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The Judicial Oversight Demonstration

Culminating Report on the Evaluation

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The Judicial Oversight Demonstration: Culminating Report on the Evaluation

This Research for Practice is based on “Final Report on the Evaluation of the Judicial Oversight Demonstration: Executive Summary,” final report to the National Institute of Justice, August 2007, NCJ 219386, available online at <http://www.ncjrs.gov/pdffiles1/nij/grants/219386.pdf>.

Funding for the demonstration sites came from the U.S. Department of Justice, Office on Violence Against Women. Under a separate award from the National Institute of Justice, the Urban Institute conducted an evaluation of the Judicial Oversight Demonstration Initiative, which includes process and impact evaluations.

The opinions and conclusions expressed in this document are solely those of the authors and do not necessarily reflect the views of the U.S. Department of Justice, or the Urban Institute, its trustees or its funders.

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ABOUT THIS REPORT

The Judicial Oversight Demonstration (JOD) was designed to test the feasibility and impact of a coordinated response to intimate partner violence (IPV) that involved the courts and justice agencies in a central role. A national evaluation of JOD began in 2000 with the start of demonstration activities and continued throughout and beyond the intervention period. This report presents an overview of the entire evaluation and presents specific findings from the three JOD sites and from comparison sites.

What did the researchers find?

Highlights of the findings include:

- Victims in all sites were generally satisfied with the response of police, prosecutors and the court, and rated their fairness and impact on future violence positively.
- Victims identified some problems in interactions with justice agencies (such as scheduling conflicts that made court attendance difficult).

- Victims in all sites reported moderately high levels of safety and well-being 11 months after the initial IPV incident.
- JOD reductions in victim reports of repeat IPV were stronger for some types of victims and offenders (see page 11).
- JOD increased offender accountability (e.g., more probation requirements, increased likelihood of conviction).
- JOD did not decrease offender perceptions of the fairness of judges or probation departments, and also did not increase offenders' perceptions of the certainty and severity of the penalties for violations of some court orders.

What were the study's limitations?

See page 5.

Adele Harrell, Christy Visher, Lisa Newmark, and Jennifer Yahner

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In this report, the terms intimate partner violence (IPV) and domestic violence (DV) are used interchangeably to mean violence that occurs between intimate partners.

About the Authors

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The JOD Initiative

In 1999, the Office on Violence Against Women selected three sites for the implementation of a Judicial Oversight Demonstration (JOD) project. In each of these sites — Dorchester, Mass., Milwaukee, Wisc., and Washtenaw County, Mich. — criminal justice agencies and community-based agencies serving victims and offenders formed partnerships to work collaboratively to support an effective response to intimate partner violence (IPV) incidents. The partnerships differed from earlier coordinated community responses to domestic violence (DV) [please see margin note on terminology] by placing special focus on the role of the court, and specifically the judge, in facilitating offender accountability in collaboration with both nonprofit service providers and other criminal justice agencies.

The JOD core elements included:

- *Uniform and consistent initial responses to DV offenses*, including: a) pro-arrest policies, b) arrest of the primary aggressor, and c) a coordinated response by law enforcement and victim advocates.
- *Coordinated victim advocacy and services*, including: a) contact by victim advocates as soon as possible after a DV incident, b) an individualized “safety plan” for the victim, and c) provision of needed services.
- *Strong offender accountability and oversight*, including: a) intensive court-based supervision, b) referral to appropriate batterer intervention programs (BIPs), and c) administrative and judicial sanctions and incentives to influence offender behavior.

Each site implemented the core JOD elements within the context of its local resources, needs and priorities; expanded its existing coordinated community response to include criminal justice agencies; and established regular meetings to develop and implement strategies for interagency coordination. Guided by technical assistance teams and the needs of its jurisdiction, each site reviewed and developed model policies and programs based on experiences in other jurisdictions, recent research and other best practices for IPV cases. Details of these demonstrations can be found in the NIJ Research for Practice, *Pretrial Innovations for Domestic Violence Offenders and Victims: Lessons From the Judicial Oversight Demonstration Initiative* (September 2007, NCJ 216041, available online at <http://www.ncjrs.gov/pdffiles1/nij/216041.pdf>).

A national evaluation of JOD began in 2000 with the start of demonstration activities and continued throughout and beyond the intervention period. Initial findings of the evaluation are discussed in *The Evaluation of the Judicial Oversight Demonstration: Findings and Lessons on Implementation* (June 2008,

NCJ 219077, available online at <http://www.ncjrs.gov/pdffiles1/nij/219077.pdf>). This report presents an overview of the entire evaluation and presents more specific findings from all three sites.

The Evaluation of JOD

Two JOD sites — Dorchester and Washtenaw County — participated in a quasi-experimental evaluation of the impact of the program. IPV cases reaching disposition during JOD were compared to similar cases reaching disposition in Lowell, Mass., and Ingham County, Mich. All IPV cases reaching disposition during the sampling periods were reviewed and included in the sample, if appropriate.¹ To be eligible for the sample, cases had to involve: 1) criminal IPV charges, 2) victims and offenders age 18 or older and 3) victims and offenders who lived in the target jurisdiction at the time of case disposition. Cases that reached disposition more than a year after the incident were excluded to limit loss of data due to poor recall of the facts of the incident and police response. Data for this impact evaluation included: in-person interviews conducted two months after case disposition or sentencing and again nine

months later,² criminal history records from state and local law enforcement records on arrests before and after the sampled IPV case,³ and data on JOD victim services and probation supervision.

Interviews were completed with 1,034 victims (526 from JOD sites, 508 from comparison sites) two months after case disposition and 914 victims (90 percent of the initial interview sample) 11 months after case disposition. Further, interviews were completed with 454

offenders (229 from JOD sites, 225 from comparison sites) two months after case disposition and 366 offenders (84 percent of the initial interview sample) 11 months after case disposition. (See exhibits 1 and 2 for victim and offender sample characteristics.)

The evaluation design of JOD in Milwaukee differed from that of the other two sites. The evaluation in Milwaukee was based on a quasi-experimental comparison of offenders convicted of

Exhibit 1. Victim Sample Characteristics

| | Dorchester (N=307) | Lowell (N=286) | Washtenaw (N=219) | Ingham (N=222) |
|----------------------|-------------------------------|---------------------------|------------------------------|---------------------------|
| Female | 89% | 88% | 92% | 91% |
| Average age | 33.6 | 34.2 | 32.1 | 31.8 |
| Race/ethnicity | | | | |
| White | 10% | 67% | 50% | 49% |
| Black | 64% | 4% | 39% | 32% |
| Asian | 1% | 9% | 1% | 1% |
| Hispanic | 7% | 13% | 1% | 6% |
| Other/multiracial | 18% | 6% | 10% | 13% |
| Has children | 86% | 83% | 76% | 80% |
| High school graduate | 78% | 75% | 88% | 77% |
| U.S.-born | 79% | 78% | 93% | 96% |
| Employed | 47% | 58% | 74% | 61% |

Note: Percentages may not add up to 100 percent due to rounding.

Exhibit 2. Offender Sample Characteristics

| | Dorchester (N=97) | Lowell (N=82) | Washtenaw (N=83) | Ingham (N=103) |
|---------------------------------------|------------------------------|--------------------------|-----------------------------|---------------------------|
| Male | 79% | 84% | 84% | 90% |
| Average age | 33.9 | 35.6 | 32.7 | 35.1 |
| Race | | | | |
| White | 8% | 57% | 49% | 52% |
| Black | 65% | 1% | 45% | 36% |
| Other/multiracial | 27% | 41% | 6% | 12% |
| High school graduate | 74% | 66% | 84% | 76% |
| Unemployed at initial interview | 60% | 46% | 30% | 38% |
| Average number of prior arrests | 8.3 | 3.7 | 1.9 | 2.9 |
| Lived with victim at time of incident | 61% | 77% | 66% | 79% |

Note: Percentages may not add up to 100 percent due to rounding.

IPV and ordered to probation before and during JOD. This design was selected when early plans for an experimental design had to be abandoned and no contemporaneous comparison group could be identified. Data for this evaluation were collected from court and prosecutors’ records of case and defendant characteristics, probation files on offender supervision practices, and official records of rearrest, but do not include interviews with victims or offenders. (See exhibit 3 for offender sample characteristics in Milwaukee. See also “Study Limitations.”)

Key Findings on the Impact of JOD

Highlights of findings on the impact of JOD on three primary outcomes — victim well-being, offender accountability and perceptions, and revictimization — are presented in this section. The following sections present findings on JOD implementation and focus groups. The concluding section discusses implications of the findings for policy and practice.

Exhibit 3. Offender Sample Characteristics in Milwaukee

| | Pre-JOD (N=289) | JOD (N=333) |
|---------------------------------|----------------------------|------------------------|
| Male | 96% | 93% |
| Average age (rounded) | 35 | 34 |
| Race | | |
| White | 32% | 32% |
| Black | 56% | 49% |
| Other/multiracial | 13% | 19% |
| Average number of prior arrests | 5.1 | 5.2 |

Note: Percentages may not add up to 100 percent due to rounding.

STUDY LIMITATIONS

The study was designed to measure the overall impact of the JOD intervention, not to assess the impact of individual strategies or component services. The primary reason for this design is that individuals received various JOD interventions based on need and their particular circumstances, making comparisons to those who did not receive that particular intervention inappropriate. In addition, there was considerable variation within intervention components provided to sample members. For example, in each site, offenders could be referred to one of several BIPs that varied in content and duration. Moreover, victims received services based on their need and interest in participation. Finally, the samples were too small to isolate similar samples that did and did not receive specific interventions.

Another caution is that the samples were carefully selected to create similar JOD and comparison groups, but group members were not randomly assigned to JOD as in a true experiment. With random assignment, sample groups can be assumed to vary only by chance. With the quasi-experimental design in this study, the validity of the results depends on the extent to which differences in sample characteristics can be adequately controlled in the statistical analysis. In the outcome analyses, statistical techniques such as weights and multivariate modeling techniques were used to control for observed group differences and minimize any bias due to selection effects, but could not control for unobserved differences.

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Another potential threat to the internal validity of the quasi-experimental comparisons in Massachusetts and Michigan is that pre-existing differences between JOD and comparison sites, not the JOD intervention, might account for differences in outcome. However, in this study, a process evaluation documented differences in the response to IPV in each site, providing supporting evidence that differences in policies and practices impacted outcomes.

The threat that external features of the setting affected the outcomes is minimized in the Milwaukee evaluation by comparing outcomes within a single site before and during JOD. However, this design opens the possibility that changes other than JOD during the demonstration period could account for differences in outcomes. Monitoring of court and other agency responses to IPV during the Milwaukee demonstration period did not identify events other than JOD that were likely to affect the measured outcomes. Still, to avoid the risk that measurement error could distort or attenuate the observed effects of JOD, the study used multiple outcome measures and diverse data sources. This strategy was chosen to avoid relying on any single measure, given the imperfections in measurement associated with any single measure.

Another potential limitation involves the external generalizability of the findings. These evaluations were based on experiences at three carefully selected sites. The extent to which results from these locations can be generalized to other communities cannot be determined.

Victim Services and Well-Being⁴

JOD increased community-based victim services, particularly in Michigan.

In Michigan, but not in Massachusetts, JOD victims were significantly more likely than comparison victims to report contact with nongovernmental (NGO) victim services. NGO advocates had contact with 68 percent of the JOD victims in Washtenaw County, compared to 22

percent of the JOD victims in Dorchester. This difference resulted in part from the focus in Massachusetts on serving victims in civil cases.

In both JOD sites, victims contacted by NGO service providers received more services and were more likely to receive needs assessments and safety planning than comparison victims contacted by NGO service providers. In both Dorchester and Washtenaw County,

victim/witness staff in JOD prosecutors' offices or the court⁵ contacted at least 80 percent of victims in criminal cases and provided an average of four or more different types of services to those they contacted.

Victims who received NGO victim services were pleased with the quality of those services. Victim ratings of service quality and satisfaction were generally positive. There was no difference in ratings between victims who received services in the JOD program (hereinafter, JOD victims) and comparison samples.

Victims in all sites were generally satisfied with the response of police, prosecutors and the court, and rated their fairness and impact on future violence positively. JOD and comparison victims did not rate official responses differently, despite some differences in patterns of police, prosecution and court practice across sites.

Victims identified some problems in interactions with justice agencies. Victims from all sites reported barriers to participation in prosecutions, with fear of

defendant retaliation being the most common. Scheduling conflicts were the most common barrier to court attendance, with comparison victims more likely to cite fear as a court participation barrier than JOD victims.

JOD increased victim contacts with probation agents. Two-thirds to three-quarters of JOD victims in both states reported contact with probation officers, which was about two to three times the proportion of comparison victims reporting such contact. In Michigan, JOD victims with probation officer contact also had more contacts and rated these contacts more favorably than did comparison victims. JOD victims in Michigan, but not in Massachusetts, also reported more contact with BIPs than comparison victims.

Victims in all sites reported moderately high levels of safety and well-being 11 months after the incident. Factors that influenced these victim outcomes included the victims' reports of defendants' psychological or emotional problems; victims' social support resources; and direct consequences of the incident and the subsequent court case, both positive

and negative. No significant differences between JOD and comparison victims in perceptions of safety or well-being were found.

Offender Accountability and Perceptions

JOD increased offender accountability, especially in Dorchester and Milwaukee.

In all sites, JOD introduced post-disposition review hearings for IPV offenders placed on probation. Probationers were required to appear before the sentencing judge for review of their compliance with court orders and progress in BIPs, and were aware that their behavior would be scrutinized and violations would be subject to penalties. JOD-sample offenders (hereinafter, JOD offenders) had more probation requirements than comparison offenders, although specific requirements varied by site. In Massachusetts and Michigan, they were more likely to be ordered to attend a BIP, abstain from drug and alcohol use, and undergo substance abuse testing, and they were placed in BIP programs that lasted longer and cost more per session than comparison offenders.

In all three demonstration sites, they were more likely to have court orders specifying no contact with the victim without consent. In Massachusetts, they were more likely to be ordered to substance abuse evaluation or to attend a fatherhood program or (for female offenders) women's group. In Michigan, they were more likely to be ordered to mental health evaluation and to have restrictions on weapons. In Wisconsin, JOD offenders were much more likely to be required to remain sober, stay employed and comply with other specific probation conditions. In Massachusetts, JOD offenders were significantly more likely than comparison offenders to be convicted and sentenced, and more likely to be sent to jail or probation. They were also more likely to have the case continued without a finding, and less likely to be granted deferred prosecution.⁶ In Massachusetts, greater offender accountability was not accomplished at the cost of defendant rights: JOD offenders were more likely to have a public defender and had, on average, more defense attorneys than comparison offenders.

In Massachusetts, JOD increased offender understanding of the legal process.⁷ In Massachusetts, Dorchester offenders were significantly more likely than Lowell offenders to report that the legal process was clearly explained by the judge and scored higher on their understanding of the legal process. In Michigan, the only significant difference in understanding of the legal process was that Washtenaw County offenders were significantly more likely than Ingham County offenders to report that the defense attorney clearly explained the charges against them.

JOD did not decrease perceptions of the fairness of judges and probation departments. There were no significant differences between JOD and comparison offenders in Massachusetts and Michigan in ratings of the fairness of the judges, fairness of the probation agents, or in offender satisfaction with the way these officials responded to the IPV incident.

In Massachusetts, offenders in the JOD program rated the police and defense attorneys lower than comparison offenders on

fairness and satisfaction; no significant differences between JOD and comparison offenders on these measures were found in Michigan. The lower ratings resulted in lower overall scores by offenders in the JOD program in Massachusetts on ratings of justice system fairness and satisfaction. Reasons for the differences between Dorchester and Lowell offenders are not clear, but may be related to more aggressive enforcement and prosecution under JOD.

JOD increased offender compliance with court orders to report to probation and BIP. Increased offender compliance under JOD was observed in several ways. In both Massachusetts and Michigan and overall, JOD offenders were significantly more likely than comparison offenders to report to a BIP in the first two months after case disposition. Similarly, JOD offenders were less likely to miss a BIP session by the time of the follow-up interview if ordered to attend. In Michigan, but not Massachusetts, JOD offenders were significantly more likely to report to probation in the first two months than comparison offenders. JOD offenders had reported to

probation by the time of the follow-up interview at slightly higher rates than comparison offenders in both Massachusetts and Michigan, resulting in a significantly higher reporting rate in the overall sample.

JOD increased the certainty or severity of penalties for violations of some court-ordered requirements.

Sanctions for missing BIP sessions were significantly more certain in Dorchester than in Lowell, and slightly more likely in Washtenaw than Ingham, producing an overall significantly higher sanction certainty in JOD than comparison areas. Sanctions for missing probation appointments were significantly more severe in Dorchester than in Lowell, and slightly more severe in Washtenaw than Ingham, producing an overall significantly higher sanction severity in JOD than in comparison areas. These findings must be viewed with some caution, however, because relatively few offenders reported these violations and sanctions, reducing the power of the analysis to detect differences in sanctioning practices.

In Milwaukee, a review of the records showed that during JOD probation, agents were more likely to address problems that came to their attention and imposed more severe penalties for probation violations. Probation revocation, the most severe sanction, was much more frequent during JOD than before in Milwaukee and more widely used in Dorchester than in Washtenaw County. Probation records showed revocations in the first year after case disposition for 27 percent of the Milwaukee IPV probationers and 12 percent of the Dorchester IPV probationers, compared to 1 percent of the Washtenaw IPV probationers. In Milwaukee, probation agents initiated more revocations for technical violations, failure to comply with BIP requirements, unauthorized victim contacts and new criminal activities under JOD than previously.

JOD did not create heightened belief among offenders that IPV would result in negative legal consequences. Criminal justice theory predicts that perceptions of the certainty of negative consequences for illegal behavior will deter illegal behavior. In both sites,

offenders rated the certainty and severity of legal penalties for future IPV as high; there was no significant difference in ratings between JOD and comparison offenders. However, in Massachusetts but not in Michigan, JOD significantly increased the perception that future IPV would have negative social consequences for offenders in the form of loss of employment or negative responses from family, friends, children or the victim.

Revictimization

JOD victims in Massachusetts reported significantly lower rates of new IPV. In Massachusetts, JOD victims reported significantly less repeat IPV by the offender than comparison victims in the first two months (initial report) and then 11 months (composite report) since the incident, using multiple measures of revictimization: any threat or intimidation, physical assault, or severe physical assault. In addition, JOD victims in Massachusetts reported lower frequency of physical assault at both time points and lower frequency of severe physical assault at the initial time point. In Michigan, there was no significant difference between JOD and comparison victims in their

reports of repeat IPV on any measure at either interview. As a result, no general effects of the JOD model on repeat IPV can be inferred.

JOD reductions in victim reports of repeat IPV were stronger for some types of victims and offenders.

In multivariate models predicting repeat IPV, significant interactions showed that, collectively, JOD had its strongest effect in reducing victim reports of repeat IPV when:

- Offenders were young (age 18 to 29).
- Offenders had a high number of prior arrests (seven or more).
- Victims had moderate-to-high social support.
- Victims did not have children in common with the offender.
- The relationship between victim and offender was less than three years in duration.

Offender self-reports of repeat IPV were very low and showed no significant variation between JOD and comparison samples.

Overall, very few offenders admitted to repeat IPV at two months post-disposition, and

reports at 11 months after disposition were one-third to one-half the rates reported by victims. Earlier research has consistently reported that offenders report significantly lower rates of repeat violence than victims. Based on offender self-reports, there were no significant differences in the prevalence or frequency of physical or severe physical assaults measured at two months and 11 months after case disposition.

Offenders' perceptions of legal deterrence predicted lower frequency of offender reports of repeat IPV.

Offenders who reported medium-to-high ratings of legal deterrence reported lower frequencies of physical assault against their victims, although no such differences were observed for other measures of repeat IPV (e.g., prevalence of physical assault, prevalence and frequency of severe physical assault). However, as noted earlier, JOD and comparison offenders did not differ in their perceptions of legal deterrence.

JOD did not reduce the likelihood of offender rearrest in Massachusetts or Michigan when characteristics of the victim, offender and IPV case were

controlled. Estimated official rearrest rates from the multivariate models for the JOD and comparison samples ranged from 18 percent of JOD offenders in Michigan to 31 percent of JOD offenders in Massachusetts. These rates are comparable to several studies that have reported about a 25-percent offender recidivism rate in the year following an IPV incident. Unfortunately, IPV arrests could not be distinguished from other arrests in the data made available from Michigan and Massachusetts. Possibly because of the general arrest measure, JOD had no significant effect on offender rearrest rates in the year after case disposition. The likelihood of offender rearrest, using a multivariate model that controlled for characteristics of the victim, offender and IPV cases, was 22 percent for JOD offenders and 28 percent for comparison offenders. Although this result is in the expected direction, it is not statistically significant at conventional levels of hypothesis testing.

In Milwaukee, JOD decreased the likelihood of arrest for domestic violence during the first year of probation. IPV probationers were significantly less likely to be arrested in the year

LESSONS ON JOD IMPLEMENTATION

Lessons on JOD implementation were drawn from the experiences of all three demonstration sites documented through process evaluation across the entire study period. The process evaluation included regular visits to JOD and comparison sites, semi-structured interviews with JOD partners, observations of court proceedings and other activities, quantitative data on site operations, conference calls, group meetings with sites and national partners, and focus group interviews with offenders and victims in each site. The lessons are intended to assist other jurisdictions that are considering innovative, comprehensive responses to IPV in their communities. The process evaluation identified three principal impacts of JOD on criminal justice and community responses to IPV cases: 1) increased coordination between the judiciary and other justice and community agencies; 2) increased consistency in the justice system response to IPV cases; and 3) lasting changes in the system response to IPV, including judicial review hearings for IPV probationers, improved practices for investigating and prosecuting IPV cases, and increased contact of probation agents with BIPs and IPV victims. The following strategies were identified as particularly helpful in implementing JOD.

Involving all partners in the formal strategic planning process. For all sites, these sessions were the first time that such a diverse group of justice and community agencies had come together to discuss a coordinated response to domestic violence in their communities. These planning sessions highlighted components of the initiative that required more attention, allowed agency partners to discuss their views on their role in the initiative, and led to the development of subcommittees and further technical assistance on specific topics.

Actively managing the collaboration through regularly scheduled meetings and a full-time project director. In each site, the management of JOD required regular team meetings, executive committee meetings and meetings of subcommittees around specific issues. Ongoing meetings increased case-level collaboration and increased understanding among the agencies and confidence among social service providers and probation agencies that their efforts to change offender behavior would be supported.

Building an inclusive set of partners beyond the core criminal justice agencies and giving them a voice in shaping policies and procedures. The sites also found it important to continue adding partners as the

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partnership grew, developing plans for outreach to specific cultural groups, and adding other types of victim assistance and offender intervention programs available for court referrals.

Using technical assistance by “outsiders” with acknowledged expertise to help promote change. In all demonstration sites, training of personnel in JOD partner agencies and technical assistance in developing new policies and procedures was extensive and ongoing.

Dedicating specialized staff to IPV cases. To act effectively, the police, prosecutors, courts and probation agencies need staff trained in the challenges of these cases, strategies for responding effectively, and personal ties to specialized staff in partner agencies to foster a team approach to managing cases.

JOD partnerships began with a vision of collaborative operations in which agencies would work together seamlessly to protect victims and hold offenders accountable for their violence. Agreements were forged and commitments made. However, the process of actualizing this collaborative vision encountered barriers and challenges that can serve as a lesson and guide to agencies embarking on similar coordinated responses to IPV. Key challenges included:

- Gaps in knowledge about the operations of other partner agencies.
- Understanding the implications of changes on the workload of partner agencies.
- County and state rules governing recruiting and funding of new positions that slowed the start of the project and limited hiring options.
- Inadequate systems for sharing data across justice agencies and with community service providers. Even data systems routinely kept by the courts and other justice agencies are often not adequate or in a form that can be used to provide timely information to other partner agencies.
- Differences in goals, roles and expectations of justice agencies and community-based victim service providers. Issues arose around client confidentiality, encouraging victims to testify in court and the weight to be given to victim preferences during prosecution.

The sites had varying levels of success in meeting these challenges, and other communities are likely to face similar challenges.

after case disposition for domestic violence during JOD (4 percent) than before JOD (8 percent) in Milwaukee, when only rearrests for IPV and other kinds of domestic violence were counted. As in Massachusetts and Michigan, there was no significant difference between JOD and comparison offenders in the total number of all rearrests. The increase in revocation and the resulting incarceration suggests that the lower DV arrest rates may have been attained primarily through early detection and incarceration of probationers who continued their pattern of domestic violence or otherwise failed to comply with conditions of probation.

Lessons From JOD Focus Groups

Eight focus groups were conducted in the JOD demonstration sites: four victim focus groups (two in Milwaukee and one each in Dorchester and Washtenaw) and four offender focus groups (also two in Milwaukee and one each in Dorchester and Washtenaw). Victim focus group participants were recruited from lists of victims named in criminal cases filed in JOD courts (Dorchester and Washtenaw) or from

lists provided by participating JOD agencies (Milwaukee). Offender focus group participants were recruited from lists of probationers who were convicted of IPV offenses before focus group recruitment began. Characteristics of the focus groups are displayed in exhibit 4 (p. 16).

The focus groups were conducted to supplement the quantitative survey findings by allowing an open discussion on a variety of topics without restricting the type or form of feedback received. This type of information complements quantitative findings and provides important narrative details on the lives of program participants. By design, the focus groups were limited to a small number of participants to permit in-depth discussion. Although potential participants were selected by researchers from lists of victims and offenders in JOD cases without regard to individual or case characteristics, many of those invited did not attend the groups. Thus, there is no way to know if the views of those who did attend are representative of victims and offenders in criminal IPV cases in the JOD jurisdictions.

The discussion focused on victim and offender perceptions of procedural justice

Exhibit 4. Characteristics of JOD Focus Groups

| Site | Type of participants | Number of participants | Race/ethnicity of participants | Date of focus group |
|-----------------|----------------------|------------------------|---------------------------------------------------|---------------------|
| Dorchester | Victims | 13 | 10 African-American 3 White | November 2004 |
| Milwaukee | Victims | 8 | 4 African-American 3 White 1 Asian-American | July 2003 |
| Milwaukee | Victims | 10 | 6 African-American 4 White | July 2003 |
| Washtenaw | Victims | 10 | 4 African-American 5 White 1 Hispanic | September 2004 |
| Total victims | | 41* | | |
| Dorchester | Offenders | 10 | 9 African-American 1 White | December 2003 |
| Milwaukee | Offenders | 9 | 5 African-American 3 White 1 Unknown | September 2003 |
| Milwaukee | Offenders | 8 | 4 African-American 4 White | September 2003 |
| Washtenaw | Offenders | 6 | 6 White | September 2004 |
| Total offenders | | 33 [†] | | |

*40 women, 1 man

†32 men, 1 woman

with respect to their interactions with police, prosecutors, defense attorneys, probation, the court, the judge, victim service agencies and batterer intervention programs. Understanding procedural justice issues and reflecting such themes in service practices may lead to improved offender compliance with case outcomes,

and improved satisfaction and safety for victims. Findings across the sites, for both victims and offenders, indicate the importance of procedural justice concepts when individuals reflect on their IPV cases, services received and related outcomes. Individuals involved in IPV cases, whether victims or offenders, want

to feel as though they have been heard and treated with respect and consideration. They want those in the justice system to act impartially and neutrally when responding to IPV incidents. The evaluation produced some recommendations based on the opinions of victims and offenders. Victims generally endorsed the following police practices, which can be strengthened further through ongoing training:

- Victims want the police to show concern for victims by responding quickly and taking appropriate legal steps based on the evidence at the scene, regardless of the abuser's criminal profile (i.e., whether he/she was wanted on other charges).
- Victims want police to avoid engaging in conversations that would put them on the spot, such as asking in the offender's presence whether the victim wanted the offender arrested, since this could trigger retaliation against the victim in the future. Victims felt that officers should only ask for the victim's input on the arrest decision if there was no clear evidence that a physical assault had occurred.
- Victims want the police to abstain from remarks that appear to trivialize the incident or appear to blame the victim. Such remarks were reported by more than a few victims.
- Victims want more consistent enforcement of protection orders, including those issued by courts outside the local jurisdiction.
- Victims noted that police have difficulty in responding to IPV calls that, according to victims, involved alcohol and sometimes cocaine.

Offenders in all focus groups complained about the police making quick judgments about the incident and not considering their side of the story. A frequent complaint was that officers were quick to judge the male as the primary or only aggressor in the situation, even when physical evidence pointed otherwise. Offenders generally endorsed the following police practices and identified them as areas that should be strengthened:

- Offenders want the police to give them an opportunity to present their side of the story before an arrest decision is made. Several male participants remarked

that the police officer took the women's statement but did not take their statement. This may require an extension of training in determining probable cause and the primary aggressor.

- Offenders want to be treated with respect, despite their apparent responsibility for the crime. Some of the offenders felt that their treatment during arrest and pretrial detention violated the legal presumption of "innocent until proven guilty," in that officers' behavior and jail conditions were inappropriately punitive or deliberately and unnecessarily humiliating.

The victim focus groups produced several recommendations for courts:

- Victims, particularly those with children and those with ongoing, long-term relationships with the offender, want the court to consider their individual needs and wishes in setting a no-contact order and its duration and conditions. This would help police enforce these orders more consistently, help ensure respect for court orders and offer greater protection to victims.

- Victims indicated a need for emotional support during the case and greater security during the court process — especially at in-court appearances.
- Victims implicitly supported the concept of evidence-based prosecution that would allow victims to choose whether to testify in court or not, and those who had this choice were grateful.
- Victims varied in whether they wanted the offender penalized or treated. This led to a consensus on wanting greater input into sentencing decisions and more variation in sentences so they could be tailored to the situation.

Offenders in the focus groups were generally less satisfied with their court experience. These perceptions reflect areas in which courts could expand efforts to explain the legal process to the offender:

- Some offenders wanted more opportunity for a strong defense in which their side of the case was explained in court.
- Some offenders did not believe that all IPV offenders

were treated equally under the law. Participants cited similar sentences for cases of varying severity and complained that sentences were not tailored to the severity of the incident and criminal history.

- Some offenders thought the financial consequences were more severe (too severe) for low-income working men than for upper-income men (who could afford to pay the fees) and the unemployed (who, by virtue of the sliding scales, paid almost nothing).

Offenders identified two areas of concern about status review hearings. First, the frequency of the hearings put a strain on their employment (particularly for those who were not fully compliant, thereby requiring additional hearings). Second, offenders wanted more opportunity to address the court during their review hearings.

Implications for Research, Policy and Practice

Feasibility and impact of the JOD model. The implementation study indicates that JOD is feasible and provided many benefits to the

justice agencies. The JOD initiatives targeted at court improvement and leadership (greater court specialization, initiation of pretrial monitoring and post-trial compliance reviews, coordination with victim service agencies) and probation improvement and leadership (dedicated DV agents, increased supervision, compliance review preparations, outreach to victims) resulted in significant advances in holding offenders accountable. Improvements were made in monitoring, consistent sanctioning and sentencing decisions, and compliance review (court and probation functions) that were not previously achieved by communities relying on police leadership or coordinated community responses that did not engage these agencies.

The JOD model implementation was tailored to site needs and resources, and specific strategies and arrangements varied from site to site. However, data from multiple sources confirm that significant changes in justice system collaboration and offender accountability occurred in JOD sites. All JOD sites achieved substantial gains in collaboration among justice agencies responding

to IPV, expanding participation by law enforcement officers, prosecutors, judges and probation agents. Criminal justice partner agencies in the JOD sites were very enthusiastic about improvements in interagency communication and coordination of efforts that emerged from the joint planning and development of arrangements for sharing information on IPV offender status. They also embraced new JOD innovations. Courts in all three JOD sites hope to continue specialized DV dockets and judicial review hearings. The Milwaukee probation agency has trained all agents working in the county in DV supervision practices, including victim contact.

In all JOD sites, the prosecutors and police were pleased with improvements in evidence collection and investigations to support prosecution. In addition, the increased coordination between the judiciary and other justice and community agencies led to improved consistency and significant changes in the justice system response to IPV. The lessons from the implementation study summarized above provide guidance on building and sustaining coordination across justice and community

agencies. These substantial changes in the collaborative response to IPV produced mixed results in terms of project goals.

The project did not achieve gains in victim perceptions of their safety or well-being using survey measures. Gains in offender accountability were significant, but did not translate into perceptions likely to deter future offending. Reductions in victim reports of repeat IPV were found in Massachusetts, but not in Michigan. Reductions in DV arrests were found in Milwaukee, but not in the two jurisdictions that had only measures of rearrest on all charges. This mixed pattern of results points to the need for further efforts in several areas.

The reductions in repeat IPV occurred in the jurisdictions that revoked probationers for noncompliance. The implication is that the reduction resulted from incapacitating abusers who failed to comply with probation conditions rather than from deterring offenders. Despite implementation of strategies for holding offenders accountable through judicial review hearings, specialized prosecution and probation, police

training, and increased BIP requirements, there was no significant difference in the perception of risk of legal sanctions for future IPV between JOD and comparison offenders. However, Dorchester offenders scored much higher on a measure of perceived certainty of legal sanctions for repeat IPV than did Washtenaw offenders. To some extent, these perceptions may be related to the higher rate of actual revocation in Dorchester (12 percent) compared to Washtenaw (1 percent). In Milwaukee, much higher revocation rates (27 percent in the first year of probation) were accompanied by a dramatic drop in rearrest rates for IPV, probably due to incarceration of offenders most likely to be arrested. These findings suggest that research is needed on the effectiveness of selective incarceration through probation revocation or other strategies for increasing the perceived threat of legal sanctions in this population.

Like many other studies, JOD found efforts to change offender perceptions and reduce IPV reoffending challenging. The results suggest, like those of other studies, that referral to batterer

intervention programs does not have a powerful effect in reducing IPV. Until progress is made in changing offender beliefs and behavior, the implication is that the justice system must continue to focus on protecting victims and using the authority of its agencies to closely monitor offenders and respond rapidly with penalties when violations of court-ordered conditions are detected.

The success of JOD in reducing IPV in selected subgroups may be a fruitful way to begin designing new intervention strategies. There were indications that JOD strategies are particularly effective for some subgroups, including younger offenders with fewer ties to the victim as well as offenders with extensive arrest histories. Further research to confirm these findings may well lead to guidance for the courts on the appropriateness of alternative sentences and supervision conditions.

The lessons on whether a coordinated system response to IPV is beneficial for victims are less obvious. Even in Michigan, where the large majority of JOD victims received a wide range of quality services, JOD victims did not report higher levels

of well-being or safety than comparison victims. Survey results indicate that interventions intended to improve victims' safety and overall well-being need to go beyond services centered on cases in the court system to include services that address issues in the victims' lives outside the realm of the court case. Victim service providers' efforts may be most fruitful when they focus on helping victims strengthen their social support networks and augment the positive consequences while attenuating the negative impacts of abuse and its aftermath (such as financial impacts/finding a job, practical issues such as moving, and the emotional trauma of victims and their children). However, despite the efforts of victim service agencies to provide support and encouragement, victims may be unwilling to take actions that would increase their safety. In all sites (JOD and comparison sites), victims who reported that they had lived with their offender or had frequent contact with their offender after the case was disposed were more likely to report repeat victimization, including intimidation, threats and assaults.

Implications for service delivery. Survey and focus group results indicate that victims who received victim services were very satisfied with them. However, there were substantial differences in victim services provided across the sites. Most criminal case victims in the focus groups in the two sites with multiple nongovernmental agencies affiliated with JOD said they were not referred to victim services by anyone at the court. These victims were generally unfamiliar with basic safety planning strategies. In some cases, the NGO advocates in these sites focused on providing services in civil matters such as protection orders; in other cases, the advocates targeted special populations or were located off site, making communication with the court more difficult. Most of these victims expressed an interest in services, particularly in receiving emotional support and services for their children. In Washtenaw County, a single victim service agency worked very closely with staff in the prosecutor's office and had contact with a large majority of the victims in criminal cases. This level of close collaboration may be necessary to reach IPV victims. Service

gaps in that site seemed to be limited to preferences for more services for children and housing options other than shelters (such as independent, family-style housing, possibly through private arrangements with landlords).

Efforts to improve victim services need to continue. Feedback from victims in the focus groups suggests the existence of unmet needs for better housing options and greater counseling and other service options for their children. Also notable: some victims, if not most, across all three sites were particularly critical of their treatment by the police and prosecutors. Victims described examples in which they felt that these agents failed to treat them with due respect and dignity. The focus groups thus highlight a need for improved training among stakeholders who interact with victims. Concerning the police in particular, most victims indicated that they did not want the police to ask them directly whether to make an arrest (i.e., in front of the offender), but to evaluate the situation thoughtfully and considerately and then attempt to use sound judgment about how to proceed. Concerning prosecution, most victims

indicated that they wanted to retain a voice in the prosecution, but most believed that they were not granted such a voice. Some expressed a feeling that prosecutors essentially used them for their own purposes but were not concerned for the victim's individual situation.

Similarly, organizational differences may account for variation in offender experiences with probation. Offenders in areas with specialized probation units or officers praised probation officers for their helpfulness. However, offenders in Milwaukee supervised by a large, nonspecialized agency wanted probation officers to be more service-oriented and less enforcement-oriented. Probationers there discussed incidents where agents enforced rules and court orders differently, leading to feelings of unfair and unequal treatment.

Probationers described incidents where their agents required them to obtain employment but offered no assistance in finding and securing a job. Others were dismayed when their agents refused to schedule appointments around the offender's work schedule, and they did

not understand why keeping the offender employed was not a top priority of the agent. This suggests that specialized probation supervision may be more effective in motivating offenders to engage in required services.

Overall, the evaluation points to the need for research in several critical areas:

- How to build stronger linkages between courts and NGO victim service providers, given the high levels of satisfaction with services when they are received.
- How to motivate offender compliance and desistance from violence using both sanctions and treatment in combination.
- How to change offender perceptions of the risks of future violence.
- How to engage victims in services that will assist them in staying safe.

Notes

1. The sampling periods were: Dorchester, Jan. 29, 2003, to Nov. 11, 2004; Washtenaw County, Feb. 14, 2003, to April 4, 2003, and then from Nov. 21, 2003, to Oct. 29, 2004; Ingham County, March 12, 2003, to March 12, 2004; and Lowell, Jan. 29, 2003, to Aug. 27, 2004.

2. Atlantic Research and Consulting (now Guidelines) conducted the in-person interviews in Massachusetts. The Center for Urban Studies at Wayne State University conducted the in-person interviews in Michigan.

3. In Michigan, the Michigan State Police Department of Information Technology provided the criminal history records. In Massachusetts, the information on criminal offender records from Massachusetts Criminal History Systems Board was supplemented by checks of warrants that resulted in arraignments after case disposition to verify that the new incidents occurred during the year after case disposition.

4. The results in this section are based on the evaluation of JOD in Dorchester and Washtenaw County because interviews were not conducted as part of the evaluation of JOD in Milwaukee.

5. Based on agency records in JOD sites (not available in comparison sites).

6. Similar differences were not found in Michigan because all offenders in both sites were convicted (only Massachusetts allowed deferred prosecution and continuation of cases without a finding, although some Michigan convictions were later expunged from the record).

7. Results for Milwaukee are limited to factors that were captured in the review of probation and court files and do not include offender perceptions measured on surveys in Massachusetts and Michigan.

Project Reports (by date)

DeStefano, Christine Depies, Adele Harrell, Lisa Newmark and Christy Visher. "Evaluation of the Judicial Oversight Demonstration: Initial Process Evaluation Report." Report for National Institute of Justice, cooperative agreement number 99-WT-VX-K005. Washington, D.C.: The Urban Institute, August 2001.

Harrell, Adele, Lisa Newmark, Christy Visher and Christine DeStefano. "Evaluation of the Judicial Oversight Demonstration Initiative: Implementation Strategies and Lessons." Report for National Institute of Justice, cooperative agreement number 99-WT-VX-K005. Washington, D.C.: The Urban Institute, September 2002. NCJRS, NCJ 220872.

Harrell, Adele, Megan Schaffer, Christine DeStefano and Jennifer Castro. "The Evaluation of Milwaukee's Judicial Oversight Demonstration." Final report for National Institute of Justice, cooperative agreement number 99-WT-VX-K005. Washington, D.C.: National Institute of Justice, April 2006. NCJRS, NCJ 215349.

Harrell, Adele, Lisa Newmark, Christy Visher and Jennifer Castro. "Final Report on the Evaluation of the Judicial Oversight Demonstration: Volume 1. The Impact of JOD in Dorchester and Washtenaw County." Final report for National Institute of Justice, cooperative agreement number 99-WT-VX-K005. Washington, D.C.: National Institute of Justice, June 2007. NCJRS, NCJ 219382.

Visher, Christy, Lisa Newmark and Adele Harrell, with Emily Turner. "Final Report on the Evaluation of the Judicial Oversight Demonstration: Volume 2. Findings and Lessons on Implementation." Final report for National Institute of Justice, cooperative agreement number 99-WT-VX-K005. Washington, D.C.: National Institute of Justice, June 2007. NCJRS, NCJ 219383.

Newmark, Lisa, Adele Harrell, Janine Zweig, with Christine Depies DeStefano, Lisa Brooks and Megan Schaffer. "Final Report on the Evaluation of the Judicial Oversight Demonstration: Volume 3. Findings from JOD Victim and Offender Focus Groups." Final report for National Institute of Justice, cooperative

agreement number 99-WT-VX-K005. Washington, D.C.: National Institute of Justice, June 2007. NCJRS, NCJ 219384.

Harrell, Adele and Jennifer Castro, with Atlantic Research and Consulting and The Center for Urban Studies, Wayne State University.

“Final Report on the Evaluation of the Judicial Oversight Demonstration: Volume 4. Final Report on Survey Methodology.” Final report for National Institute of Justice, cooperative agreement number 99-WT-VX-K005. Washington, D.C.: National Institute of Justice, June 2007. NCJRS, NCJ 219385.

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