shelter service provider Sistercare also attended court regularly. She provided information to victims about services offered by her agency such as counseling, legal assistance, and shelter services. She would sometimes act as a victim's advocate before the court hired its own advocate. Also in court were representatives from the pretrial intervention program and the Domestic Abuse Center who enroll defendants in domestic abuse counseling and answer questions about program requirements.

### **Level of Problem-Solving Dispute Avoidance**

1. *Did the judge ask defendants to explain why they committed the alleged act of criminal domestic violence?*

The judge typically did not ask defendants for any explanation of why they committed the alleged acts of criminal domestic violence. In every case observed the defendant was given an opportunity to address the court and speak in his or her own defense: the judge would ask the

defendant if there is anything he or she would like to say. The judge rarely asked direct questions of the defendants. One exception was when a judge asked a female defendant charged with striking her common-law husband in the face. The judge asked the defendant if she hit the victim and the defendant's response was that she only shoved him. The judge then asked why she shoved him. The defendant claimed that she shoved the victim because he was attempting to take her daughter with him out of state. In another case the judge asked the defendant, who had been brought before her on charges that he violated his bond restrictions, why he violated his bond. The defendant stated that the victim's house was the only place he had to stay. During another court session, the judge did not ask a defendant, accused of choking his wife, why he committed his alleged act of violence. Strangely, the judge did, however, ask the victim why she would throw a spool of thread at her husband (which she did while being choked).

Overall, defendants were rarely questioned directly about their actions although the prosecutor would sometimes question the defendant about their actions and the rationale behind those actions. The judge would typically just ask the defendant to tell his or her side of the story. The defendant's testimony would then consist of his or her version of the facts.

*2. Did the judge ask defendants what the court could do to ensure that such actions would be prevented in the future?*

Typically, the judge did not ask the defendant what could be done to prevent future acts of abuse. There was one exception. The case involved a defendant charged with a second criminal domestic violence offense. In both cases the defendant had been drunk. After his first conviction he completed 26 weeks of domestic violence and alcohol abuse treatment. In addition he had served time in prison for felony DUI vehicular homicide involving the death of a child. The prosecutor asked that the defendant be required to attend additional counseling or face thirty



days in jail. The judge threw her hands up in resignation and apathetically said, "Well, the treatment obviously doesn't work and he's been to jail, so what's the use? As my saying says, 'You can lead a horse to water, but you can't make him drink.' [to defendant] What do you suggest we do?" In another case the judge did not ask what could be done to prevent future acts of abuse. However, the judge did make the following statement to one defendant who had already been through pretrial intervention and was appearing for a second charge, "What good would it do to offer you treatment? Pretrial intervention didn't seem to help. Thirty days suspended upon payment of \$1,025.00."

The standard style of the court was generic sentences handed down based on the offense with consideration for some special circumstances. The most common sentence was thirty days in jail or \$1,025.00 suspended upon completion of twenty-six weeks of the Domestic Abuse Center and payment of a fine in the amount of \$225.00. As noted, some exceptions were made in cases involving children where the fine was reduced, and some defendants were not given the option of a fine. Seldom was the defendant questioned about what could prevent future abuse before the sentence was imposed.

*3. Was there any emphasis placed on methods of alternative dispute resolution by the court?*

The court placed a strong emphasis on methods of alternative dispute resolution. It was very common for a first-time offender to request pretrial intervention (PTI). Except in a handful of cases where the arresting officer or victim did not agree to PTI, the court allowed the defendants with no prior criminal record to enter the program. A condition of PTI is the completion of twenty-six weeks of counseling. The defendant pays to enter the program and, if successful, has his or her criminal record expunged. This is the only manner in which a charge of criminal domestic violence may be expunged. The emphasis on alternative resolutions is also

evident in the number of sentences that involve some form of counseling. Nearly all defendants are offered a counseling alternative as part of their sentences. Exceptions to this are defendants who do not show up for court and are tried in their absence, and some repeat offenders who have already completed counseling and have since re-offended. The standard sentence for those who do not want or who may not qualify for PTI is thirty days in jail or \$1,025, suspended upon payment of \$225 dollars and completion of 26 weeks of counseling at the domestic abuse center. Also, in cases where the circumstances indicate that a substance abuse problem has contributed to the domestic abuse incident, alcohol or drug abuse treatment is often included as part of the sentence.

### **Commonsensical Decisions/Judicial Leadership**

#### *1. Did the requests made by defendants and/or victims appear to be commonsensical?*

In most cases observed the requests made by the defendants and victims appeared to be commonsensical. The most common request by a defendant was for some type of leniency. Many defendants requested treatment or PTI as an alternative to a jail sentence. Also, until the prosecutor began addressing the issue in her opening speech at the beginning of court, a number of defendants would request that their bond restrictions be lifted to allow contact with their victims. A common practice for defendants who have been in jail for thirty days (the maximum jail sentence for a conviction) awaiting trial and who are unable to afford bond is to plead guilty and be sentenced to time served. One defendant had only been in jail for ten days but made a request that he be released and given credit for time served. The defendant's reason for the request was because his child was about to be born and he wanted to be out of jail in time for the birth. The victim, his wife, supported his request. The judge granted the request and released

him with credit for the ten days served. One defendant made a request that he be given a reduced fine because he was the sole financial support for his children.

Requests made by victims include asking for leniency and asking for the removal of bond restrictions that prohibit contact. While they may not seem commonsensical, these requests coincide with the dynamics of the “honeymoon phase” common in domestic abuse relationships. Two victims requested that their husbands’ treatment programs include substance abuse counseling because alcohol had contributed to their abuse. Another common request by victims was for the bond restrictions to include a no contact provision. One victim expressed a strong fear for her safety when requesting the no contact provision.

*2. Did the judge issue a reason for the outcomes that were imposed?*

It was not common for the judge to issue a reason for the outcomes that were imposed; however, there were a few instances when this occurred. One case where the judge explained his reasoning for his ruling involved a father accused of abusing his son who was approximately 17 years old. The father was accused of, and admitted to, repeatedly striking his son on the back with a stick, after the son made the mother cry by using profanity. The father’s defense was summed up in his statement to the court. “I was taught that you don’t cuss your mama and make her cry.” To that the judge responded, “You sure don’t. Not guilty.” This response by the judge showed his support of a father’s right to discipline his son. The other case involved a victim-signed warrant. The defendant admitted hitting the victim only after being hit. The judge declared her not guilty and stated, “It sounds like mutual combat to me.”

*3. Did the judge explain these outcomes in commonsense language that victims and defendants could understand?*

The judge issued rulings in commonsense language, but seldom explained in detail the outcome of the cases. Before defendants enter the PTI program the judge explains clearly that if they fail to complete it they will return for a bench trial and face up to 30 days in jail and/or a fine up to \$1,025. Before a guilty plea is taken one of the judges always asks the defendant if he realizes that he may no longer possess any firearms with a record of domestic violence. There were some cases where further explanation could have been helpful. If cases go quickly (e.g. a guilty plea) the judge often speaks quickly issuing a sentence and then calls for the next case. For instance, the judge may say, "I accept your guilty plea and sentence you to 30 days or \$1,025 suspended upon payment of a fine in the amount of \$225 and successful completion of 26 weeks at the Domestic Abuse Center." There were cases when the victim left the courtroom not knowing what sentence their abuser had received. After the introduction of the court-dedicated victim advocate any confusion was often addressed after court in the lobby. Specifically, the victim advocate would meet with victims in the court lobby and explain to them what had transpired in the court and how the victim should proceed in the future.

4. *Were there any cases where decisions by the defendants, prosecutor, or the judge appeared to defy common sense?*

In the majority of cases observed decisions appeared to be commonsensical. However, there were cases observed in which decisions by the judge and prosecutor appeared to defy common sense. In one case the defendant was being charged with his second instance of criminal domestic violence. The case involved the use of three weapons: a rock, a plate, and a knife. The defendant's attack on his two victims resulted in visible injuries that were supported by photographs entered into evidence. The case was especially strong with the testimony of two witnesses and a sheriff's deputy. The judge found the defendant guilty but only sentenced him to

10 days time served. Despite it being one of the more serious cases in the criminal domestic violence court, the defendant received an especially lenient sentence.

Another case that seemed overly lenient involved a defendant accused of assaulting his mother. The defendant then assaulted the deputy who arrested him. He offered up no defense, instead choosing to use profanity towards the court. The judge suspended his jail sentence and gave him a reduced fine.

Another case involved a defendant who assaulted his wife while under the influence of alcohol and who had a prior manslaughter conviction from when he killed his former wife while under the influence of alcohol. His defense was, "I love my liquor." Rather than sentence him to mandatory substance abuse treatment or jail, the judge allowed him to pay a fine. After sentencing him the judge turned to the court staff and said, "He loves his liquor and she loves him. How about that!"

In another case where the decision by the judge appeared to defy common sense, the judge rejected the guilty plea of a man who denied hitting his wife but admitted to lunging at her in an attempt to assault her in the presence of the arresting officer. The officer charged the defendant with criminal domestic violence because according to the statute it is unlawful to "offer or attempt to cause physical harm or injury to a person's own household member with the apparent present ability under the circumstances reasonably creating fear of imminent peril" (SC Code of Laws 16-25-20). The judge rejected the man's plea because he did not admit striking the victim the night before. The prosecutor pointed out that the warrant did not address the defendant striking the victim, only causing fear of harm in the deputy's presence. The deputy testified that it was what he witnessed that led to the arrest. The judge rejected the plea and continued the case.

There was also one observed instance where the actions of the prosecutor did not appear to be commonsensical. A man was charged with repeatedly striking his son with a stick. The officer was unable to appear in court and the prosecutor did not have the photos documenting the injuries incurred by the victim. Rather than continue the case on a later date, the prosecutor chose to proceed using only the victim's testimony. The defendant was found not guilty because the judge believed that the father had a right to discipline his son and because there was no evidence that the acts were extreme or abusive.

5. *Was there a clear explanation of the services available to victims and defendants?*

Courtroom observations indicated there was a clear explanation of the services available to victims and defendants; however, it was not presented in open court. Representatives from Pre-Trial Intervention, the Department of Mental Health, and Sistercare were present in court. The PTI representative explained conditions of the program to defendants choosing that option. The Mental Health professional explained conditions of treatment and discussed treatment alternatives such as domestic abuse or substance abuse counseling. This was usually done during court individually in an adjoining room or immediately after court. The advocate with Sistercare would normally discuss the available services with victims before court, or would escort the victim out immediately after the case was heard.

6. *Did the prosecutor instruct the victims about what to do if defendants violated their court-mandated sanctions?*

Courtroom observations indicated that the prosecutor rarely spent time in court instructing the victims about what to do if defendants violated their court-mandated sanctions; however, the prosecutor did provide instructions on three occasions. In the first case, the defendant failed to appear in court and was tried in his absence. The prosecutor told the victim

to contact the Sheriff's Department if the defendant contacted her. In the second and third cases, the prosecutor instructed the victims to contact her office or the Sheriff's Department if their respective defendants violated their bond restrictions that prohibited contact while awaiting a jury trial.

### **Summary**

From the thirty court observations it was clear that a courtroom workgroup emerged in the Lexington County Criminal Domestic Violence Court. The judges, prosecutor, mental health coordinator, criminal domestic violence investigators, and court administrator all worked closely together to process cases as expeditiously as possible. The court displayed concern with giving victims and defendants a clear understanding of their rights and the procedures of the criminal domestic violence court, as was evident from the verbal and video instructions given at the beginning of each court session. Within the limits of the misdemeanor criminal domestic violence law judges typically gave defendants the maximum sentence – reduced upon completion of 26 weeks of domestic abuse counseling. The emphasis on domestic abuse counseling clearly indicates the courts preference for a therapeutic model of handling domestic violence. This also is evident from the following statement the judge makes during the videotaped instructions: “The purpose of this court is to provide treatment options.” From the courtroom observations it was clear that the victims and defendants in the court were largely lower income Whites who were often ignorant about the domestic violence statute and who think that resolving disputes through violence is an acceptable response. This observation underscores the need for domestic abuse counseling for this population. In terms of general courtroom conduct the only disturbing observation was the occasional victim blaming that one of the domestic violence court judges engaged in.

## **INTERVIEWS WITH KEY PARTICIPANTS**

Interviews also were conducted with individuals who played an integral role in the operation of the domestic violence court. The primary purpose of these interviews was to obtain data on the perceptions of how the Lexington County Sheriff's Department's response to domestic violence domestic violence court had changed since the court's inception, and how their role as a representative of the court impacted the court's operation. Specifically, the interviews were designed to cover five content areas: (1) case processing in the CDVC; (2) impressions of the CDVC and its victims and offenders; (3) differences between the way domestic violence cases are treated compared to other crimes; (4) factors that impact the successful prosecution of a domestic violence case; and (5) comparisons between the way domestic violence cases were handled prior to and after the court's inception and suggestions for reform.

### **Interviewing Method**

Interviews were conducted with the following seven professionals that play a key role in the courts operation: two judges, two investigators, the court's prosecutor, a mental health counselor, and a legal advocate from a local battered women's shelter (Sistercare, Inc.<sup>1</sup>). Interviews were conducted at the Lexington County Sheriff's Department in private conference rooms.<sup>2</sup> Interviews lasted between sixty minutes and two hours and were tape recorded with the subject's consent. The interview format consisted of semi-structured questions that were followed by probes to pursue topical leads provided by the subjects. This method allowed the subjects to elaborate on important aspects of the court development and operation that they perceived to be most critical instead of only responding to structured interview questions. To search for general relationships among question responses, the interview tapes were transcribed



for qualitative data analysis. Data were then categorized into conceptual domains that categorized the subject's experiences since the domestic violence court began.

### **Domestic Violence Case Processing**

Case processing for criminal domestic violence begins when two Sheriff's Department road deputies respond to a 911 call. In all cases, responding officers are required to write a report. If an arrest is not made by responding officers, certain cases are assigned to one of two CDV investigators. Cases assigned are typically ones where there is evidence of physical assault or when a victim has been threatened with a gun or other weapon. According to one investigator, "Just by sheer volume not all cases get assigned that necessarily need to be assigned – which is one flaw with the way things work."

After cases are assigned, investigators do several things to determine whether a history of violence exists between the individuals involved. For example, in-house records are checked to see if the individuals previously filed reports. NCIC rap sheets are also checked for prior convictions or arrests. According to one investigator, "We request the 911 tape because a lot of times, especially if the victim is someone now who doesn't want any help or isn't going to be cooperative, the 911 tape will make or break the case from the standpoint of us being able to prosecute the case without a victim."

Investigators make immediate contact with the victim in order to obtain more details in the case. For example, if witness statements were not obtained or if pictures were not taken, they will attempt to obtain this additional evidence. According to one investigator:

Even if there *were* pictures taken, we may take additional pictures...uh...because you know it's several hours after bruising may be a little more evident than they were when the initial officer responded.

In weak cases investigators will attempt to contact 'him' to obtain 'his' side of the story in an effort to establish probable cause for an arrest warrant. If the victim is still living with the defendant attempts to contact him are generally not made, since this would put the victim in more danger. Once the appropriate evidence has been obtained the investigators obtain an arrest warrant, based on probable cause, from a magistrate judge. According to an investigator:

Once I've got a warrant, then of course we try to get the person arrested. I try to maintain contact with the victim – to let her know once I've obtained a warrant. Of course, she is notified because of the Victims Bill of Rights when he is arrested.

Following arrest, a defendant is required to appear in bond court. When possible, investigators attend bond court on the victim's behalf, since many victims do not typically attend. One investigator explained:

The one thing with batterers is that they typically lie. They seem to lie about everything. When they get in front of a bond judge, they say 'I've never been arrested before – nothing has ever happened before.' Well, the judge does not have a rap sheet at their disposal in bond court...well if we are there with a 20 page rap sheet and know that he's been arrested for CDV 6 other times against her, a lot of times we can get the bond set higher.

In most cases judges impose a 'no contact' provision on the bond restriction. According to no contact provisions, defendants are not allowed to return to the victim's residence or make any form of contact with them. Bond restrictions remain intact until the defendant appears in court. Both investigators agree that there is a high rate of bond violations among CDV defendants. When it has been determined that a defendant has violated the court order for no contact, investigators will obtain a magistrate's bench warrant, re-arrest the offender and place (him) in jail. They will also have the bond reassessed. One investigator put this issue into perspective:

With so many of our cases we have bond violations because, of course, when they come up for bond the judge will say you cannot have any contact with the victim. Nine times

out of ten these guys are going to try to make contact with her. And then we have to follow-up on a bond violation, which quite often means getting another warrant and re-arresting them again. The thing about these guys - or these hard-core batterers - is that they do not follow what the judges tell them. They break any court order, bond restriction, it doesn't matter to them. A lot of these people are re-arrested before they make it to CDV court. Sometimes it is actually for new CDV offenses because they have re-assaulted her.

The prosecutor views an important aspect of her job as the enforcement of bond restrictions. As she stated,

I have victims who call and want bond restrictions lifted and I won't do it and I've had victims get angry about that. I have victims who complain about having to go into court. My approach is, 'You call us - we come. We call you - you come.' You get us involved, we need to do it our way.

The legal advocate from Sistercare receives referrals from several sources that get them involved in victims' cases early on. Referrals for a legal advocate may come from Sistercare's crisis line, medical personnel (emergency rooms or doctor's offices), law enforcement officers, law enforcement victim advocates, investigators, and the prosecutor. The first thing that the legal advocate will do is attend bond hearings and request that the bond restriction include a no contact provision. In addition, the advocate provides transportation to the bond hearing and helps establish a safety plan for the victim. This plan includes provisions for local shelter services. Other aspects of the safety plan may require relocating the victim out of town or out of state. The advocate coordinates the hearing dates so that the victims are available to attend court. One of the main priorities of the legal advocate is to encourage the victim to obtain an order of protection. As the legal advocate explained:

We try to get the order of protections prior to the criminal domestic violence hearing. The reason for that is a 'no contact' is good only up until the court hearing, but once the court hearing takes place...if it's a disposition held and if it's not a jury trial then immediately that day the defendant can go back home...so if you can get your order of protection in place prior to going to court then that gives them a little bit more safety out there.

After bond hearings, in approximately 30 days, criminal domestic violence cases are brought before a magistrate's judge. Sistercare's legal advocate helps victims prepare for the court experience. The legal advocate helps the victim prepare their statement to the judge by advising them to remain factual. The legal advocate advises victims to maintain eye contact with the judge and tells them not to lose their composure if the defendant does not tell the truth. Cases are not dismissed when victims do not attend court; instead, the prosecutor continues the case for a future hearing. Many defendants attempt to manipulate the system by telling victims that they cannot attend court. As explained by one investigator,

When [the prosecutor] explained that the CDV court does not dismiss cases if the victim is not present, the court continues those cases. That really made him mad – he went right back home and beat her up again because he was so angry that she ever involved the police and he just thought that he was going to be able to have the case dismissed. When I went back and pulled his rap sheet, I saw he had been arrested twice for CDV in Charleston in the early 1990s. Well in the early 1990s if the victim didn't show up, it was dismissed. So that was the process he was used to.

In court, defendants have the option of a bench trial, jury trial, or pre-trial intervention (PTI) for a first offense. The mental health counselor is present in court to make an appointment with the defendant to establish a 'court agreement' for those who will be completing PTI. The mental health counselor explains to defendants exactly what will be expected of them in treatment. The defendant's first appointment includes a mental health assessment. During the assessment, various issues are discussed, such as alcohol and drug use, medical history, the current family situation, and current and past employment. The assessment also includes a DSM-IV diagnosis and a treatment is recommended. According to the mental health counselor,

I have what's called a court agreement that spells out what the particular client is expected to do with a little statement at the bottom stating what I do which is to monitor the treatment and report to the court or PT about their compliance.

The prosecutor touted Lexington County as having one of the most proactive domestic

violence programs in the state and perhaps one of the most pro-active programs in the Southeast.

The proactive nature of the court is attributed to the court's personnel. According to the prosecutor,

...the proactiveness - part of it is grant related, but part of it is just because of the people who are dedicated to the program. Our two investigators often go get warrants that nobody else would ever go get. They are both very, very aggressive and that is why the program works. So, we don't do it exactly the way I'd love everything to be done. In a perfect world every domestic violence case that is reported - we would write a report on every one that we went to, and every report that was written would be assigned and they would all be looked into, but the sheer numbers of that prevents that from happening.

### **Impressions of Domestic Violence Cases**

Most of the respondents felt domestic violence cases are extremely difficult to work because of how domestic violence is perceived by the majority of the public. An investigator, for example, mentioned there are a lot of 'folks' who probably do not view domestic violence as a crime. In addition, domestic violence cases were referred to as 'frustrating' because the system does not adequately assist domestic violence victims. Family court was referred to as 'a weak link' and circuit court was criticized for not recognizing bond violators unless the victim is present and cooperative.

The majority of respondents acknowledged that more education is necessary for an increased understanding of domestic violence issues. The prosecutor specifically mentioned the need for training of family court judges. She said that they cannot get these judges to attend training sessions and, therefore, these judges do not understand the dynamics involved in domestic violence. According to one investigator,

We are going to keep having women killed and beat until everyone is on board in terms of understanding what domestic violence is all about. It is something that is very necessary but the majority of the folks are not educated in it. The majority of the folks do not care about it, so it can be very frustrating for the people who are working it because there are so few people who truly understand it.

Several people interviewed agreed that domestic violence cases are extremely underestimated and are merely perceived as nuisance cases. It was mentioned that the system is unbalanced as to how domestic violence cases are treated, given how dangerous and serious the cases can be. Approximately sixty percent of the calls in Lexington County are domestic related. During 2001 in Lexington County there were twelve homicides and eight were domestics.

According to the legal advocate from Sistercare,

...in this state because it's treated as a minor offense, it's handled in magistrate court... and with the...fines that are levied, it doesn't balance with how serious the crime is, so...so, I don't think it's very balanced, but I think the really serious cases...I think women are losing their lives everyday.

While respondents thought that domestic violence cases are frustrating at times, they also viewed them as rewarding. One investigator expressed this view by recalling what one victim said,

"No one has ever listened to me before. No one has ever believed me. No one has ever asked those questions." Those are the things that makes it worth it to me because you know that you are actually helping someone out of a terrible situation. Or even if you can't get them out right then, at least they know that they can contact someone for help.

The judges who were interviewed had very different opinions of domestic violence cases.

One judge views domestic violence as not being very different from assault except that a family member is involved. According to this judge, "it could have stayed the way it was and still carried out without making a criminal domestic violence law per se." This judge also stated that:

It makes it a little bit harder for the families because most of it is their everyday way of life and the law is stepping into it now to try to help them but until they want help there's not a whole lot we can do for them. They've got to get out and ask for it and 99% of the time after they call the police they wish they hadn't because that's not what they really wanted.

The other judge viewed domestic violence cases as difficult in terms of trying to establish the truth because of the large degree of vindictiveness and malice in these cases. According to

this judge,

They're either one extreme or the other...the victims are either scared and compliant or they are just not cooperative whatsoever, and the hardest part is just trying to establish the truth on a bench trial. That's the hardest part of it. It's tough. It really is.

### **Impressions of Victims**

Court professionals described victims as having low self-esteem, low self-worth, having feelings of isolation, and being concerned for their children's safety. They are viewed as an enormous group of individuals who need a tremendous amount of support. Many victims that have contact with court officials are frustrated and angry. For many victims their first experience with the criminal justice system is not a pleasant one. According to one investigator,

For the most part they [victims] have never gotten that support. So when they do find someone that supports them, they are very needy, they can be very clingy, which can be frustrating from a police officer standpoint. To have a victim that calls me every single day - which some of them do - that can be difficult to deal with. A lot of police officers would say, "I am a police officer I am not a social worker do not call me anymore" - I can't do that. Especially not if this is somebody that for the first time has reached out and is getting help and is really trying to get out of the situation. If you turn your back on them they are not going to come back for help. They will just stay in that situation, until they end up dead, or whatever may happen ...The batterers are so manipulative and so controlling and there are so many reasons that women can't leave. I think it is amazing that any woman ever gets out. Someone has to help them.

Another investigator mentioned the importance having to "keep them to where they stay on our side and more or less...assure the prosecution goes through." The investigator discussed the efforts they make to stay in contact with them so that they "don't fall back into the cycle of violence where they're now getting back into that honeymoon phase and everything's fine again." According to the prosecutor,

Frankly I'm amazed that any victim who is truly battered ever gets out of her situation. Leaving is just almost impossible. If it's not money it's fear, if it's not fear it's love, if it's not that it's kids, or it's family pressure. You know a lot of people wonder why victims stay when in reality it's a wonder how any of them ever get out.

The judges interviewed had very different opinions of victims. According to one judge, most of the time the case involves more than one victim. This judge does not view domestic violence as one-sided and believes that drugs and alcohol are most likely the cause of the violence. This judge placed a lot of the blame on the victims:

If it's the man that's arrested, usually a woman can be just as obnoxious as the man can be and she could have gotten out and it's not the first time. Usually when it gets to us it's not the first time that she has been hit. It's just a routine. She's just got enough where somebody called the police to it. Victims are not always victims. I think it's something they bring on their selves sometimes...And you know they'll bring them into the court and they expect us to read their minds and see what's going on and we can't read their minds. You can see some people bruise more than others, but it's hard to determine which is the more aggressor.

In contrast, the other judge had a more compassionate attitude towards domestic violence victims. This judge views victims as being misguided and unfortunately views violence as a way of life. According to this judge,

The victims are...they're in a tug of war. They want the violence to stop but they also love the other person as well. It's tough on the victim. I understand that. I guess what we need to make sure they understand...the victims understand is that our ultimate goal is to make sure that number one if we can save the relationship, we save the relationship and number two is to stop the violence within the relationship. That's our goal. If we can get them to understand that prosecution is a step in that direction, we'd be better off dealing with the victims.

### **Impressions of Offenders**

The court professionals interviewed described offenders as manipulative, sick, cruel, evil, deniers, seeing themselves as above the law, refusing to take responsibility for their own actions, poor communicators, poor problem solvers, and engaging in behaviors that are appalling, and as individuals who do not believe that what they are doing is wrong. According to one investigator,

They are all the same. The true batterers possess the same characteristics. That's why when I meet with a victim and they start tell me about him, I can tell her before she tells me what it is like at home for them - what is going on. They are men who have some



type of esteem problem and whether it be that they cannot assert themselves in any other area of their lives, the only place they assert themselves is in their home. They do it in an inappropriate way. They do it with violence or with verbal abuse, and they belittle the people they are with and breakdown their self confidence so the people in the home - the women and children - truly believe that it is their fault so it is harder for them to get out.

Another investigator thought that offenders are in need of long-term treatment.

According to this investigator, 'domestic violence offenders are going to batter regardless of what you do for them, because it is ingrained in them.' This investigator also suggested that a 26-week treatment program was not long enough to accomplish much with a 'true' batterer.

Other counseling programs in other states are more promising with regard to change because the duration of their batterer programs is one year. This investigator also believed that counseling programs can be effective for first-time offenders. The legal advocate from Sistercare also suggested that lengthy therapy is necessary. She believed that continued quality counseling for offenders that focuses on issues of power and control and offender accountability is really the only way that counseling is going to help.

One judge suggested that offenders are misguided because they see violence as a way of life. As stated by this judge,

You know, the yelling and arguing is the way they communicate...it's a means of communication. They don't understand how to communicate outside of violence or yelling, and again, I don't think the violence comes from a hate or dislike. It comes from a communication barrier they can't seem to get past. Now some of them are warped...some of them are really warped. Generally, I think the situation that we're addressing is what needs to be addressed. I think that the communication issue, the anger management issue needs to be resolved in order to save some of the relationships and stop the violence in the household.

## **Differences Between Domestic Violence Cases and other Crimes**

All court professionals interviewed, with the exception of one judge, stated that they treat domestic violence cases differently from other types of criminal cases. One investigator said that victims of domestic violence are treated differently from armed robbery or burglary, and if they aren't treated differently, then the case "hasn't been worked appropriately." The investigator also said that it is necessary to treat defendants differently. For example, defendants in domestic violence cases may not be contacted immediately because of the possibility of putting the victim in danger. In other cases the investigator noted that the defendant would always be contacted.

According to this investigator,

Because domestic violence is dealing with family court and child custody issues and where the victim is going to live, you have to be able to offer a much wider range of services to domestic violence victims than any other victims you may be dealing with. Domestic violence is very unique as far as the way it is handled by law enforcement - if it is being handled properly. Domestic violence victims have to be treated differently than victims of other cases.

Another investigator explained that, in general, among all investigators, working domestic cases is the least important, compared with other crimes. The investigator explained that this view is a result of investigators' interactions with victims. As this investigator explained,

they figure we're here to help you, you call me out, I come out, I removed the offender away from you, but the next day you're right back with him again, and we're going through that process all over again....so the average investigator doesn't like to deal with them.

The investigator explained that because of these common perceptions of domestic violence, compared to other crimes, it 'takes someone who is dedicated' to the issue to really make a difference.

The prosecutor explained that there is a unique dynamic between domestic violence victims and offenders, a dynamic that does not exist between victims and offenders of other crimes. For domestic violence and sexual assault victims there is a tendency to make the victims somewhat accountable or responsible for what happened to them. People who are victims of property crimes or stranger assaults are not blamed for being victims.

The prosecutor discussed several issues that affect how the crime of domestic violence is treated differently than other crimes because the criminal justice system is predominantly male. She explained that when the predominantly male system enforces and responds to a crime that is predominantly against women, an inherent gender barrier is created. As stated by the prosecutor,

When officers respond to domestics they are bringing their own baggage from their own relationships and they hear what the man is telling them about how she provoked him - how she did this - how she said that - all which may make her a really horrible person, but it wasn't against the law. They may sympathize with the response that the male engaged in and therefore try to excuse the behavior because if they recognize that the behavior of that person's as criminal, then they may have to recognize that they engaged in criminal behavior themselves.

One judge recognized differences between domestic violence cases and other crimes. This judge attributed the differential treatment of domestic violence cases compared to other crimes to the CDV court's specialized prosecutor and the mental health professional. The judges discussed the benefits of having a specialized prosecutor when a case involves an uncooperative victim who wants the charges dropped. According to this judge,

in a regular magistrates court situation as well as some of the General Sessions Courts around the state we're seeing so many cases dismissed because the victims want the cases dismissed or think they want them dismissed, and all we're doing is allowing these defendants to re-offend, and then after conviction, you know, we can send them to some kind of counseling... We began this court and had in place the Mental Health person who would interview and determine whether it was an aggression issue, whether there was an alcohol or drug problem ... With this program, we can send them to Mental Health to find out if there are any underlying issues. I think that's the most important part.

The other judge didn't acknowledge any differences between domestic violence and other crimes and made the point that for all crimes it is necessary to weigh the evidence.

### **Perceptions of Their Role in Domestic Violence Cases Compared to Other Types of Criminal Cases**

All court professionals interviewed, except for one judge, stated that they view their role in domestic violence cases differently from their role in other criminal cases. In cases of domestic violence, the prosecutor views her job as being extremely pro-active to prevent future violence and having the ability to hold offenders accountable for the behavior. The prosecutor places a major emphasis on her job on holding offenders accountable for violating no contact provisions and to make offenders respect the court system. According to the prosecutor, "I really believe that defendants' need to realize that just because CDV is written in a traffic ticket this is not traffic court."

One investigator thought that investigating domestic violence cases was different than other types of cases because the ability to "hopefully touch somebody's life and make a change in it." This investigator stated the job is rewarding because of the opportunity to change an individual's way of thinking that asserts hitting women is okay. This investigator felt that in investigating other types of cases (e.g., car theft) one doesn't have the ability to change someone's life. Another investigator feels that it is important to not only be educated in domestic violence issues but that it is important to "care about it." This investigator talked about how important the first interaction is with the victim. As this investigator explained,

I've got to be able to treat these victims with respect so that they can have a trust in me though. They've got to know that I believe them and that I am going to help them so that they trust me. I have to be available for those victims and be willing to go that extra step whether it be to help her out with the bond violation thing or help her out with family court filling out order of protection paper work, you know, getting her into family court.

You just have to be patient and be willing to do a lot more than you would for most cases where victims are concerned.

One judge agreed with the view that in domestic cases, much more interaction takes place with the victims. This judge discussed being sympathetic to victims' plight, but that it was also necessary to 'have a firm hand' when victims decide they don't want to testify. This issue did not seem to be a common concern with victims of other types of crimes. The other judge perceived their role differently in domestic violence cases compared to other crimes. This judge, however, noted: "It's the most depressing court I've got to deal with. I'd rather do a thousand traffic courts than one criminal domestic violence court."

### **Effective Investigation and Prosecution of Domestic Violence Cases**

The court professionals were asked what factors resulted in successful investigation and prosecution of cases in the CDVC. The investigators mentioned several criteria that were important in successful investigation of domestic violence cases. One investigator discussed many different aspects of victims' involvement when investigating cases. According to this investigator, there are many victims who will not cooperate with an investigation because they are too scared or because they do not trust the system, perhaps because the system has never 'been there for them' or the system has failed them. These victims were described as being somewhat hostile and angry towards law enforcement. The investigator explained that many victims call the police because they want the immediate violence to stop, but they do not want to have any further involvement with law enforcement. Many do not want further involvement because they believe that they will be at an increased risk of danger. Many victims are difficult to contact, will not show up in court, and will generally remain in the same situation. According

to this investigator, victims who are ready to get out of their relationship have a higher sense of trust in law enforcement and are more cooperative with investigations. Other cooperative victims are those described as having a support network of family or friends. Some women who cooperate have been abused for many years and are in a crisis mode and are prepared finally to get out of the relationship. Although these individuals may be the ones to contact investigators over and over, they are also the ones who in the last instance provide all the necessary information and assistance for a successful investigation. The seriousness of physical injuries was suggested as being a factor in the outcome of such a case. According to this investigator,

If there is a case where the injuries do not look severe you always have to worry about the judges or what might happen if it goes to a jury trial. I mean if you've got a case where people are really bloody and you've got big bruises....batterers know where they can hit a woman where it's not going to bruise. You know a lot of times when you strangle its not going to leave marks. If you punch in the stomach people don't bruise on their stomach. You know they might do a lot of kickin' and punching in the lower back area and you don't really get a lot of bruises there. So I may have a victim that was beat on for hours, and you know she may have one bruise here. But juries and of course even judges want to see more blood and gore, especially if you are going to be charging somebody.

According to the other investigator, victim factors that contribute to a successful investigation include evidence of physical injuries, verbal threats, and witness statements. Investigators rely heavily on the statement obtained from the responding officer. The investigator also suggested that having good photos of injuries or hospital records can impact a case outcome. 911 tapes are also extremely useful to show the element of fear in cases involving threats, as opposed to cases involving physical violence. The investigator also said that which judge you obtain a warrant from affects the investigation of a case. Some judges are more likely than others to issue an arrest warrant.

When the prosecutor was asked to explain the victim factors that affect the prosecution of a case, she explained that the decision to prosecute is not based on the victim. For example, the prosecutor does not think that the seriousness of the injury influences whether a case is prosecuted. She said,

A lot of injuries that people inflict on one another may not be visible at the time - they may never be visible. Strangulations are almost very rarely visible, punching in the stomach is not visible. So just because it doesn't look like it's severe doesn't mean it's not.

The prosecutor explained that defense attorneys and defendants attempt to use victim factors to their benefit (i.e., being promiscuous, being an alcoholic, and having mental health issues). She explained that these factors are not relevant to the case. According to the prosecutor, a decision to prosecute will be made if the state has a good case, which a lot of times is determined by the responding officer. For example, when the officer takes pictures, writes a good report, documents the way the victim was acting and what they said, and gets a good statement from the victim in case she decides to recant the case will be a strong one. The prosecutor said that it is very difficult in Lexington, South Carolina to convict an individual of CDV for getting into a fight with their brother. In other words, the relationship between the offender and the victim may have something to do with a successful prosecution. Cases that involve siblings or a parent and a child are usually diverted to a treatment program of some kind. Again, the prosecutor and one investigator said that the type of report written by responding law enforcement officers can have an impact on case outcomes. When officers take a statement from a victim, document their demeanor, and takes good photos the case is more likely to be prosecuted successfully. The investigator agreed that the written report is crucial to the outcome in a case.

The representative from Sistercare thought that the most important victim factor relevant to a successful case is for law enforcement, the judicial system, victim advocates, the Department of Social Services, and the medical field to remain nonjudgmental. Some victims are not ready to leave the situation they are in, but it is important to 'leave the door open' for them to seek help again.

The mental health professional suggested that the CDVC can have a deterrent and successful effect on defendants who believe that they will be held accountable if they do not complete the treatment that was ordered. According to the court's mental health professional, defendants who have open-minds are more likely to engage in the treatment. Offenders who are going through the treatment to get the charge 'off their back' are not as successful as defendants who recognize that they are not perfect and can learn something. The representative from Sistercare said that cases tend to be more successful when the offender is willing to accept responsibility for his/her behavior and chooses to go to treatment.

One judge thought that the severity of the injuries and the victim's demeanor were factors related to the victim that had the most impact on the outcome of a case. The other judge thought that victims who are ready to help themselves create a situation where it is possible to establish the truth. One of the judges also suggested that offenders should have legal representation in court, which could have an impact on the outcome cases. This judge also thought that defendant's did not understand what was going on in court, and that this has an impact on their decision to plead guilty. According to this judge,

They don't know what the court is all about. They don't know what they're doing. People don't tend to listen when they're in jail because they're scared to death. They don't tend to listen when they're in court because they're scared to death, so most of the victims...the defendants aren't getting treated fairly. They don't know what they're pleading to and that's why I try to explain at my bond courts on a CDV. I'll tell them to make sure they listen to the film that we show because it shows different ways they can



be tried, but that doesn't stick in their head either because they're scared. I just try to listen to both sides. I don't prejudge them. I hate for them to stand up there and say, "I'm guilty" unless they really, really know that they're guilty of the charge and what the charge is all about.

According to the other judge, information regarding the defendant's prior record can influence the outcome of a case. For example, information such as prior arrests and prior acquittals and if the defendant has a pattern of violence is important. This judge also factors in the defendant's attitude toward the victim in sentencing because it is possible to determine if the defendant is sincere and sorry, and that they know they have a problem.

#### **Court's enhancement of the process and suggestions for reform**

Interviewees were also asked to comment on how the CDVC had changed the processing of domestic violence cases compared to what was done in traditional magistrates courts in the past, and suggestions for improving the court. According to one investigator without the CDV court, nothing would have been done in about 80% of the cases that have been heard by the court and investigated. Prior to the court, cases were not investigated if a victim didn't sign a warrant. In very few cases would road deputies go back to cases and obtain warrants, and very few victims (if any) would get warrants on their own. Basically, if victims did not want to press charges a warrant was not obtained. Since the court's development a victim does not have to be present in court to prosecute a case (victimless prosecution). This investigator said that the CDV court has had a tremendous impact on the way that domestic violence cases are handled in Lexington County. Deputies in the Sheriff's Department now have cameras with them so that they can get pictures of injuries.

Another investigator described what happened in domestic violence cases prior to the development of the CDV court. If an offender left the scene before law enforcement arrived, the only time something would happen in that case was when a victim would pursue the case on her own. Now cases are assigned to an investigator, who pursues the cases. Deputies have been trained in the importance of taking pictures of injuries and getting statements from victims. Because of this, the number of arrests and prosecutions has increased. Offenders are now being held accountable for their actions and are also getting treatment.

Both investigators and the mental health professionals have very strong positive opinions about how the CDVC is working. One investigator said that the court has helped many victims who that otherwise would not have been helped. Although the court has accomplished a lot in terms of education and victim services, this investigator wasn't sure that the court has had an impact on the majority of batterer behavior. This investigator thought that hiring more investigators for domestic violence cases would improve the court's response. The other investigator suggested having a public announcement system in the court so that people in the back of the courtroom can hear what is going on. This investigator wants to see other domestic violence courts implemented across the state. The mental health professional suggested that additional training of judges and officers would improve the response to domestic violence. It was also suggested that the court hire additional investigators since it is impossible for only two to handle all cases that are coming through the county. The representative from Sistercare suggested that law enforcement officers go through specific training to respond to domestic cases and collect evidence so that victims are not needed to prosecute cases. Since CDV is a misdemeanor, cases are heard in magistrate's court, and in cases where there is not a CDV prosecutor, law enforcement officers are responsible for presenting a case for its prosecution.

The Sistercare representative saw this as problematic because the academy does not train officers to prosecute cases. It was suggested that the academy develop a specific protocol for officers to use when collecting evidence in domestic violence cases.

One investigator talked about the need to implement a policy for responding to domestic calls. Response would also be enhanced by hiring more investigators to respond to domestics, by making officers more accountable, and increasing domestic violence training for officers. The second investigator agreed that manpower is a problem for the Sheriff's Department. Some deputies may not spend enough time responding to a domestic call, because they are dealing with such a high number of calls during a shift. The likelihood is that the response would be enhanced if more officers were hired.

One investigator said that the Sheriff's Department does not have a lot of accountability at the deputy level for how they respond to DV cases. This investigator said,

You wouldn't believe some of the things these deputies do on these instances that are just appalling and they are never held accountable for it so of course these same deputies do the same bad things over and over... You know nobody ever goes back to them and says 'You handled this improperly and you need to do it differently.'

For example, if a statement is not obtained from the victim, it is up to investigators to obtain a statement because they are required for the case to proceed. Some officers may not collect necessary evidence because the victim had a bad attitude. According to this investigator, many things are said to victims that are not appropriate and do not encourage continued involvement with the criminal justice system.

Getting there and telling the victim "Well I don't see any marks on ya so there's nothing we can do." Or "We've come out here three times before we're tired of coming out here. If we come out here again you're both going to jail."

This investigator said that there are officers who do a great job responding to domestic cases, but unfortunately officers are not individually selected to respond to these cases. Another policy issue that this investigator questioned was the length of time that defendants are released on bond after being arrested, which sometimes is three to four hours. It was suggested that 24 hours or 48 hours would give victims more time to find a safe place to stay. Also, the investigator mentioned a need for strict enforcement of bonds. Circuit court judges do not seem to be following up on bond-violators. In addition, current policy only allows for one civil pleading to occur at a time. This means that women who have filed for divorce are not eligible to obtain an order of protection.

The prosecutor also agreed that the CDVC needed to hold defendants who violate bond restrictions accountable. She said that the key to a successful program was accountability, which would prohibit the court personnel to do many other things. According to the mental health professional, "in a perfect world every law enforcement officer would understand domestic violence and judges would understand, but I don't think that's really policy I think that's just individual differences."

The representative from Sistercare said that it would benefit victims if they didn't have to appear in court. Victims would not have to appear in court to testify if responding officers collected the necessary evidence and testified well in court.

### **Summary**

The interviews with key participants in the CDVC highlight the necessity of an integrated criminal justice system for holding domestic violence offenders accountable and enhancing victim safety. The depth of these officials' knowledge on the issues presented in dealing with domestic violence cases was also apparent. The difficulty in obtaining victim cooperation,

having offenders acknowledge their wrongdoing, collecting adequate evidence, and finding the “truth” in cases where both victims and defendants are scared and confused, were among the problems that they all encounter in processing domestic violence cases. While the majority of those interviewed thought that the court had improved the response to criminal domestic violence in Lexington County, most agreed that more could be done. Importantly, they suggested that more could be done to enforce bond violations – since defendants often violate their “no contact” provisions – which makes it more difficult to obtain victim cooperation and to ensure their safety, as well as to successfully prosecute these cases. In addition, it was clear from the interviews that training on evidence collection is an important area that could improve the successful prosecution of domestic violence cases.

#### **VICTIM AND DEFENDANT INTERVIEWS**

Interviews with victims and defendants were conducted to examine their overall level of satisfaction with the court process, their perceptions of procedural justice, and their recommendations for improving the CDVC experience for other victims and defendants. A total of 50 victims and 50 defendants were interviewed. Interviews were conducted in-person immediately after the victim or defendant’s case was heard in the CDVC. A convenience sample was chosen to capture victim and defendants’ perceptions immediately after their court experience and to improve the accuracy of responses. Victims and defendants were not matched by cases. Therefore, these data represent two independent samples of cases. Of all the victims and defendants approached to be interviewed only four refused. Therefore, the overall response rate was 96%. Prior to conducting these interviews, the purpose of the research was explained to victims and defendants and full informed consent was obtained. The interviews were conducted anonymously so that victims and defendants identities could not be identified. Victims and

defendants were asked structured questions about their perceptions of the court process, whether they felt they were treated with dignity and respect, and their overall impression of the CDVC response to domestic violence. Responses to key interview questions for victims and defendants are displayed in Table 2.1.

**Table 2.1 Domestic Violence Court Survey Responses (N=100)**

Question	<u>Victims</u> %	<u>Defendants</u> %
What is your overall impression of the way your case was handled by the Criminal Domestic Violence Court?		
Excellent	20	20
Good	54	26
Fair	6	34
Poor	16	16
Don't know	4	4
How would you rate the overall quality and professionalism of the court?		
Excellent	40	22
Good	34	40
Fair	16	24
Poor	10	14
Don't know	--	--
How was the waiting time to hear your case?		
Excellent	12	30
Good	44	32
Fair	36	22
Poor	8	16
Don't know	--	--
Were you given prior written notice of your court data?		
Yes	88	92
No	12	8
Did you contact the prosecutor or investigator prior to court?		
Yes	26	12
No	74	88
Did you understand the video and verbal instructions that were given by court officials?		
Yes	91.7	97.9
No	8.3	2.1
Do you feel that the court gave you adequate time to explain your side of the story?		
Yes	90	52
No	10	24
Doesn't apply	0	24

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Do you feel that the judge was concerned with your side of the story?		
Yes	40	44
No	16	30
Doesn't apply	44	26
Do you think that the outcome of your case was fair and just?		
Yes	77.1	68
No	22.9	32
Do you feel that you were treated with respect and dignity by the court?		
Yes	87.8	86
No	12.2	14
Do you think that the Lexington County Domestic Violence Court's response to domestic violence cases is...		
Too easy	22.9	2.1
Too harsh	10.4	39.6
Just right	66.7	58.3
Did you ever attend magistrates court before because of a prior domestic abuse incident?		
Yes	16.3	14
No	83.7	86
If yes, was you experience with the Lexington County Domestic Violence Court...		
Worse	12.5	--
Better	50	80
The same	37.5	20
Was there a "no contact" provision as part of the bond restriction in your case?		
Yes	81.3	78
No	18.8	22
If yes, who requested it?		
You	17.5	--
The state	77.5	97.4
Don't know	5	2.6
Do you think that the Domestic Violence Court's enforcement policy on bond restrictions (no contact provisions) are...		
Too easy	7.1	--
Too harsh	21.4	53.2
Just right	71.4	46.8
<hr/>		

## **Victim and Defendant Responses**

Of the fifty victims interviewed, 84 percent were female. Of the fifty defendants interviewed 88 percent were male. Both victim and defendant respondents generally had positive feelings about their court experiences. When asked for their overall impression of the way their cases were handled, the majority (54%) of victims rated their impressions as “good.” Twenty percent rated their impression as “excellent.” In comparison, of the defendants asked about their overall impression of the way their cases were handled, the most frequent response (34%) was “fair.” Twenty percent of defendants rated the handling of their case as “excellent.” Twenty-six percent had an overall “good” impression. Only 16 percent of victims and defendants rated the handling of their case as “poor.” Victims and defendants were then asked to rate the overall and professionalism of the court. Seventy-four percent of victims rated the overall quality and professionalism of the court as either “excellent” or “good.” Sixty-two percent of defendants rated the court as either “excellent” or “good.” Only 10 percent of victims and 14 percent of defendants rated the quality and professionalism of the court as “poor.”

Victims and defendants also were asked to rate the waiting time to hear their cases and whether they understood the video-taped instructions in the court. The majority of both victims and defendants indicated favorable opinions regarding the time to wait to hear their case. Sixty-six percent of victims and 52 percent of defendants responded that the waiting time was either “excellent” or “good.” Thirty-six percent of victims and 22 percent of defendants indicated that the waiting time was “fair.” Only eight percent of victims and 16 percent of defendants indicated that the waiting time to hear their case was “poor.” In general, it appears that the waiting time in the court is appropriate for victims and defendants. Ninety-eight percent of the



defendants and 92 percent of victims stated that they understood the video and verbal instructions given by court officials.

Victims and defendants were asked if they had received prior written notice of their court data. Eighty-eight percent of victims and 92 percent of defendants reported receiving prior written notice of their court dates. Only 26 percent of victims and 12 percent of defendants stated that they contacted the prosecutor or investigator prior to court. Victims also were asked if a victim's advocate had contacted them prior to the court date. Seventy-two percent of victims report being contacted by a victim's advocate prior to court. This percentage may have been higher except for the fact that there was not a victim's advocate dedicated exclusively to the court until March 2002. Of those contacted by a victim's advocate, 73 percent rated the quality of care received by that advocate as either "excellent" or "good."

Victims and defendants also were asked if they told the judge their "side of the story." Only 38 percent of victims report telling the judge their side of the story. This is partly attributed to the court's focus on treatment and thus the large number of plea and pretrial intervention cases. Also, although victims are regularly asked if they would like to address the court, many decline the opportunity. Of those who did address the judge, 90 percent felt they were given "adequate time to do so" and 71 percent felt that the judge was concerned with their "side of the story." Defendants who enter into pretrial intervention are not afforded an opportunity to address the court, and defendants who enter a guilty plea also give up their right to address the court, but many do so at the discretion of the judge. Of those defendants who had an opportunity to address the court, 68 percent felt that they were given adequate time to explain their "side of the story" and 59 percent felt that the judge was "concerned with their side of the story."

In terms of perceptions of fairness and justice, victims and defendants were asked if they felt the outcome of their case was “fair and just.” Seventy-seven percent of victims and 68 percent of defendants believed the outcomes of their cases were “fair and just.” Victims and defendants also were asked if they felt they had been treated with “respect and dignity by the court.” An overwhelming majority (88 percent) of victims and defendants (86 percent) felt they were treated with “respect and dignity” by the court. Victims were also asked to rate the “quality of care they received” from the court. Over 73 percent of victims rated the overall quality of care received as either “excellent” or “good”. Additionally, victims were asked if, based on their experience, would they recommend that other victims “seek prosecution.” Approximately, 90 percent of victims would recommend that other victims seek prosecution.

Victims and defendants also were asked about prior court experiences. Only approximately 16 percent (N=8) of victims and 14 percent (N=7) of defendants had attended regular magistrates court previously for a prior criminal domestic violence incident. Of those victims who had previously attended a magistrate’s court for a domestic violence incident 50 percent stated that CDV court experience was “better.” Interestingly, 80 percent of defendants who had attended a magistrate’s court before for a prior domestic violence incident rated their experience in the CDV court was “better.”

Victims and defendants were asked if the CDV “court’s response to domestic violence was too easy, too harsh, or just right.” Two-thirds (67%) of victims believed the court’s response was “just right”. Twenty-three percent believed it was “too easy”. Only 10% believed the court’s response was “too harsh”. In contrast, only 2% of defendants thought that the court’s response was “too easy.” Almost 40 percent of defendants thought the court’s response as “too harsh.” The majority (58.3%) of defendants thought that the court’s response was “just right”.

Victims and defendants were then questioned about the bond restrictions, such as “no contact provisions.” The majority of both victims and defendants cases had no contact provisions in place. Approximately 71 percent of victims stated that the court’s enforcement of bond restrictions was “just right.” In contrast, roughly 53 percent of defendants stated that the court’s enforcement of bond restrictions was “too harsh.” Forty-six percent of defendants, however, thought the enforcement was “just right.” Only 7 percent of victims and none of the responding defendants believed that the enforcement was “too easy”.

After the completion of the survey victims and defendants were asked what could be done to improve the court experience. Twenty-three victims (46%) stated that nothing could be done to improve the court. Two victims had positive comments regarding the court. One victim stated, “In my case, things were just right.” Twenty-one defendants (42%) either declined to answer or stated that nothing could be done to improve the experience. The one defendant who had a positive response stated that the court was “doing the best they can.”

The most frequent recommendations for improving the court for victims involved improving communication. One victim recommended, “Better communication with the victim. No one sat down with you to explain the process.” Another victim stated, “Make sure details of non-contact provisions are explained.” Three victims (6%) believed that the victim should decide whether an arrest is made or a defendant is prosecuted for domestic violence. One victim stated, “If the victim doesn’t want to prosecute then the court should listen.” Another simply stated, “Victims change their minds.”

Two victims recommended more serious penalties for those convicted of domestic violence. One victim stated, “First offense should be one year incarceration. If the defendant is out on bond and they violate, they should be arrested.” Another victim stated, “They need to get

a more serious offense so there won't be a second or third time." One victim disagreed that the court was too lenient. She recommended the court "allow people to make one mistake."

There were various other recommendations made. One victim did not like how the presiding judge treated her. She stated, "Judges shouldn't blame the victims." One victim believed the waiting time was too long and that the court was disorganized. Another victim wanted more privacy. She suggested that the court "put up a wall so that the entire courtroom doesn't hear your story." One victim said that she was unable to hear the judge or what was going on in her case.

Even though half of the victims had negative comments or recommendations for improvement, many of the issues they addressed were not under the control of the court (e.g. harshness or leniency in the law). Also, the other half either said the court could not be improved, or they made a positive comment regarding their experience with the court. While there may be some communication issues to be resolved, the overwhelming majority of victims believed that the outcome of their case was fair and reported being treated with respect and dignity. Overall, victims expressed satisfaction with the court through their responses to the questions in the survey.

The majority of the defendants (56%) expressed some dissatisfaction about some phase of the court process. The most common suggestion involved changing the law or changing bond restrictions. For example one defendant stated his concern with the domestic violence law: "The determination of domestic violence could be reconstructed. There's no leeway. It's a one-sided law." Five defendants criticized the use of no contact provisions in bond restrictions. One defendant stated, "The victim is pregnant with my child and I couldn't attend the first doctor's

appointment.” Another defendant stated, “Bond restrictions are too harsh, if both the victim and defendant agree then contact should be allowed”

Additional suggestions made by defendants included three defendants’ (6%) recommendation to change counseling to allow for couples counseling instead of individual counseling. Five defendants (10%) criticized the provisions of the domestic violence laws. One defendant expressed concern with the federal penalties associated with a domestic violence conviction. He stated the following:

No firearms after a conviction is bad in South Carolina. They’re needed to hunt and fish. What am I supposed to do for meat? What if I come across a snake? Now that’s a safety issue. They should consider the severity of the offense. I could see if I beat my wife, but I just got in a fight with my brother.

Four defendants (8%) criticized law enforcement in their cases, either stating that law enforcement has too much discretion or accusing law enforcement of misconduct. One defendant stated, “The police had too much leeway for what he thought was CDV.” Another defendant was denied pretrial intervention because the sheriff’s deputy in the case did not approve. The defendant’s frustration was evident in the following statement: “Stop judging people on what they [law enforcement] think. Let the law handle that. No PTI with no record because the officer felt I didn’t deserve it. I got charged with the max!”

A majority of defendants had negative comments or recommendations for improvement of the court. Some of the recommendations made by defendants were not directly under the control of the court (e.g. legislative provisions). Despite their criticisms, most defendants were generally favorable about their interaction with the court. Over two-thirds believed the outcome of their case was “fair and just.” Eighty-six percent reported being treated with “respect and dignity by the court.”

## **Summary**

Overall both victims and defendants suggested a high rate of satisfaction with the CDVC. The majority of victims and defendants, for example, thought that their case was handled in a fair, good, or excellent manner. Importantly, both victims and defendants on average thought that they had been given adequate time to explain “their side of the story” and that the outcome of their case was “fair and just.” Additionally, the majority of victims and defendants thought they were treated with respect and dignity by the court. These interviews highlight the fact that the court is successful in giving individuals involved in domestic violence cases the perception that they had some voice in their case and that they were treated fairly. These findings are important because they may indicate that victims will be more likely to seek prosecution in the future or, alternatively, they may encourage other victims to prosecute. Additionally, it is important that defendants feel that they were treated fairly if they are going to abide by court sanctions and reform their behavior.

## **ENDNOTES**

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<sup>1</sup> Sistercare, Inc., the women’s shelter in Lexington County, receives referrals from their crisis line, medical personnel, law enforcement officers, investigators, and Law Enforcement Victim Advocates (LEVA’s) from the Sheriff’s Department.

<sup>2</sup> The interview with the mental health specialist was conducted at the Lexington County Department of Mental Health.

## **OUTCOME EVALUATION**

### **Scope and Methodology**

The outcome evaluation component of this project was designed to answer questions regarding the court's overall impact on domestic violence in Lexington County, as well as the court's impact on individual cases compared to cases that were handled in traditional Lexington County Magistrates Courts prior to the establishment of the CDVC.

Data for this aspect of the study were collected three ways. First, arrest data for criminal domestic violence, simple assault, and aggravated assault were converted into monthly totals so that a time series analysis of domestic violence before and after the establishment of the CDVC could be conducted. Second, an address file was created from the arrest database for all domestic violence cases. This file was converted into a geographic file for an analysis of the spatial distribution of domestic arrests before and after the establishment of the CDVC. Third, two separate samples of two hundred domestic violence cases were randomly drawn from a historical comparison sample of cases that were processed in traditional magistrates courts and a sample of cases that were processed after the establishment of the CDVC.

### **TIME SERIES**

To examine the general impact of the CDVC on domestic violence in Lexington County, an intervention analysis was used. The intervention analysis addressed the following question: 1) Did the CDVC have an impact on domestic violence arrests over time? In this context the monthly frequency of criminal domestic violence for years 1997 through 2001 was examined (N=60). Because it is possible that the establishment of the CDVC could lead law enforcement officers to reclassify simple assaults and aggravated assaults between intimates as criminal domestic violence cases or vice versa, we included simple assault and aggravated assault as

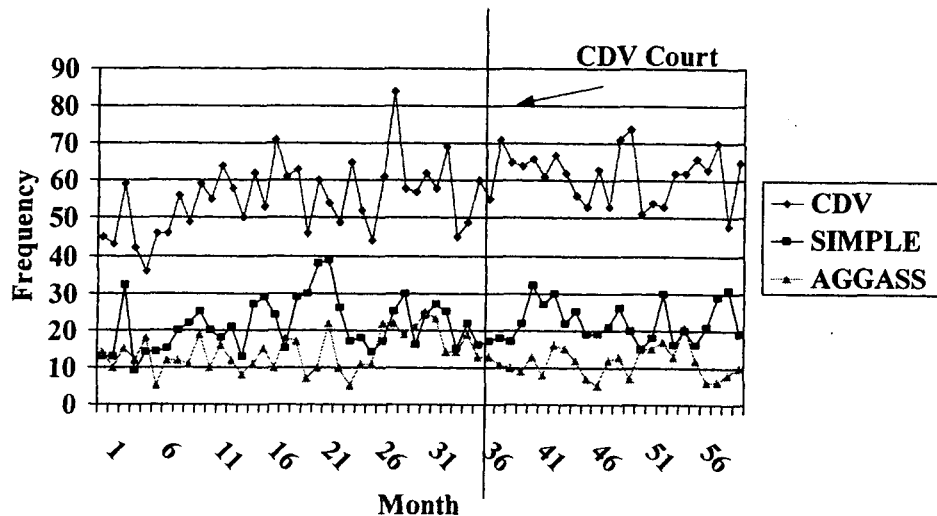
comparison groups. If reclassification occurs then changes in criminal domestic violence after the establishment of the court should be reflected in changes in simple and aggravated assault. For the time series analysis we examined criminal domestic violence for the thirty-four months before the establishment of the CDVC (Jan. 1997 to Oct. 1999) and the first twenty-six months the court was in operation (Nov. 1999 to Dec. 2001). This time series model can be diagrammed as:

O <sub>CDV1</sub>	O <sub>CDV2</sub>	O <sub>CDV3</sub>	O <sub>CDV4</sub>	O <sub>CDV5</sub>	X	O <sub>CDV6</sub>	O <sub>CDV7</sub>	O <sub>CDV8</sub>	O <sub>CDV9</sub>	O <sub>CDV10</sub>
O <sub>SIM1</sub>	O <sub>SIM2</sub>	O <sub>SIM3</sub>	O <sub>SIM4</sub>	O <sub>SIM5</sub>		O <sub>SIM6</sub>	O <sub>SIM7</sub>	O <sub>SIM8</sub>	O <sub>SIM9</sub>	O <sub>SIM10</sub>
O <sub>AGG1</sub>	O <sub>AGG2</sub>	O <sub>AGG3</sub>	O <sub>AGG4</sub>	O <sub>AGG5</sub>		O <sub>AGG6</sub>	O <sub>AGG7</sub>	O <sub>AGG8</sub>	O <sub>AGG9</sub>	O <sub>AGG10</sub>

CDV represents domestic violence arrests (the outcome variable of interest). SIM and AGG represent the control series of simple assault and aggravated assault arrests. If changes in domestic violence arrests (increasing or decreasing) are simply the result of reclassification then simple and aggravated assault trends should move in the opposite direction. However, if the effects of the CDVC are unique to domestic violence then changes should occur only in the domestic violence series. The actual time series trends for domestic violence, simple assault, and aggravated assault are displayed in figure 3.1.



Figure 3.1. Monthly Time Series



### Before-After Comparison

Prior to conducting the intervention analyses the time series were compared using a simple before-after comparison of the average monthly number of arrests. The results displayed in table 3.1 indicate that the average monthly number of domestic violence arrests after the establishment of the CDVC increased significantly. The average monthly number of arrests for domestic violence was approximately 55 in the pre-court period compared to 61 in the post-court period ( $t = -2.55; p < .05$ ). In contrast, there were no changes in simple assault. The average monthly number of arrests for simple assault was roughly 21 before and after the court was established. Aggravated assaults did, however, decrease in the post-court period. The average monthly number of aggravated assaults pre-court was approximately 14 compared to 12 in the

post-court period ( $t=1.89$ ;  $p<.05$  – one tailed). A simple comparison of average arrest numbers between time periods, however, cannot determine if a true causal relationship exists. It is possible, for example, that a positive trend in domestic violence arrests (autocorrelation) would lead one to assume that the intervention of the court had a statistically significant effect when in fact it had not.

TABLE 3.1. Comparison of Monthly Arrests Before and After CDVC (N=384)

Average Monthly Arrests	Pre-CDVC (n=34)	Post-CDVC (n=26)	T-test
Domestic Violence	55.35	60.92	2.44*
Simple Assault	21.58	21.84	-.15
Aggravate Assault	14.14	11.76	1.89

\*Statistically significant change ( $p < .05$ ).

### ARIMA Intervention

In order to obtain a more rigorous estimate of the effects of the CDVC on domestic violence in Lexington County, the data were analyzed as a set of interrupted time-series experiments. The time series analysis involved a quasi-experimental design that rules out a number of rival hypotheses (Cook & Campbell, 1979). This method of analysis has been used in many other areas of policy research, such as drunk driving crackdowns and changes in firearms policies (Loftin & McDowall, 1984; McDowall et al., 1992), and is one of the strongest quasi-experimental methods of examining the impact of policy interventions (Campbell & Stanley, 1966).

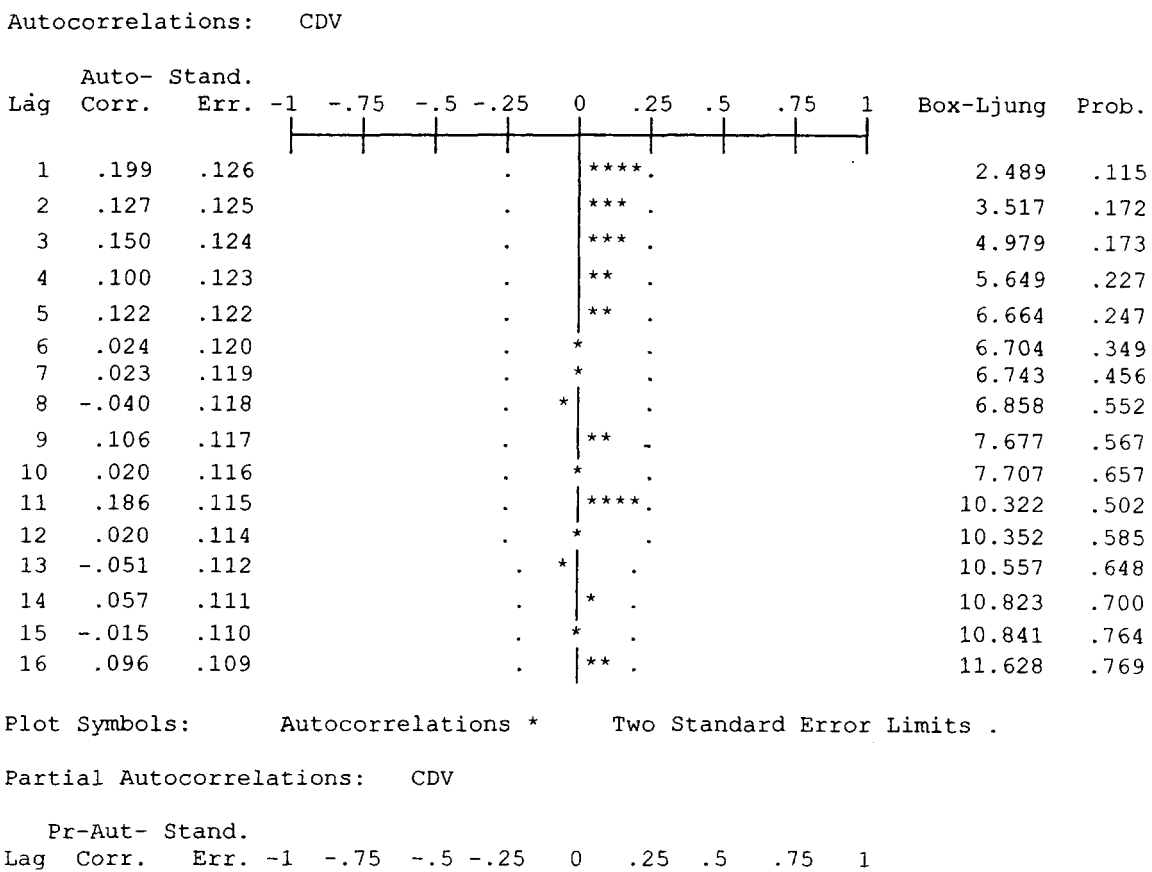
To reduce the chance of historical threats, we include a control series in the analysis. Domestic violence arrests were compared to simple and aggravated assaults arrests. If the experimental series of domestic violence arrests increased or decreased in the post-court period while the control series remained stable, one can conclude that the establishment of the court had an effect. If all three series increased or decreased, one can conclude that the introduction of the court was confounded with history. While this method is inferior to a no-treatment comparison group for ruling out alternative explanations, it does provide a defensible method for analyzing the impact of the domestic violence court (see Loftin & McDowall, 1984). Because Lexington County is different from other neighboring counties in terms of its demographic make-up and crime rates it was not possible to find a no-treatment comparison group.

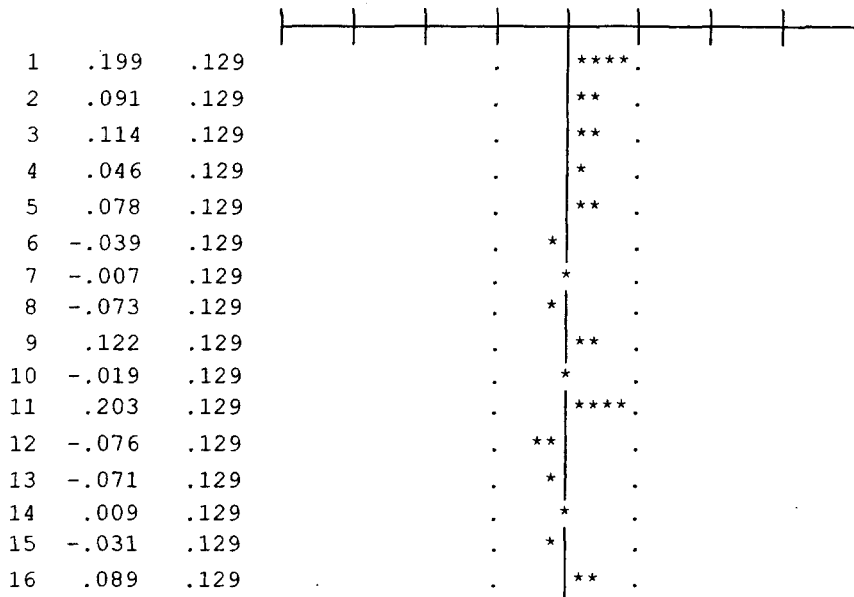
The interrupted time experiments were conducted using Autoregressive Integrated Moving Average (ARIMA) noise models (Enders, 1995). The ARIMA models examine whether the effects of the court had an abrupt permanent effect on criminal domestic violence in Lexington County (McCleary et al., 1980; McDowall et al., 1980). Intervention models provide a test that the event (e.g., the establishment of the domestic violence court) had an impact on the “social process measured as a time series” (McCleary & Hay, 1980; p. 142). In other words, this method tested whether the CDVC had an impact on the monthly time series of domestic violence, simple assault, and aggravated assault.

The intervention models were built in two stages. First, this procedure begins with the identification of the appropriate ARIMA noise model to control for the effects of nonstationarity and autocorrelation in the data over time. Autocorrelation and nonstationarity are systematic effects that would affect the time series through the pre and post-court time periods. If nonstationarity and autocorrelation are not systematically controlled for then inferences about the

effects of the court may be incorrect. For the identification of the appropriate univariate noise model we used the Box-Jenkins methodology. The first step to the methodology involves analyzing the autocorrelation function (ACF) and partial autocorrelation function (PACF) (McDowall, McCleary, Meidinger, & Hay, 1980). From a review of the ACF and PACF on the first 25 lags in the domestic violence series it was apparent that autocorrelation was not present in the series (see Figure 3.2). In fact, the ACF and PACF indicate that the series is white noise. Therefore, for the criminal domestic violence series, the use of an ARIMA intervention model is unnecessary and a standard ordinary least squares model is sufficient.

**Figure 3.2. Autocorrelation Function and Partial Autocorrelation Function of Criminal Domestic Violence.**

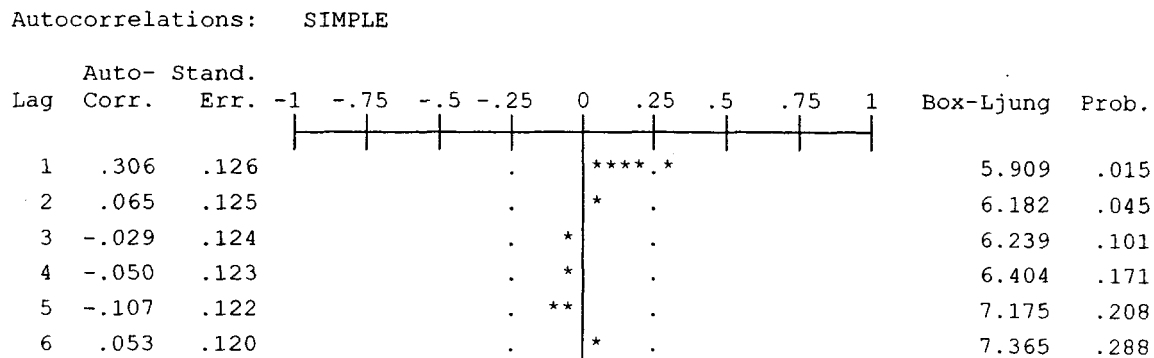




Plot Symbols:            Autocorrelations \*            Two Standard Error Limits .

For the simple assault series, however, an examination of the ACF and PACF indicated that the series were autocorrelated. From a review of the ACF and PACF it was apparent that the series follow a first order autoregressive process AR (1). This is apparent because the first two lags in the ACF are statistically significant and in the PACF the first lag dominates the series (see Figure 3.3). Similarly, review of the ACF and PACF for the aggravated assault series reveals a similar AR (1) process.

**Figure 3.3. Autocorrelation Function and Partial Autocorrelation Function of Simple Assaults.**



7	-.051	.119	.	*	.	7.546	.374
8	-.078	.118	.	**	.	7.980	.435
9	-.061	.117	.	*	.	8.247	.509
10	.093	.116	.	**	.	8.885	.543
11	-.078	.115	.	**	.	9.345	.590
12	.169	.114	.	***	.	11.556	.482
13	.043	.112	.	*	.	11.705	.552
14	-.149	.111	.	***	.	13.511	.487
15	-.378	.110	****	***	.	25.341	.046
16	-.121	.109	.	**	.	26.576	.046

Plot Symbols: Autocorrelations \* Two Standard Error Limits .

Partial Autocorrelations: SIMPLE

Lag	Pr-Aut-Corr.	Stand. Err.	-1	-.75	-.5	-.25	0	.25	.5	.75	1
1	.306	.129					****	*			
2	-.031	.129				*					
3	-.045	.129				*					
4	-.029	.129				*					
5	-.089	.129				**					
6	.124	.129				**					
7	-.115	.129				**					
8	-.048	.129				*					
9	-.017	.129				*					
10	.124	.129				**					
11	-.152	.129				***					
12	.243	.129				*****					
13	-.107	.129				**					
14	-.173	.129				***					
15	-.307	.129			*	*****					
16	.096	.129				**					

Plot Symbols: Autocorrelations \* Two Standard Error Limits .

For the second step of model identification, the process for the simple assaults and aggravated assault series were estimated following an AR (1) process. This estimation is a simple ordinary least squares estimate with the number of simple or aggravated assaults (pre-intervention) explained by the average mean value as the intercept term and the slope coefficient of the lag valued. Results for these estimates are displayed in table 3.2. The findings indicate

that the AR (1) model provides a good estimate of both simple assault and aggravated assault. In both models the coefficient of the lag value is statistically significant and falls within the bounds of stationarity (meaning the coefficient value is greater than zero and less than one) (McDowall et al., 1980).

TABLE 3.2. Intervention Diagnostics for First Order Autoregressive Model (N=60)

Series	Estimate (lag 1)	z-value	95% Confidence	
			Lower	Upper
Domestic Violence	.20	1.53	-.05	.46
Aggravated Assault	.27*	2.08	.01	.54
Simple Assault	.31*	2.85	.09	.52

\*Statistically significant ( $p < .05$ ) with 95% confidence

Now that all three series have been identified the effects of the domestic violence court on domestic violence, simple assault, and aggravated assault are estimated by adding the intervention effect. A change in the level of the series following the inception of the domestic violence court should show up in the estimates of the intervention model if the court had an effect. The most parsimonious model was estimated for each of the three time series – an abrupt permanent change model. Table 3.3 displays the results for the three intervention models. The intervention coefficient represents the change in the number of monthly arrests for each series following the introduction of the court. The main conclusion that can be gleaned from the analysis is that the introduction of the criminal domestic violence court in Lexington County had a statistically significant positive effect ( $z = 2.42$ ) on the number of domestic violence arrests. The coefficient interpretation suggests that the court increased domestic violence arrests by 5.57

arrests per month on average. In contrast, there is little evidence that the introduction of the court had any effect on either simple assault or aggravated assault arrests.

**TABLE 3.3. Summary of Intervention Analysis (N=60)**

Series	Estimate	z-value	95% Confidence	
			Lower	Upper
Domestic Violence	5.57*	2.42	.69	10.44
Aggravated Assault	-2.14	-1.26	-5.47	1.17
Simple Assault	.60	0.23	-4.41	5.63

\*Change statistically significant ( $p < .05$ ) with 95% confidence.

These results indicate that the establishment of the domestic violence court had a significant effect on increasing the number of domestic violence arrests in Lexington County over time. These findings lead us to the conclusion that the establishment of a centralized court for processing domestic violence cases increased the responsiveness of law enforcement officers to this issue. The fact that the series for simple assault and aggravated assault remained the same before and after the establishment of the court suggests that the increase in domestic violence arrests is not an artifact of charge displacement. There is clear and convincing evidence that the court increased the response to domestic violence.

### **SPATIAL ANALYSIS**

This study also examined the extent to which domestic violence incidents and simple assaults are clustered within specific geographic boundaries. The court was established to have a specific impact on domestic violence. One would expect that this impact would be felt most in areas prone to domestic violence. The objective of the spatial analysis component, therefore,



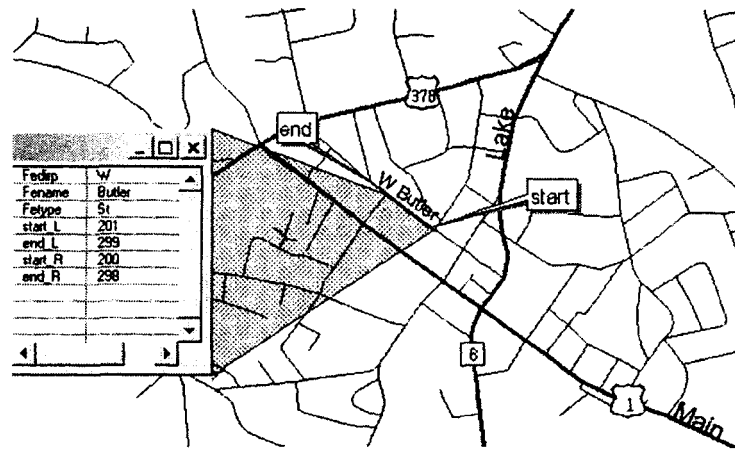
was to examine whether the CDVC affected the spatial dynamics of domestic violence and simple assault in areas of high domestic violence. Additionally, this analysis examined whether there were patterns of displacement in domestic violence incidents as a result of the establishment of the court. The spatial analysis provided a quality control check on the aggregate interrupted time series analysis. It is possible, for example, that the positive influence of the court on the overall number of domestic violence arrests over time was not felt in specific areas. In other words, it is possible that certain areas (clusters) in Lexington County remain at the same problematic levels of domestic violence. Therefore, the spatial analysis examined whether the spatial patterns of domestic violence moved from “hot spot” clusters to more widely spread out incidents or vice versa.

### **Sample and Procedures**

All domestic violence arrests in Lexington County for years 1997-2001 were geocoded in an effort to examine how the CDVC affected the spatial dynamics of arrests before and after the establishment of the court. The address data for domestic violence arrests from 1997-2001 were converted into a geographic information system (GIS) database and plotted using ArcView 3.3 software. These data points were then aggregated to census block group boundaries to provide “area” prevalence estimates of the number of incidents per 1000 residents in a block group (see Figure 3.4). Also, the spatial density of domestic violence arrests were examined to identify clusters or “hot spots” of domestic violence. These clusters were then aggregated into the period before and after the implementation of the court to examine whether the “hot spots” of domestic violence had changed over time. This analysis provided a spatial assessment of the impact of the court on domestic violence over time.

The data sources for the spatial analysis involved integrating the arrest database from the Lexington County Sheriff's Department with the TIGER 2000 from the U.S. Census Bureau. The TIGER 2000 provided the road centerlines and addresses ranges, the block group boundaries, and population figures. ArcView's geocoding procedure used the road centerlines (and associated address ranges) to locate each record in the crime data. Default values were taken for all matching parameters (spelling sensitivity = 80% and minimum match score = 60%). This matching process used an address range (i.e. the 200 block of W. Butler St.) to locate a specific address. Thus address 233 would be interpolated to be 33% of the length of the block, starting at 200, and located on the proper odd/even side of the street. All matching records were offset 10 meters from the road centerline. The results of the geocoding procedure indicated a 92% match rate (3,816 out of 4,165). The eight percent of cases that didn't match (N=340) were due to unspecified addresses, such as P.O. boxes, hotel names, and mobile home parks.

**Figure 3.4. Census Block Group Geocoding**



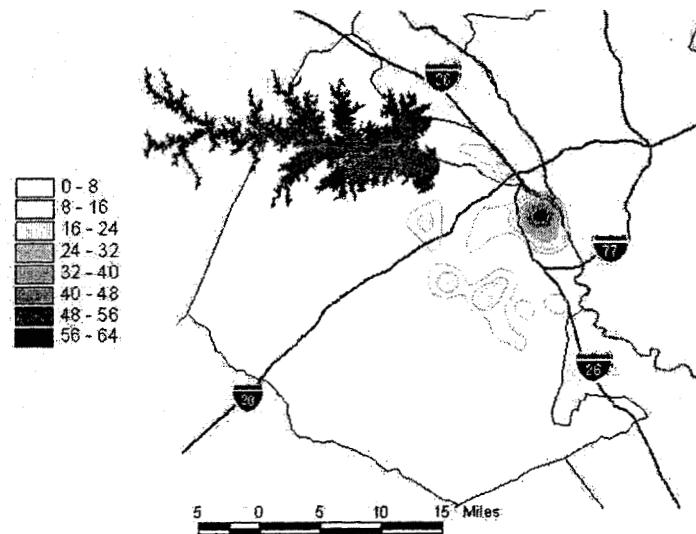
Located address records were assigned to block groups based on a “point in polygon” procedure available in ArcView. This process used the *shape* field in the database to determine which polygon each point falls inside. Subsequent tallies for each time period used the block group ID to summarize counts subset from the entire database. For the block group aggregation maps, these counts were divided by the 2000 population of the block group to create a standardized rate of domestic violence (e.g., 5 domestic crimes / 200 people \* 1,000 = 25 domestic crimes per 1000 residents).

Density maps were created with ArcView’s spatial analysis extension. This procedure uses individual point locations to create an estimated surface. A cell size of aggregation was chosen (800 meters for this data set) and a search radius (1.5 or 3 miles, depending on the number of points in the subset) was chosen from which the aggregation count is determined for each cell. The Kernel method of distributing the observed sum of points within a cell was used to create a smoother surface. Resulting density values reported are expressed as “domestic violence arrests per sq. km.”

## **Findings**

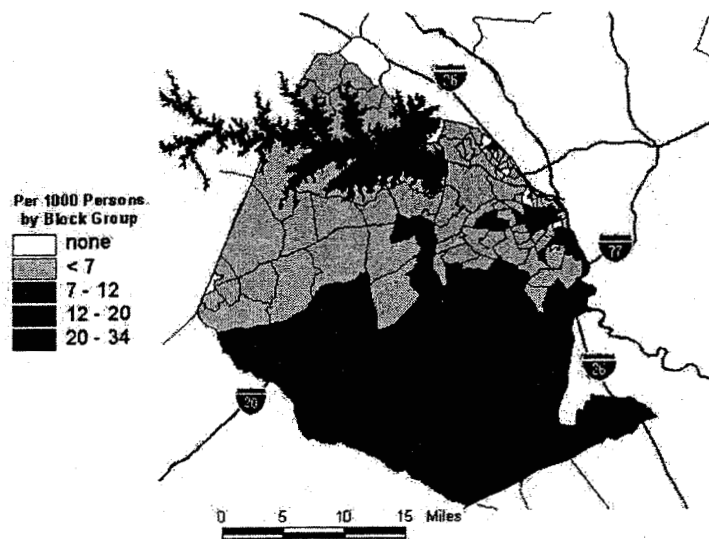
First, we examine the spatial analysis of the overall patterns of domestic violence arrests in Lexington County for years 1997-2001. Map 1 provides a map of the entire county and the spatial distribution of domestic violence arrests for the five-year period (1997-2001). From a visual display of this map it is difficult to see any clear spatial pattern. Map 2 presents spatial distribution for domestic violence at the block group level (prevalence rates). What immediately becomes apparent is that a disproportionate share of domestic violence arrests occurred in the southern half of Lexington County. Map 3 presents the spatial density of domestic violence

**Map 3. Density of Domestic Violence 1997-2001**

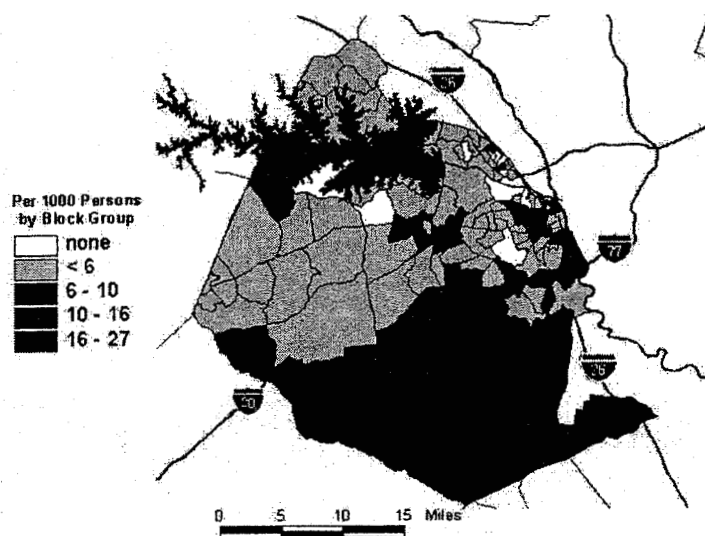


Second, the geographic data were divided into the period before and after the court's inception.<sup>1</sup> This analysis examined whether this spatial pattern changed before and after the establishment of the court. The time series analysis indicated a statistically significant increase in domestic violence arrests as a result of the court – the intent of this analysis was to examine if this temporal relationship was also revealed in the spatial distribution of domestic violence cases. It is possible, for example, that the court caused an increase in domestic violence in some areas but a reduction in others. Increased enforcement of domestic violence could cause a reduction of domestic violence in some areas and an increase in others. Maps 4 through 6 present the spatial distribution of domestic violence arrests before and after the establishment of the CDVC.

**Map 4. Prevalence of Domestic Violence Prior to CDV Court**

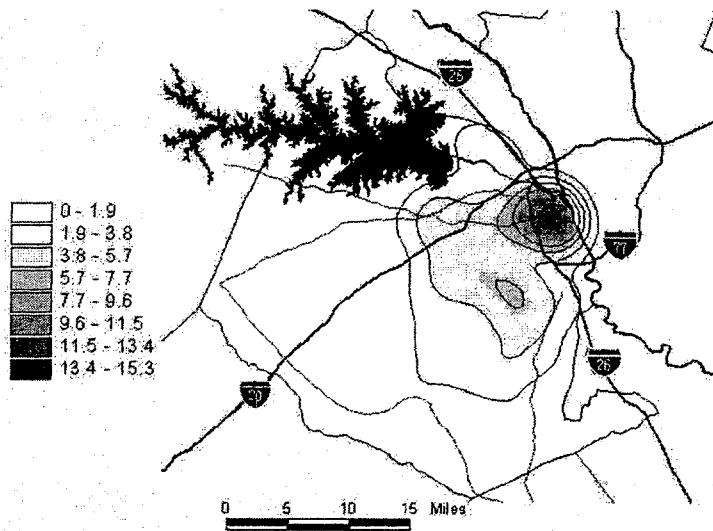


**Map 5. Prevalence of Domestic Violence After CDVC Court**

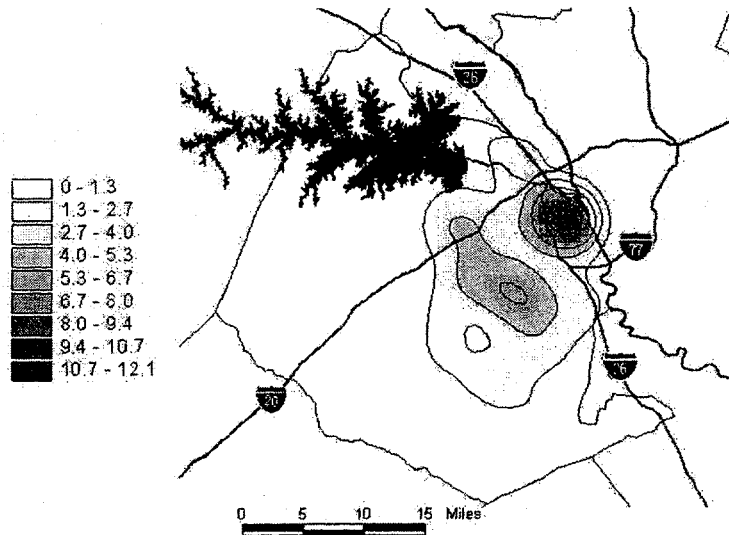


Maps 4 and 5 present the rate of domestic violence per block group in the period before and after the establishment of the CDVC. These maps indicate that the prevalence of domestic violence remains high in the southern region of Lexington County. For example, both before and after the establishment of the CDVC the block groups with the highest rate of domestic violence per 1,000 residents are within the same southern region of the county. For example, the block group with the highest rate of domestic violence in the pre-court period is located in the West Columbia area of the southern region of Lexington County. The block group with the highest rate of domestic violence in the post-court period is located in the adjacent block group in the West Columbia area. Therefore, from a review of the prevalence per block group estimates, it doesn't appear that any significant displacement in criminal domestic violence has occurred.

**Map 6. Density of Domestic Violence Prior CDV Court**



**Map 7. Density of Domestic Violence After CDV Court**



Maps 6 and 7 present the Kernel density analysis of criminal domestic violence before and after the establishment of the CDVC. These maps indicate that the epicenter of domestic violence was the same before and after the establishment of the CDVC. The density of domestic violence, however, decreased in the post-court period. During the pre-court period the high spatial density was 13.4 and 15.3 and during the post-court period the highest spatial density was 10.7 to 12.1 arrests per square mile. It is noteworthy, however, that the follow up period was shorter in the post-CDVC period. It does appear that domestic violence arrests have spread further apart in the southern region of Lexington County. Interestingly, these maps suggest that the CDVC may have had a slight contagion effect on the enforcement of criminal domestic violence, which is consistent with the aggregate increase in monthly domestic violence arrests that occurred in the post-court period.

It is not surprising that that domestic violence remains a stable phenomenon in the southern region of Lexington County. Conversations with court officials and domestic violence investigators during the course of this study consistently referred to southern Lexington County as the “hot bed” of domestic violence. Interestingly though, the findings indicate that the effect of the court in increasing the response to domestic violence spread to areas adjacent to the pre-court “hot spots.” These findings, therefore, indicate that during the first two-years following the establishment of the court that problematic clusters of domestic violence remain the same and have expanded slightly. These results lend further support to the time series analysis and suggest that the establishment of a specialized domestic violence court has resulted in increased enforcement. The increase in domestic violence is not a result of charge displacement. Simple assault represents the closest charge to misdemeanor domestic violence, yet the spatial and temporal patterns remained stable before and after the establishment of the CDVC. These maps indicate, therefore, that in terms of prevention, the Lexington County Sheriff’s Department and victim advocate groups should place increasing efforts on outlining prevention strategies for these problem areas of the county.

An aggregate-level analysis, however, cannot determine the actual effect of the CDVC on repeat offending. Clearly, the establishment of the therapeutic court was intended to reduce domestic violence among those referred to court for criminal domestic violence. To address this question we conducted an individual-level recidivism analysis of cases processed through the domestic violence court.



## **RECIVIDISM**

### **Procedure**

In an effort to examine the impact of the Lexington County Criminal Domestic Violence Court on individual case outcomes a recidivism analysis was conducted on a random sample of 400 criminal domestic violence cases. A simple random sample of 200 cases was drawn from the Lexington County Sheriff's Department's arrest database that occurred between January 1997 and June 1999. This sample represented the historical comparison group of cases that were processed through the magistrates courts in Lexington County prior to the establishment of the CDVC. This sample period was chosen to provide the closest time comparison and to insure that cases were disposed of before the inception of the CDVC. The experimental group comprised of a simple random sample of 200 domestic violence arrest cases that occurred between December 1999 and December 2000 and which were processed through the CDVC. The overall recidivism analysis, therefore, included a final sample of 400 cases (200 control and 200 treatment).

### **Explanatory Measures**

From the hard copies of the arrest case files, research staff coded information on each domestic violence case. The following information was included: (1) race of offender; (2) age of offender; (3) gender of offender; (4) employment status; (5) time in jail prior to trial; (6) domestic violence criminal history; (7) number of charges pending; (8) diversion or court disposition.<sup>2</sup> Race of offender was dummy coded '1' if the suspect was Black.<sup>3</sup> The gender of the offender was coded '1' for females and '0' for males. Employment status was dummy coded '1' if the offender was unemployed. Domestic violence criminal history represented the number of prior domestic violence offenses. Number of charges pending represented the number of

charges a defendant received on the given domestic violence case. Diversion or court disposition was dummy coded '1' if the defendant was diverted from court into pretrial intervention.

### **Outcome Measure**

Each case was followed for an eighteen-month period post arrest. Each case was censored at exactly 551 days post arrest. This procedure ensured that each case has exactly the same exposure time (Schmidt & Witte, 1988). Post disposition re-arrest data for domestic violence offenses were then collected through examination of arrest records. Re-arrests for domestic violence, simple assaults, or aggravated assaults involving intimates were included as failures. This measure, therefore, is limited to only cases of reported abuse.

### **Sample Characteristics**

Table 3.4 presents descriptive level data for the historical control group and the domestic violence court sample. Fourteen cases were dropped from the analysis because they involved domestic violence against a minor and would have been processed in family court. The final sample, therefore, resulted in 386 cases. In general the two samples resembled each other. No differences were found between the pre-CDVC and CDVC sample with regard to age, race, gender, employment status, the number of charges, prior domestic violence history, and pretrial intervention. The average age of an offender was approximately 34 years old in both samples. In both samples roughly 20 percent of the offenders were unemployed. The majority of offenders did not have prior domestic violence arrests. The only statistically significant difference between the two samples was for the recidivism measure. In terms of recidivism, 19 percent of the pre-CDVC sample were re-arrested for a domestic violence offense during the follow-up period compared to only 11.6 percent of the CDVC sample ( $t= 2.00$ ;  $p<.05$ ).

**TABLE 3.4. Sample Comparison of Baseline Data (N=384)**

Characteristic	Pre-CDVC (n=189)	SD	CDVC (n=197)	SD	T-test
African-American	26.9%		25.3%		
Female defendant	12.7%		13.2%		
Mean days in jail pretrial	4.14	11.19	5.00	20.33	
Mean age of offender	33.5	8.89	33.62	9.91	
Employed	82.5%		80.8%		
Pretrial diversion	57.1%		56.3%		
Mean number of charges	1.19	.53	1.20	.73	
Mean prior domestic	.34	.79	.48	.97	
Recidivism	19.0%		11.6%		2.00*

\*Statistically significant difference ( $p < .05$ ).

Together these descriptive data show that the control and treatment groups closely resembled each other in terms of personal background factors. While the recidivism rate for both groups was relatively low, the CDVC sample had a significantly lower rate of recidivism.

### **Findings**

To more accurately isolate the effects of the domestic violence court on recidivism a logistic regression model was used. This model estimates the impact of the court, controlling for prior domestic violence history, number of charges, pretrial diversion, employment status, race, gender, and the number of days in jail pre-trial. Table 3.5 displays the results from the logistic regression model. The findings indicate that only three measures are significant predictors of recidivism. Defendants with more extensive domestic violence histories are significantly more likely to recidivate, holding all other factors constant. The findings indicate that an additional prior domestic violence arrest increased the odds of recidivism by 46 percent. Those with a greater number of charges filed were also significantly more likely to recidivate. Specifically, an additional charge increased the odds of recidivism by 77 percent. In contrast, defendants who went through the domestic violence court were significantly less likely to recidivate. Being

processed through the domestic violence court decreased the odds of recidivism by 50 percent. The results from the logistic regression model provide strong evidence for the effectiveness of the court in reducing recidivism for domestic violence.

**TABLE 3.5. Logistic Regression of Official Recidivism (n=378)**

Variable	Coefficient (B)	Odds
African-American	-.29 (.36)	.78
Female defendant	-.61 (.56)	.53
Days in jail pretrial	-.01 (.01)	.98
Age of offender	-.01 (.01)	.98
Employed	-.09 (.40)	.90
Pretrial Diversion	.03 (.30)	1.04
Number of charges	.57 (.22)	1.77*
Number of prior domestic	.38 (.14)	1.46*
CDV court	-.68 (.30)	.50*
Log likelihood	-150.58*	

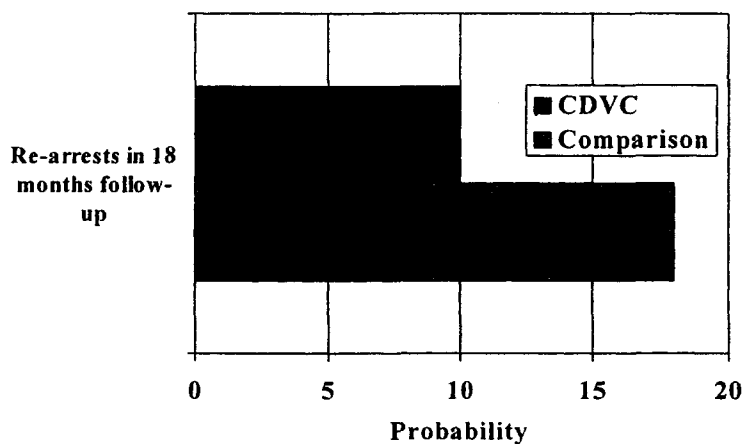
Note: Standard errors in parentheses. Eight observations were because of missing data.

\*Statistically significant (p<.05).

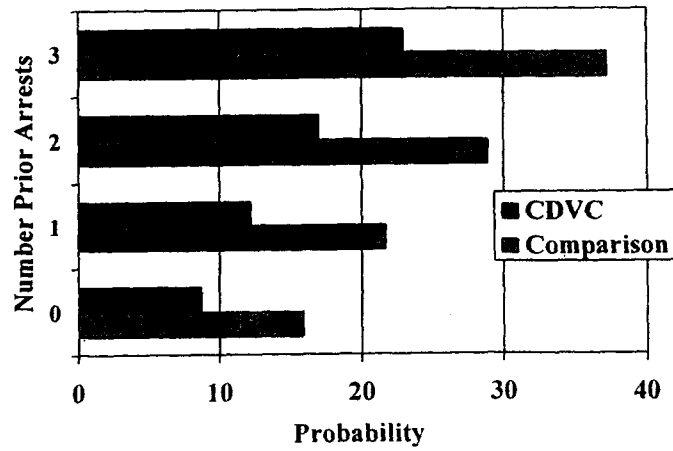
To provide a more meaningful interpretation of these results the estimates were converted into predicted probabilities. This method allows one to examine the effects of isolated factors, holding other variables constant at their mean values (see Long, 1997). These probabilities provide a profile of the effect of the specialized domestic violence court on recidivism, if all other characteristics of an offender were held constant at the average level. In other words, a hypothetical offender who was processed through the domestic violence court compared to the historical control group who was average on all other factors. The results from a series of predicted probabilities are displayed in Figures 3.5. The predicted probability of being re-arrested for domestic violence was 18 percent for the comparison group and 10 percent for the treatment group, holding all other factors constant at their mean values.

Additionally, the predicted probability of recidivism for the CDVC sample and the comparison group were examined at varying levels of domestic violence criminal history and the number of charges. The findings from these predicted probabilities are displayed in Figures 3.6 to 3.7 and indicate that the probability of recidivism is lower for the CDVC sample than the comparison group for those with higher numbers of prior domestic violence arrests as well as those with a greater number of charges. The predicted probability for recidivism was, for instance, 16 percent for those with no prior arrests for domestic violence in the comparison group and 9 percent for those in the CDVC group. For those with one prior arrest for domestic violence, there was a 22 percent chance of recidivism for the comparison group versus only 12 percent in the CDVC group. In terms of the number of charges, the predicted probability of recidivism for those with two pending charges was 26 percent for the comparison group and only 15 percent for the CDVC group.

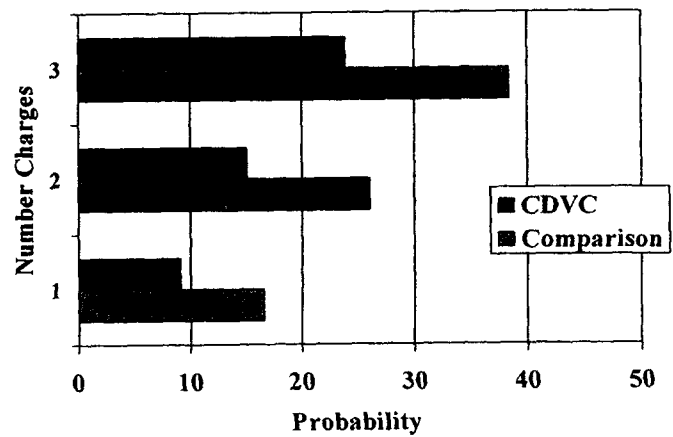
**Figure 3.5. Predicted difference between CDVC and comparison samples on recidivism, all other variables held at mean values**



**Figure 3.6. Predicted difference between CDVC and comparison samples on recidivism by number of prior domestic violence arrests, all other variables held at mean values**



**Figure 3.7. Predicted difference between CDVC and comparison samples on recidivism by number charges, all other variables held at mean values**



In addition to the probability of being re-arrested during the 18 month follow-up period, the predictors of the time to failure was analyzed (i.e., the number of days until re-arrest). A Cox proportional hazards model was estimated that controlled for differences between the comparison sample and the CDVC sample using the predictor variables described earlier. Table 3.6 presents the results from the Cox proportional hazards model. This method analyzes what factors predict the timing (i.e., the number of days) a group member was free in the community before being re-arrested for domestic violence. The proportional hazards model shows a significant reduction in the time to re-arrest for domestic violence for the CDVC sample compared to the historical comparison group. Specifically, these findings indicate that those in the CDVC group have about 53 percent of the risk of those in the comparison group. The findings also indicate that those with prior domestic violence arrests and a greater number of charges were at an increased risk of time to failure.

**TABLE 3.6. Estimates from Proportional Hazards Model of Time to Re-arrest – 18 month Follow-Up (N=378)**

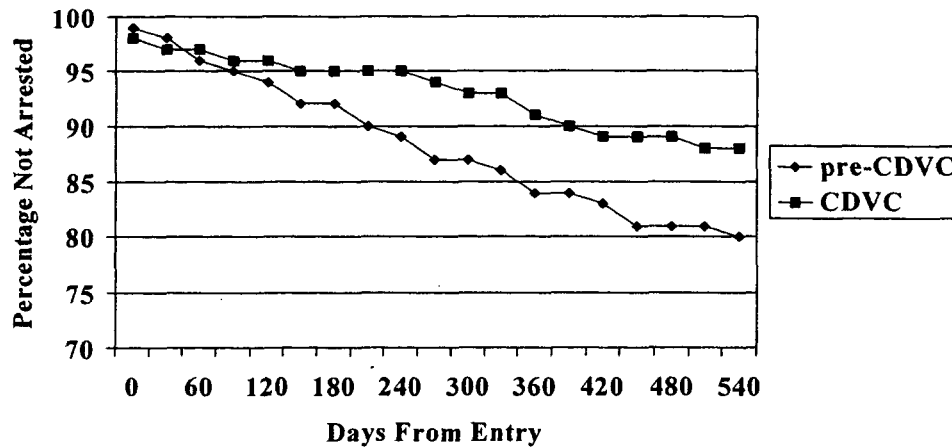
Variable	Coefficient (B)	Exp (B)
African-American	-.22	.79
Female defendant	-.57	.56
Days in jail pretrial	-.01	.98
Age of offender	-.01	.98
Employed	-.06	.93
Pretrial Diversion	.06	1.06
Number of charges	.42*	1.53
Number of prior domestic	.29*	1.34
CDV court	-.63*	.53
-2 Log likelihood	657.52*	

Note: Eight observations were deleted due to missing data.

\*Statistically significant (p<.05).

To provide a graphical depiction of this relationship, the probability of survival for the CDVC sample and the comparison group are plotted in Figure 3.8. It is evident from this graph that the probability of staying arrest free over time is greater for those processed in the CDVC. These findings suggest that, in addition to lowering the overall likelihood that domestic violence offenders will be re-arrested in the 18-month follow-up period and that the CDVC also increased the timing between re-arrests for domestic violence.

**Figure 3.8. Likelihood of Re-Arrest for Domestic Violence**



The findings from the logistic regression model and the predicted probabilities indicate that being processed through the criminal domestic violence court significantly reduced the likelihood that an individual would be re-arrested for a domestic violence offense in an 18 month follow-up period. This effect is not the result of different types of offenders being processed



during the two time periods. Therefore, it appears from the available data that the domestic violence court has a significant inhibitory effect on the likelihood of re-arrest compared to the traditional magistrate court's approach to handling domestic violence cases. These findings cannot be explained by a general decrease in the stringency of enforcement between the two time periods. After all, the time series analysis presented earlier indicated that the general enforcement of criminal domestic violence increased significantly during the post CDVC time period.

## **ENDNOTES**

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<sup>1</sup> Additionally, the spatial and temporal variation of criminal domestic violence and simple assault in ten six-month intervals for years 1997 to 2001. Because this analysis did not reveal any distinctive spatial or temporal trend across periods it was excluded from this report.

<sup>2</sup> The initial plan for data collection included obtaining information on the evidence of alcohol or drug use as well as the severity of injury in the case. However, after reviewing and coding case files it was apparent that there was too much variation in the quality of the incident reports and case files to include this information.

<sup>3</sup> Ninety-nine percent of non-Black suspects were White.

## CONCLUSIONS AND IMPLICATIONS

The majority of domestic violence court evaluations have been conducted in urban settings, although domestic violence is certainly not limited to these areas. The results from this study provide an in-depth evaluation of a domestic violence court located in a rural environment. Therefore, this study provides a unique contribution to the literature.

The results from the process evaluation of the domestic violence court indicate that an effective courtroom workgroup emerged and that important systemic changes occurred in the manner in which domestic violence cases were processed. Specifically, interviews with key court staff suggested that the court had changed the focus of domestic violence prosecution from a traditional passive approach to an active approach that emphasized victim safety, offender accountability, and batterer treatment. The overall perceptions of the victims and defendants interviewed were positive. Victims and defendants generally thought the court staff treated individuals respectfully, felt the judge was concerned with their side of the story, and that outcomes of their cases were fair and just. These results suggest that centrally focused domestic violence courts that emphasize collaboration between law enforcement officials, prosecutors, judges, and treatment providers can be successfully implemented and change the intervention process through which domestic violence cases are adjudicated.

The results from the impact evaluation suggest that domestic violence can be affected by increasing and coordinating attention from representatives of the criminal justice system. Specifically, recidivism for domestic violence offenders was significantly reduced during a period when the overall number of domestic violence arrests increased.

The findings suggest that evaluations of criminal justice interventions need to examine systemic effects at multiple levels. A focus at only the aggregate level would have suggested that this specialized court was increasing domestic violence, when in fact the probability of re-offending was decreasing. This dual methodological approach emphasizes the importance of understanding the nature of the research and making sure all measures of change are explored.

Results from this study show the effectiveness of a specialized domestic violence court in increasing police responsiveness to domestic violence and reducing recidivism by domestic violence batterers. The results indicate that the police officers and investigators responded to the actions of the court by taking the crime of domestic violence more seriously. The police increased their activities and made more arrests of domestic violence abusers because they saw the CDVC take charges and offenders seriously.

Indeed, these findings underscore the benefits of a coordinated response to domestic violence and the ability of local communities to act in a proactive manner towards the crime of domestic violence. The results from this evaluation also suggest several recommended areas for continual improvement of Lexington County's response to domestic violence, including:

- Bring the mental health official back into the CDVC. Due to budget resources the mental health coordinator no longer attends court regularly. Having the mental health professional in court, however, is crucial because it permits immediate contact with defendant's in need of treatment services and reduces

the chance that they will fail to attend treatment programs necessary for their rehabilitation.

- The development of a model domestic violence policy. A model policy on how sheriff's deputies should respond to domestic violence calls could enhance the ability of the Lexington County Sheriff's Department in their ability to determine primary aggressors in domestic violence cases and also help provide adequate evidence for successful prosecution. Such a policy would include training for road deputies on the dynamics of domestic violence and evidence collection.

Jurisdictions that choose to develop specialized domestic violence courts need to take several steps to assure an effective and efficient outcome. According to the positive outcome findings from this study the following suggestions will help a jurisdiction establish the appropriate design of a specialized domestic violence court.

- Develop communication and coordination among criminal justice and mental health professionals. These professionals must work together to attack the social problem of domestic violence.
- Make sure the efforts of the professional groups are consistent and their message to victims and abusers is that domestic abuse will not be tolerated. Victims should be made to feel safe and offenders should be provided treatment and then punished if necessary.
- Design the efforts of investigators, prosecutors, mental health officials, as well as judges to protect the victim and "treat" those abusers who show some propensity for rehabilitation.

- Incapacitate repeat offenders who are unsuccessful at appropriate treatment efforts.
- Provide sufficient resources to administer the court in a coordinated effort by trained and dedicated investigators, victim advocates, prosecutors, and mental health counselors to address the problem of domestic violence.
- Provide sufficient resources to monitor offenders and assure that they are complying with court orders (e.g., no contact provisions).

While traditional approaches for dealing with domestic abuse and violence have provided little hope, the specialized court system provides evidence that positive change is possible. A serious and coordinated criminal justice response to domestic violence that focuses on a therapeutic jurisprudence philosophy of justice appears to be an effective method of reducing domestic violence recidivism. The court has the ability to determine which offenders need treatment and to make sure they receive what is prescribed. These actions need to be taken by the court because victims can be endangered by any breakdown in the system. With these types of assistance, there is a chance to reduce the incidence of domestic violence. Jurisdictions that undertake such efforts need to plan these efforts in advance and identify the resources and roles that each stakeholder will adopt so that a collaborative interagency strategy toward combating domestic violence can be successfully implemented. Such efforts have proved fruitful in Lexington County, South Carolina and should be replicated in other non-urban settings.

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