

A Recidivism Outcome Study of the Clay County Domestic Violence Court

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Executive Summary

As part of the evaluation of the Clay County Domestic Violence Court, a recidivism outcome study was undertaken beginning in the fall of 2013 and terminating in the summer of 2014. This report provides a brief summary and several recommendations for the Court based on the recidivism outcome differences between Domestic Violence Court participants and a group of domestic violence convicted persons in the years 2009 and 2010.

Experimental participants included 204 Domestic Violence Court offenders who were convicted from late 2011 to early 2013. Comparison group participants included offenders who were convicted of a domestic violence related offense in 2009 and 2010 (N = 193). Complete criminal history files were accessed using the Minnesota Criminal Records online data base.

Data show that overall recidivism rates were higher among the comparison group (pre Domestic Violence Court group). The Domestic Violence Court group also recorded lower recidivism rates at six months and one year, although neither difference was statistically significant at the alpha .05 level. Among recidivists, the Domestic Violence Court group offended at a less serious level than the comparison group. This included lower re-offending rates for violence. Finally, the time to recidivism was slightly more delayed for the Domestic Violence Court group.

Other data indicates that the usual factors are affecting recidivism. This includes being younger and having a lengthier court history. Issuing a Domestic Abuse No Contact Order did not have an effect on recidivism. Recommendations include continuing to support and operate the Domestic Violence Court

Introduction

This study examines the recidivism probability for offenders participating in the Seventh Judicial District Domestic Violence Court (hereafter DV Court). The Court commenced operation in October of 2011 following the receipt of an October 2010 federal funded planning and implementation grant dedicated to a Domestic Violence Court. The Court subsequently assembled a team of affected providers to plan the operation of the Court. This included constructing a policy and planning document as well as the construction of a participant's handbook.

To ensure fidelity to the process, the DV Court maintained a Planning Team. The Planning Team met regularly prior to and during the DV court implementation. The purpose of these meetings was to provide a regular forum whereby planning team members and other parties to the DV Court could discuss issues, construct solutions to problems, and coordinate the Court through clear and transparent communication channels.

According to the program manual, the DV Court agreed to accept all cases involving allegations for domestic violence between intimate partners. Eligibility criteria was established in the Planning manual and screening was conducted by the District Attorney's office. Cases eligible included: 1) allegations of intent to cause fear in another or immediate bodily harm or death, 2) the intentional infliction, or attempt to inflict bodily harm upon another, 3) terroristic threats, 4) criminal sexual conduct, 5) interference with an emergency call, 6) stalking, 7) violation of a domestic violence no contact order, 8) violation of an order of protection, and 9) violation of a harassment restraining order. The majority of these convictions were for domestic assault (57%). The Planning team agreed to screen initially for these cases but allowed for the

admission of cases that might have involved the commission of another crime which may have been motivated by domestic violence (e.g. burglary).

The three goals of the DV Court are to 1) ensure victim safety, 2) hold offender's accountable for their current and future actions, and 3) coordinate services among agency providers. This report examines whether the DV Court process reduced the probability that participants (offenders) would be less likely to recidivate relative to offenders who were convicted of a domestic violence related charge prior to the advent of the DV Court. Specifically, this evaluation compares the recidivism differences between domestic violence convicted offenders in 2009 and 2010 with those convicted and participating in the DV Court.

The chief question addressed in this study is whether the addition of a specialized court devoted to processing domestic violence offenders reduced recidivism among convicted offenders. This raises an important question. What is different about the processing of domestic violence offenders in DV Court relative to the operation of the previous Seventh District Court? First, the DV Court planning team felt it important to streamline services in terms of hearings and community services. Rather than having multiple judges presiding over domestic violence cases, the planning and implementation grant followed the "one judge integrated domestic violence model." In Clay County, two judges were initially assigned to DV Court (Judges Borgen and Kirk). Over the past few years, several judicial changes have altered the structure of the DV Court with Judge Lawson replacing Judge Kirk and more recently, Judge Fritz replacing Judge Borgen. Another key difference between the previous processing of domestic violence offenders and the DV Court is the addition of a Domestic Violence Court Coordinator. The Coordinator's role is to coordinate planning and development for the court. In addition, the role as stated in the Planning Document is to ensure quality of training, screen cases for eligibility,

monitor caseloads, prepare reports, and work closely with all of the various collaborating agencies. Finally, a key difference lies in the coordinated efforts by multiple agencies to regularly communicate about the progress of domestic violence cases. This includes the routine involvement of all parties in hearings and trials at a designated day (Wednesday) as well as once a month planning meetings to discuss and resolve issues that may arise as a result of court processing.

Having pointed out the differences between previous court processing of domestic violence offenders and the DV Court, one of the difficult elements about conducting an outcome evaluation is knowledge about which of these implementation changes may have influenced changes in the outcome, either positively or negatively. A positive court outcome would be indicated by a reduction in recidivism relative to previously processed domestic violence cases (specific deterrence). A negative court outcome would be reflected in either no change in recidivism rates or an increase in rates. In either case, it would be difficult to determine which of the aforementioned court processing changes of domestic violence cases is driving the change. As part of this evaluation, a series of qualitative interviews was conducted with both domestic violence offenders and victims. We can partly discern how and why changes may have occurred on the basis of these interviews but it would be difficult to directly pinpoint the exact cause of the change. Consequently, this report merely reports on differences in recidivism that resulted as a result of the DV Court.

Methodology

Data for this evaluation were derived from a list of names of persons who were convicted of a domestic violence related charge in the Seventh Judicial District Court (Clay County). The DV Coordinator provided a list of names of domestic violence offenders who were screened for

participation in DV Court, beginning in November of 2011. The comparison group included a list of persons provided by the DV Coordinator who were convicted of a domestic violence related charge in the years 2009 and 2010. It was hoped that the only difference between the two groups would be the advent of the DV Court. However, in the process of implementing the DV Court, the Minnesota Supreme Court ruled on the constitutionality of Domestic Abuse No Contact Orders (DANCO's). Previous to the commencement of the DV Court, many domestic abuse related charges had DANCO's attached as an interim condition. As a result of the ruling, the number of DANCO conditions decreased. A quick examination of the DANCO rates between the DV Court group and the comparison group showed that DANCO's were issued 77% of the time in the two years prior to the commencement of the DV Court and were issued 44% of the time during the DV Court. Since a violation of a DANCO adds another layer to deterrence, it could be surmised that offenders who were convicted of a domestic abuse related charge *prior* to the DV Court would have a greater incentive not to recidivate relative to DV Court participants. This condition difference would bias the recidivism results in favor of the comparison group.

Complete criminal record checks were then conducted from the list of names of domestic violence court participants provided by the DV Coordinator. From the court documents, we recorded demographic information, offense date, conviction offense, sentences, and recidivism information. Recidivism was defined as any conviction subsequent to the domestic violence conviction at a misdemeanor charge or higher. Because dates were available in these criminal records, we were able to determine the length of time between convictions.

Table one displays the demographic and offense distribution for the DV Court group and comparison group. Virtually all of the offenders in both groups were male. Both groups were similar in terms of average age at time of offense around 33 to 34 years of age. The mean

number of convictions was slightly higher in the comparison group with offenders averaging 4.6 convictions compared to 4.3 for the DV Court group. Violent convictions were defined according to Minnesota statute 624.712, subdivision 5 as including any felony conviction for a large array of offenses ranging from murder to stalking. We widened this definition to include offenses that met these criteria but were charged out at a lower level (e.g. misdemeanor and gross misdemeanor). This included mostly domestic abuse convictions and violations of no contact orders. According to this criteria, comparison group members had a higher level of prior violent convictions (2.5 vs. 1.5) as well as felony convictions (31% vs. 21%). This means that any statistical analysis will require controls for prior convictions so that these differences do not confound the results.

TABLE 1. PERCENT DISTRIBUTION OF DEMOGRAPHICS AND COURT RECORDS - COMPARISON GROUP AND DOMESTIC VIOLENCE COURT GROUP.

	Comparison Group (N = 193)	Domestic Violence Court Group (N = 204)
Percent Male	92%	96%
Age at offense	33.4	33.9
Mean number of convictions	4.6	4.3
Mean number of violent convictions	2.5	1.5
Percent convicted of domestic assault	57%	56%
Percent felony convictions	31%	21%

Domestic Violence Court Participant Profile

Because the DV Coordinator was able to gather more descriptive information on DV Court participants than the comparison group, it is possible to provide a more detailed profile of these participants (experimental group). The comparison group profile will not be as richly detailed since we were only able to access the criminal records of this group from the Minnesota criminal records data base. These records lacked information on race and victim-offender relationship.

Besides being mostly male (96%), the DV Court group contained 55% white participants, 13% Hispanic/Latino participants, 14% black participants, 11% American Indian participants, and 6% Other/multiracial participants. The average age of participants at the time of the offense that landed them in DV Court was 33.9 with a range of 18.4 years to 71.6 years. The relationship between victim and offender was largely divided among the following: 31% married, 30% boyfriend/girlfriend, 22% cohabitants, and 13% ex boyfriend/girlfriend. The remainder were listed as divorced or separated.

The most common conviction in DV Court was for domestic assault (56%), followed by disorderly conduct (17%), and violation of a no contact order (15%). The remaining 12% fell under a variety of offenses such as terroristic threats, assault, vandalism, stalking, and interfering with a 911 call. Conviction levels included misdemeanor (62%), gross misdemeanor (17%), and felony (21%). A Domestic Abuse No Contact Order (DANCO) was issued as a condition in 44% of the cases.

The overall recidivism rate for the DV Court group was 29.9% (60/201). This rate included any time between offense date and another offense following participation in DV Court. At six months following their offense that landed them in DV Court, the recidivism rate was

15.7% and at one year it was 24.5%. Among those who recidivated, 25% were charged with violation of a DANCO. Thirty percent of the new offenses qualified as felonies and 39% met criteria under Minnesota statute as a crime of violence. The mean recidivism time from their DV Court offense to recidivism was roughly five (5) months.

Recidivism Analysis

Logistic regression was employed in order to assess recidivism differences between the comparison group and DV Court group. Logistic regression is commonly used in the criminal justice field to determine the log odds of an outcome (in this case, recidivism), on the basis of group differences while controlling for any other factors that might influence recidivism. We have already observed that the comparison group had a slightly more serious criminal history than the DV Court group. Consequently, it is important to control for prior criminal history since this factor could influence further criminal involvement.

Table 2 displays the logistic regression output which includes all 397 (8 missing) cases in the study. This analysis attempts to predict the log odds of *overall recidivism*. Taking this table from top to bottom, we see that gender was not a significant predictor of overall recidivism. Any probability higher than .05 is an indication that there were no significant differences in the categories or values of the variable under examination. For the lay reader; the reference category for the categorical variables takes on a zero count. Consequently, a negative coefficient means that the reference category has a higher likelihood of recording the outcome (recidivism) than its comparison category. In this case, the coefficient for gender is .064 suggesting that males have higher odds of recidivism than females. However, the probability level that this variable differs from chance is .89, far removed from the .05 rejection level. Age at offense however was significant ($b = -.023$, probability = .039). The negative coefficient means that being younger

was predictive of higher odds of recidivism. The total number of convictions was highly significant ($b = .256$, probability = .000). This means that the lengthier the criminal history of the offender, the higher the odds of recidivism. Having a DANCO in place did not predict recidivism ($b = -.053$, probability = .842). Neither was level of sentence predictive of recidivism. This means that misdemeanants were as likely as felons to recidivate.

Table 2. Logistic Regression Predicting Overall Recidivism (N = 389)

	Coefficient	Standard Error	Probability	Odds ratio
Gender (female = Reference)	.064	.466	.891	1.07
Age at Offense	-.023	.011	.039	.977
Total # of convictions	.256	.043	.000	1.29
DANCO issued (No = reference)	-.053	.264	.842	.949
Level of Conviction (misdemeanor = reference)				
Gross misdemeanor	-.226	.343	.509	.798
Felony	.036	.284	.900	1.04
Court group (Domestic Violence Court group = reference)	1.28	.248	.000	3.60

The most important factor for this analysis is group assignment (comparison group vs. DV Court group). For overall recidivism, this variable was highly significant. The positive coefficient ($b = 1.28$, probability = .000) reveals that pre-DV Court group offenders had a significantly higher probability of recidivism than DV Court group offenders. The odds ratio for this variable was 3.6, indicating that comparison group members were roughly 3 ½ times more likely to recidivate than DV Court group offenders. However, this coefficient is misleading

since comparison group members had their court cases decided before DV Court group offenders. This would have given the latter group a lengthier period of time with which to recidivate. Consequently, a calculation was made to control for time and examine the recidivism probability at six months and then, one year post offense time.

The analysis in Table 3 calculates recidivism differences at six months. The analysis changes the impact of age slightly. Younger offenders were still more likely to recidivate at six months than older offenders but the probability level was no longer significant at the .05 level of rejection. Still, given the small sample size, the probability level of .065 suggests that being younger continued to be a risk factor for recidivism. Having a lengthier criminal history was still a significant determinant of recidivism and maintained its status as the best predictor of recidivism. At six months, the comparison group and DV Court group did not differ at the .05 level in recidivism odds ($b = .494$, probability = .080). That is, once we restrict the recidivism time for each group, the odds did not differ significantly. Still, the coefficient is in a direction that favors the outcome for the DV Court group. Had we again relaxed our alpha level to .10 (90% confidence level), the differences at six months for the two groups would be statistically significant. At this level, we can estimate that the comparison group posted six month recidivism odds that were 1.6 times higher than the DV Court group.

In Table 4, we extend the recidivism period out to one year post offense date. In this analysis, the only significant factor was the total number of convictions ($b = .169$, probability = .000) (criminal history). Group membership was not significant at either the .05 level of rejection or the .10 level ($b = .390$, probability = .117). Consequently, at one year, there were no recidivism differences between the comparison group and DV Court group.

Table 3. Logistic Regression Predicting Recidivism at Six Months (N = 389)

	Coefficient	Standard Error	Probability	Odds ratio
Gender (male = Reference)	-.203	.535	.705	.816
Age at Offense	-.025	.014	.065	.975
Total # of convictions	.135	.033	.000	1.14
DANCO issued (No = reference)	.006	.300	.984	1.00
Level of Conviction (misdemeanor = reference)				
Gross misdemeanor	-.364	.396	.358	.695
Felony	-.271	.328	.409	.762
Court group (Domestic Violence Court group = reference)	.494	.283	.080	1.64

Table 4. Logistic Regression Predicting Recidivism at One Year (N = 389)

	Coefficient	Standard Error	Probability	Odds ratio
Gender (male = Reference)	-.214	.480	.656	.808
Age at Offense	-.012	.011	.277	.988
Total # of convictions	.169	.034	.000	1.18
DANCO issued (No = reference)	.233	.268	.385	1.26
Level of Conviction (misdemeanor = reference)				
Gross misdemeanor	.063	.334	.851	1.06
Felony	-.111	.289	.700	.895
Court group (Domestic Violence Court group = reference)	.390	.249	.117	1.48

Nature of Recidivism

It is important to further scrutinize the nature of recidivism for those offenders who recidivate following their offense and conviction. Figure 1 shows that for *overall* recidivism, the comparison group had a higher level of felony convictions following their most recent conviction. Forty-four percent of comparison group recidivism convictions qualified as felonies compared to 30% for the DV Court group. Further, 78% of the comparison group convictions fell under the Minnesota statute for a violent offense compared to 41% for the DV Court group. Consequently, not only was the comparison group more likely to recidivate overall, but the nature of their further convictions was deemed more serious.

Figure 1. Percentage of Comparison Group and Domestic Violence Court Group Recidivating at the Felony and Violence Level.

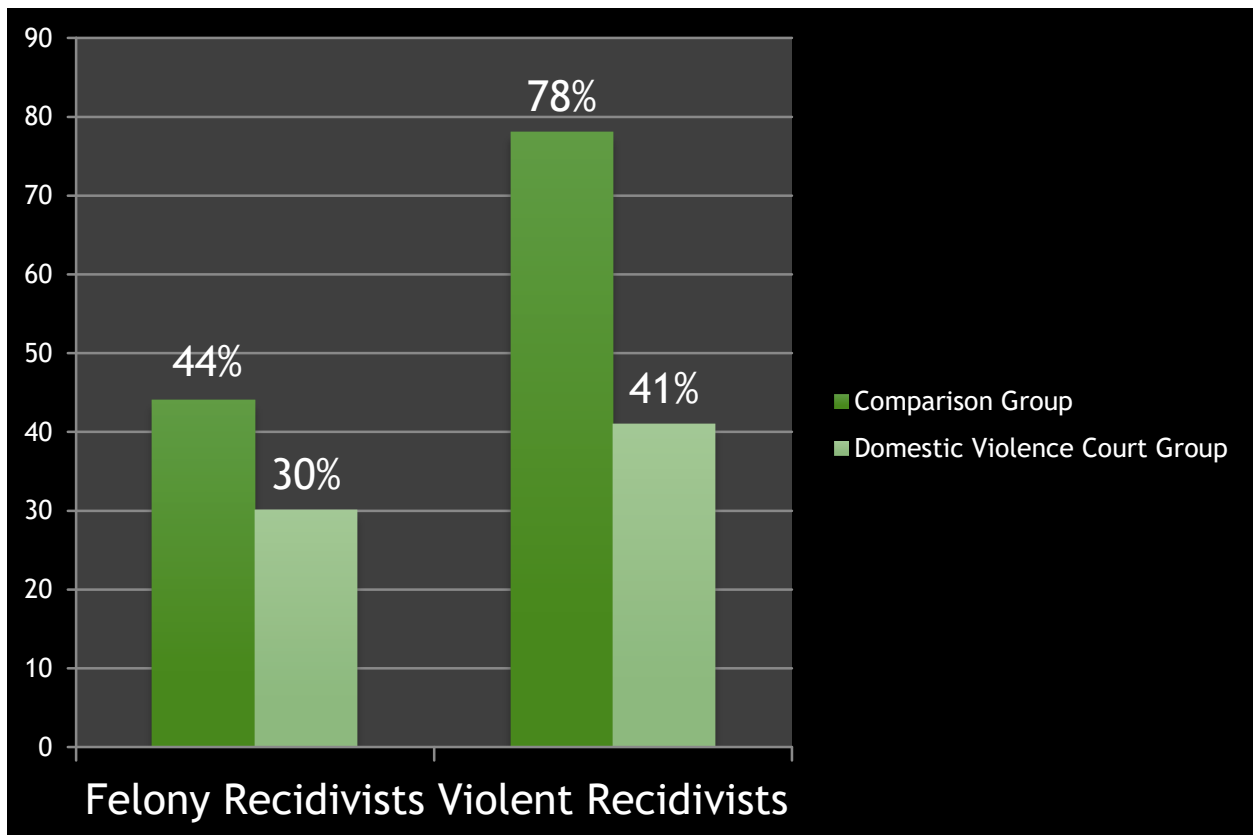


Figure 2 shows that at six months, 37% of the comparison group was convicted of a felony (among those who recidivated) compared to 22% for the DV Court group. During the same period of time, 87% of comparison group recidivist convictions qualified as a crime of violence compared to 37% for the DV Court group. At one year, differences again were revealed with the comparison group recidivists having 40% of their new convictions qualify as felonies compared to 28% for the DV Court group. Eighty-four percent of the new convictions for the comparison group qualified as a crime of violence compared to 36% for the DV Court group. Consequently, while the six month and one year recidivism analysis did not reveal significant differences for recidivism, the nature of recidivism suggests that when they did recidivate, the DV Court group was committing lower level and less violent offenses than the comparison group.

Figure 2. Six Month and One Year Felony Reconvictions for Comparison Group and Domestic Violence Court Group

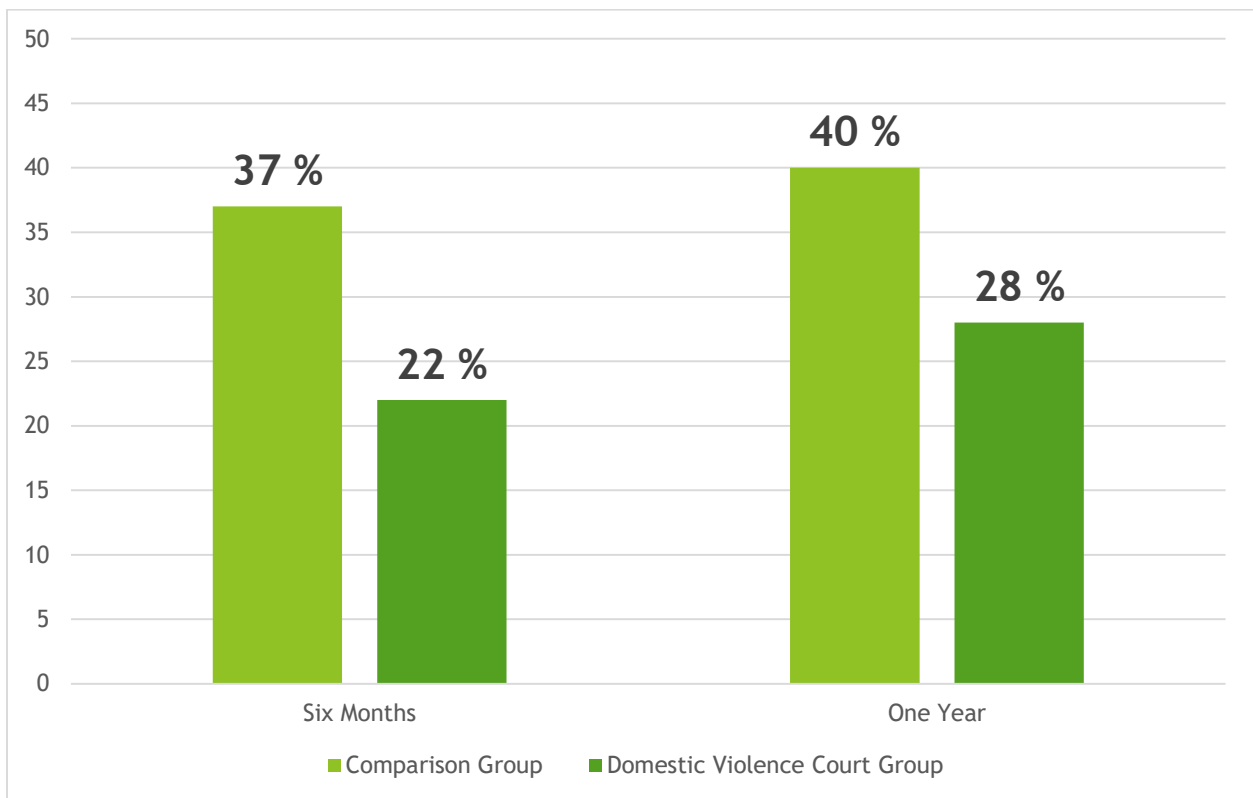


Figure 3. Six Month and One Year Violence Reconvictions for Comparison Group and Domestic Violence Court Group

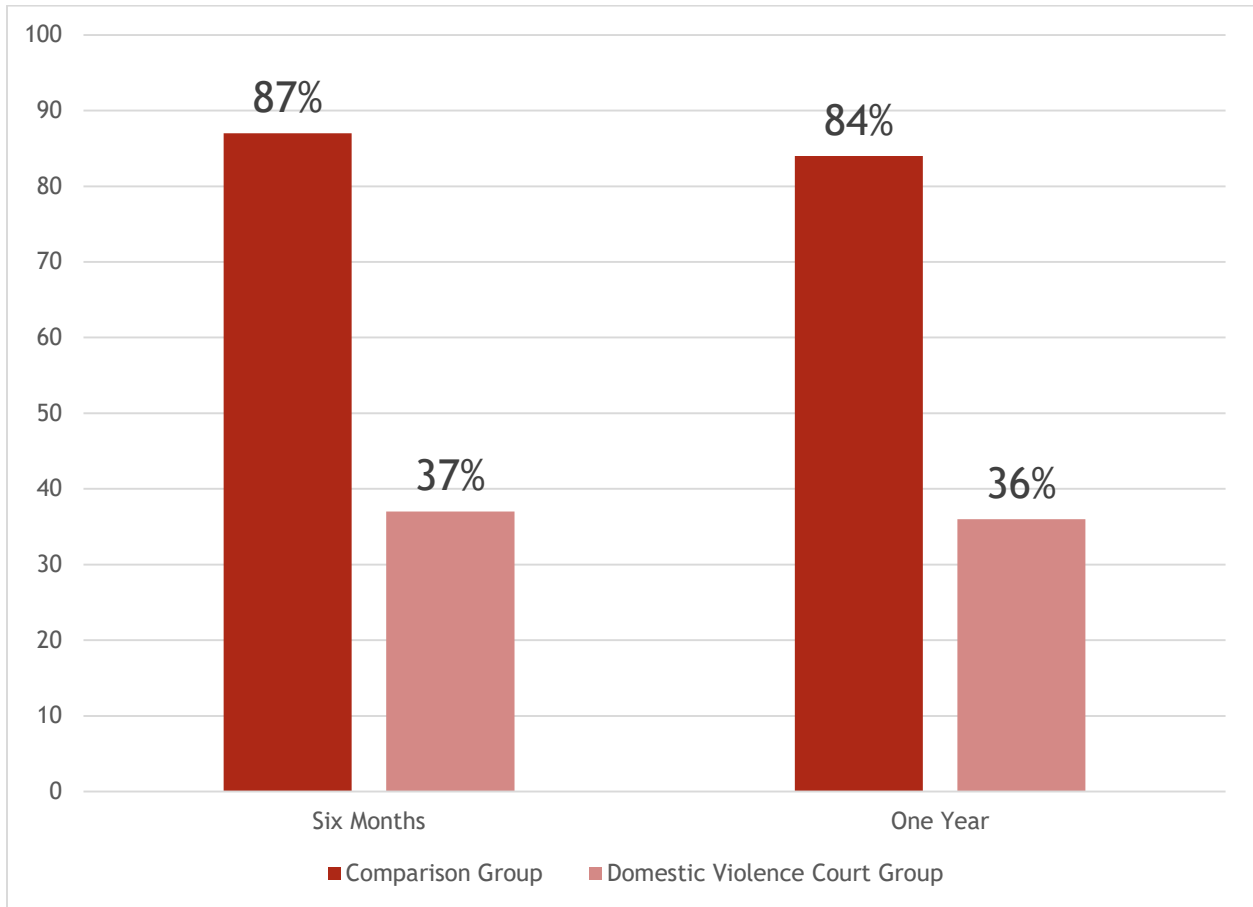
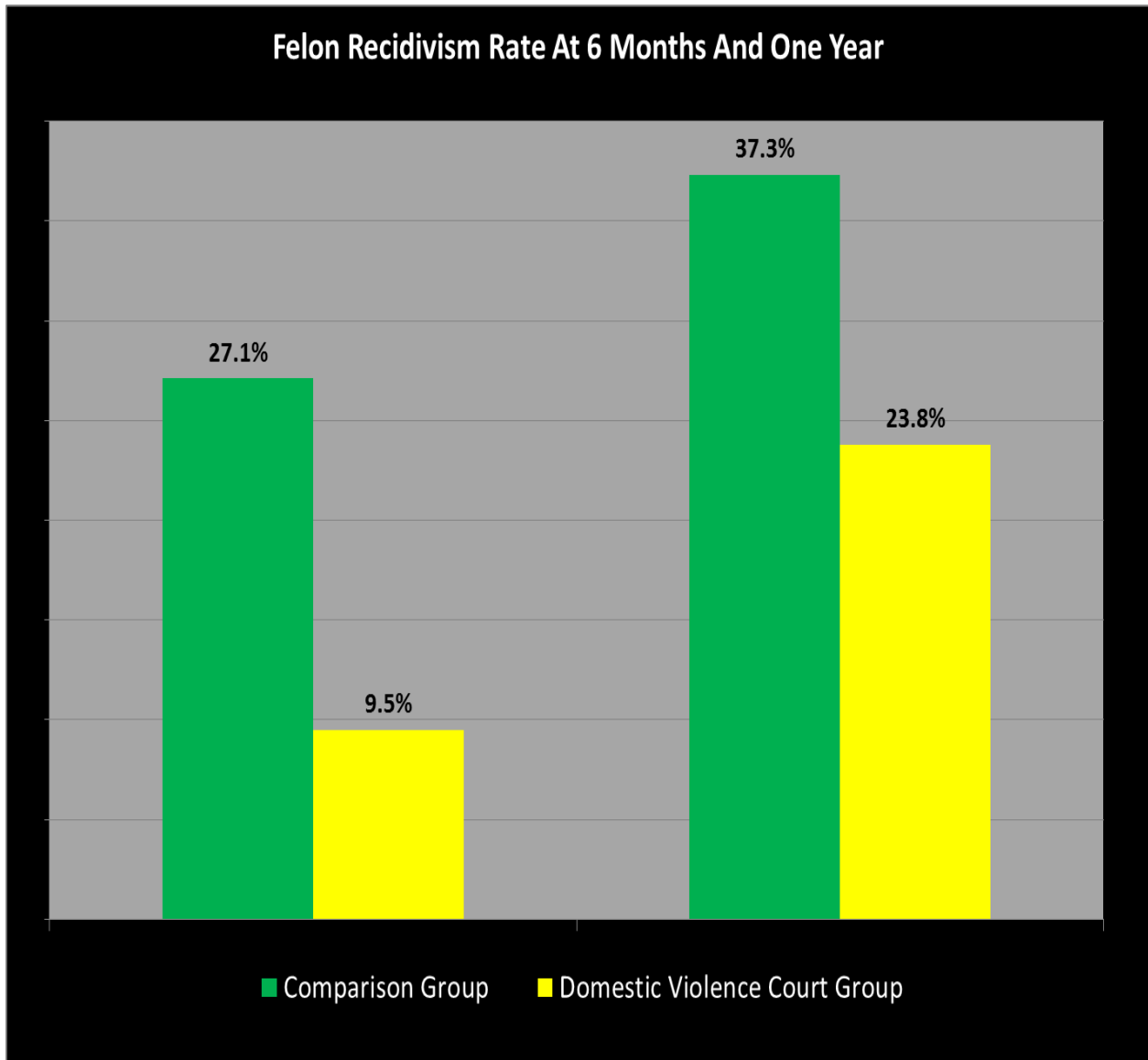


Figure 4 displays the recidivism results only for felons. In that figure, we observe that 27% of felons in the comparison group recidivated (for any conviction) over the six month period compared to 9.5% for the DV Court group. At one year, felons in the comparison group recidivated at a clip of 37% compared to 24% for the DV Court group. Again, these data are suggestive that while there are not statistically significant differences in recidivism rates at 6 months and one year, felons in the DV Court group are convicted later of less serious offenses than felons in the comparison group

Figure 4. Six month and One year Recidivism Rate among Felons

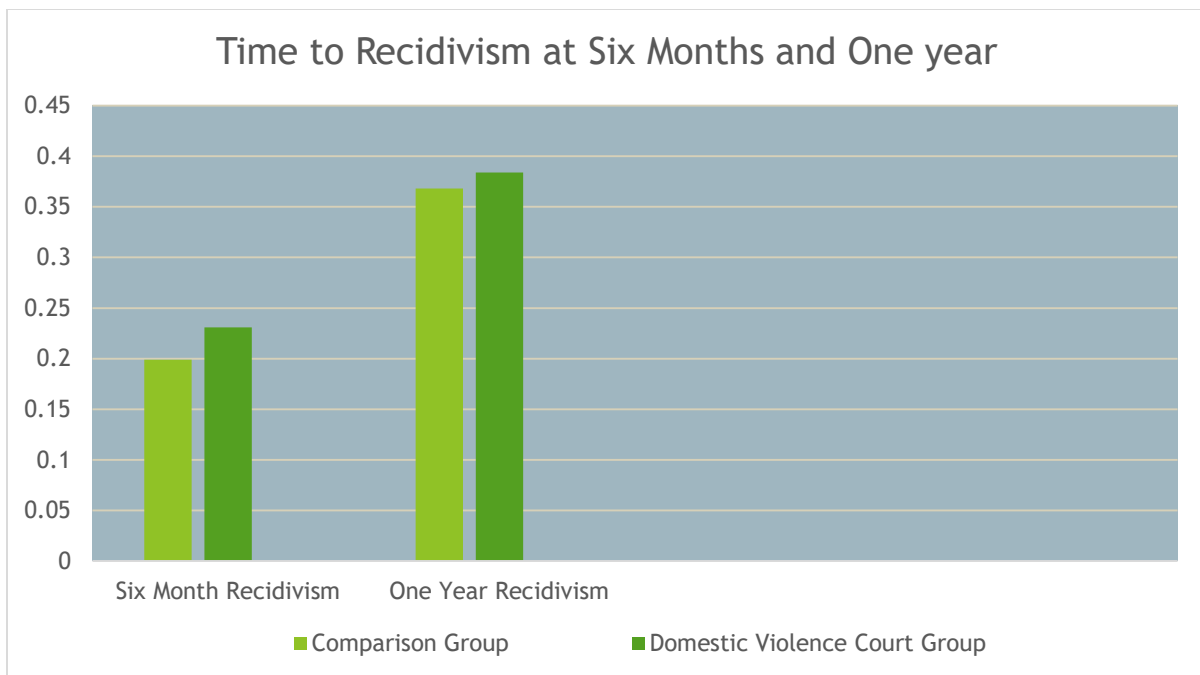


Time from Offense Date to Recidivism

Figure 5 displays the time from offense to recidivism at 6 months and one year for each group. Earlier, we observed that there were no significant recidivism differences at either time frame for the two groups. However, it is hoped that a program can at least delay or put off

recidivism for the group receiving a different treatment. In this case, that appears to be slightly true. At six months, those who recidivated in the comparison group recommit a new offense slightly less than 2 months after their conviction. For the DV Court group, this time frame was about two and a half months. At one year, the time to new offense for the comparison group was roughly three and a half months while for the DV Court group, it was almost four months. While these differences appear to be slight, at 6 months, the DV Court group delays their recidivism about 16% longer than the comparison group. At one year, this difference is about 4%.

Figure 5. Time to recidivism at Six Months and One Year for Comparison Group and Domestic Violence Court Group



Summary and Recommendations

This brief report reveals that at some level, the DV Court is having an impact on offending behavior. While the six month and one year recidivism differences between the two groups was not statistically significant, both coefficients point in the same direction; that is that the DV Court group appears to have a lower rate of recidivism. More importantly, when offenders are recidivating, the DV Court group appears to be committing fewer serious offenses. As one indicator of this, the level of violent recidivist convictions are much lower for the DV Court group. Finally, the DV Court group appears to be delaying their re-offending behavior such that new cases do not come to the attention of the court system as rapidly as previous domestic violence offenders.

There are several other patterns that are worthy of discussion. First, issuing DANCO's does not appear to have any impact on recidivism rates. DANCO's were issued more frequently prior to DV Court. A constitutional challenge at the state level led to the reduction of DANCO issuance. Since there were fewer DANCO's issued for the DV Court group than previously, we were curious whether the issuing of a DANCO had any impact on recidivism for the comparison group. When DANCO's were issued for the comparison group (about 77% of the cases), the recidivism rate was slightly lower (57% vs. 66%) than cases when they were not issued. This suggests that DANCO's were having a small impact on reducing recidivism prior to DV Court. However, when we add the DV Court group to the mix, DANCO's do not have any effect on recidivism, once other factors are controlled.

The small sample size restricts us from further disaggregating the data and examining other patterns. For instance, we lack victim-offender relationship data for the comparison group, otherwise we could undertake an analysis to determine whether the relationship between victim

and offender has any impact on recidivism. For the DV Court group, being married appears to buffer the probability of further offending but these N's are too small to make much of this pattern.

Based on this recidivism data, the following recommendations can be made:

- 1) We recommend that the Seventh Judicial District continue to support and operate the Domestic Violence Court;
- 2) It does not appear that the Court should be concerned with the level of charges for offenders since there is no recidivism variation on the basis of conviction level (misdemeanor, gross misdemeanor, felony). We raise this issue since some specialized courts will only take in felon or misdemeanant cases;
- 3) It does not appear that DANCO's have an impact on recidivism. There are other reasons to issue a DANCO but issuing this order on the basis of higher recidivism rates is not warranted.

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