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## **CRIMINAL JUSTICE ISSUES FOR ARIZONA**

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### **THE PINAL COUNTY DOMESTIC-VIOLENCE COURT SOME EARLY BUT ENCOURAGING RESULTS**

#### **Executive Summary**

Pinal County, Arizona created a domestic-violence court in 2002, in which felony cases are processed by the Superior Court in Pinal County, and misdemeanor cases are handled by the Apache Junction and Eloy justice courts. This report contains an analysis of data collected in the Pinal County Domestic Violence Database, which as of April 2008 contained 666 case records of domestic-violence offenders who were processed by one of the three courts. The database also contained information on a comparison group of offenders; however, these offenders are not included in this analysis because of insufficient numbers. Court officials are currently developing a more appropriate comparison group for use in a subsequent analysis.

The main findings are:

- Cases were on average subject to judicial review 8 times, resulting in the imposition of sanctions by judges in 47% of the reviews and by probation officers in 21% of reviews. One or more incentives were issued in 69% of the reviews.
- 61 (9%) offenders committed another offense while in the program.
- Offenders showed a statistically significant increase in their coping abilities as measured by the General Self-Efficacy Scale (GSE) during their period of supervision.
- Offenders showed a statistically significant decrease in their propensity for abusiveness to an intimate partner as measured by the Propensity for Abusiveness Scale (PAS) during their period of supervision.
- Offenders showed a statistically significant increase in their satisfaction with the criminal justice system during their period of supervision.
- Approximately 70% of treatment program cases (some offenders entered multiple programs) showed successful completions.
- 78% of offenders were drug-tested during the program; 31% of these had one or more positive results. The most prevalent substances were methamphetamine/amphetamines and marijuana.
- Program participants in the DV court program were 86% male, 59% Non-Hispanic White, 28% Hispanic/Latino, and an average of 33 years old; 45% were married or separated and the rest were single; 65% were employed full-time and 25% were unemployed; fewer than half had completed high school.
- 76% were convicted of misdemeanor offenses and 24% of felonies. The most common offenses were disorderly conduct (41%), assault (27%), and aggravated assault (10%).

While encouraging, these findings are limited by the project's lack of a suitable control group of offenders and other issues. However, Pinal County's DV Court model does offer promise for assisting Arizona's efforts against domestic violence, and should be considered as a basis for future research.

## **Pinal County**

Pinal County is a large, fast-growing county located in central Arizona between the Phoenix and Tucson metropolitan areas.<sup>1</sup> Its 2006 population of 300,000, spread over 5,400 square miles, represented a 67% increase over its 2000 population of 180,000. While Pinal's recent rapid growth has been driven by residential development, it remains largely rural, with half of its population living in unincorporated areas and with no cities larger than about 35,000. Historically, the county's main industries have been mining and farming; today, government is the largest employer, followed by trade and services. Its 2007 unemployment rate was 4.8%, its median household income in 2006 was \$43,142 (U.S.: \$48,451) and its poverty rate was 15.8% (U.S.: 13.3%). A high-school diploma or higher was earned by 82% of Pinal residents, while 19% held a B.A. degree or higher. The county's racial/ethnic breakdown was as follows: White: 70%; African American: 3%; Native American: 6%; other race: 16%; Hispanic heritage (any race): 30%.

## **Pinal County Courts**

The Superior Court of Arizona in Pinal County, located in the county seat of Florence, is part of the state's only general-jurisdiction court. It currently consists of 11 judicial officers presiding over nine divisions plus an additional pro-tem division. The court operates under the administrative supervision of a presiding judge who is appointed by the chief justice of the Arizona Supreme Court. The county has eight justice courts that are limited-jurisdiction courts hearing civil matters up to \$10,000 and criminal cases limited to petty offenses and misdemeanors punishable by a fine up to \$2,500, a jail term up to six months, or both.

## **Overview: The Domestic Violence Court Model**

The American criminal justice system's response to allegations of domestic violence (DV) has improved significantly in recent decades. Historically, however, it has been weak: abusers in the past seldom faced arrest or prosecution on the same scale as non-intimate offenders; DV cases often resulted in higher dismissal rates and less serious sentences; many researchers and advocates argue that even today orders of protection are often poorly enforced. One reason cited for the anemic official response has been that DV cases—which are usually misdemeanors involving minor or no physical injury—must compete for time and resources with other, more “serious” criminal cases. Another reason is the challenge posed to system officials by the special circumstances surrounding crimes between intimate partners. Indeed, some researchers, practitioners, and advocates have argued that DV cases would continue to be treated inadequately as long as they were processed in the same courts that handle other crimes.

Beginning in the 1990s, these considerations led to the formation in numerous states of domestic-violence courts modeled in part on existing drug courts—themselves created to handle the large volume of drug-possession cases. DV courts are not separate legal entities, but typically consist of one or more sitting judges who handle all DV cases in their court's jurisdiction, rather than having the cases distributed among all the court's judges. The key goal of DV courts is to improve victim safety and offender accountability by conducting more intensive supervision of offenders on probation, and offering both sanctions and incentives as warranted by offender behavior. In addition, proponents of the model say it develops judges with deeper experience in handling DV cases, promotes greater consistency in the justice system's response, and enables DV judges to work closely with teams of equally experienced prosecutors, probation officers, and advocates.

Pinal County inaugurated a domestic-violence court in 2002. The court provides intensive supervision and other services for DV cases adjudicated in Pinal County Superior Court and the Apache Junction and Eloy justice courts. The superior court adjudicates and supervises all DV felony

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<sup>1</sup> Data taken from the Pinal County budget, 2007-08 and the U.S. Census Bureau.

cases in the county, while the two justice courts adjudicate and supervise misdemeanor DV cases in their respective jurisdictions. Key elements of the program’s approach include:

- It does not offer deferred prosecution; all participating offenders have been convicted—usually through pleas—of crimes with domestic-violence designations.
- Plea agreements provide an incentive for offenders to join the program.
- The program’s intensive-supervision portion of the total probation sentence is usually for the first year, depending on the offender’s progress. Successful probationers “graduate” to standard supervision for the rest of their term.
- Supervision is extended to all first- and second-time misdemeanor offenders as well as to felony offenders.<sup>2</sup>
- Offenders facing a third misdemeanor are charged with an aggravated DV felony.
- Most offenders are initially sentenced to deferred jail time (reviewed by the judge every two weeks thereafter), two years probation, and participation in a batterers’ intervention program (BIP).
- The DV court program includes graduated sanctions (probation, BIP participation, and the possibility of jail time) and incentives (offenders may progress from maximum through medium to minimum levels of supervision based on progress in their case plan, which is reviewed about every four months in the first year).
- A successful offender can earn early termination of probation at one year.
- Victim advocacy services are provided to all misdemeanor and felony victims.

## Characteristics of Offenders

As of April 23, 2008 the Pinal County Domestic Violence Database contained 666 case records of offenders processed by the DV court model described above. Their ages ranged from 18 to 69 years, with an average of 33 years; 32% lived with their victims. Only 4% were living with their biological children. A further breakdown of offender characteristics follows.<sup>3</sup>

**Table 1. Gender**

| Gender | Frequency | Percent |
|--------|-----------|---------|
| Male   | 573       | 86%     |
| Female | 92        | 14%     |

**Table 2. Race/Ethnicity**

|                                 | Frequency | Percent |
|---------------------------------|-----------|---------|
| Non-Hispanic White              | 305       | 46.0%   |
| Hispanic/Latino                 | 275       | 41.0%   |
| African American                | 40        | 6.0%    |
| Native American                 | 30        | 5.0%    |
| Asian American/Pacific Islander | 4         | .6%     |
| Other                           | 11        | 1.7%    |

**Table 3. Education**

|                      | Frequency | Percent |
|----------------------|-----------|---------|
| 8th Grade or Below   | 35        | 6.0%    |
| Some High School     | 303       | 52.0%   |
| High School Diploma  | 199       | 34.0%   |
| Some College         | 38        | 7.0%    |
| College Graduate     | 4         | .7%     |
| Post-graduate Degree | 1         | .2%     |
| Unknown              | 4         | .7%     |

<sup>2</sup> Statutes allow only a one-year probation period for class-three misdemeanors; for some felonies, probation may extend for more than two years.

<sup>3</sup> Numbers may not add to 100% due to rounding. Some categories lack full data.

**Table 4. Marital Status**

|            | Frequency | Percent |
|------------|-----------|---------|
| Married    | 230       | 35.0%   |
| Single     | 227       | 34.0%   |
| Separated  | 66        | 10.0%   |
| Divorced   | 91        | 14.0%   |
| Widowed    | 1         | .2%     |
| Cohabiting | 36        | 6.0%    |
| Unknown    | 9         | 1.4%    |

**Table 5. Employment Status**

|            | Frequency | Percent |
|------------|-----------|---------|
| Full-time  | 428       | 65.0%   |
| Seasonal   | 3         | .5%     |
| Retired    | 8         | 1.2%    |
| Part-time  | 27        | 4.1%    |
| Unemployed | 161       | 25.0%   |
| Student    | 3         | .5%     |
| Unknown    | 4         | .6%     |
| Other      | 15        | 2.3%    |
| Disabled   | 9         | 1.4%    |

## Characteristics of Offenses

**Table 6. Offense**

| Offense*                              | Frequency | Percent |
|---------------------------------------|-----------|---------|
| Disorderly Conduct**                  | 272       | 41.0%   |
| Assault                               | 182       | 27.0%   |
| Aggravated Assault                    | 67        | 10.0%   |
| Criminal Damage                       | 42        | 6.0%    |
| Endangerment                          | 24        | 4.0%    |
| Threatening or Intimidating           | 15        | 2.0%    |
| Interfering with Judicial Proceedings | 14        | 2.0%    |
| Aggravated Harassment                 | 14        | 2.0%    |
| Child/Vulnerable Adult Abuse          | 11        | 2.0%    |
| Criminal Trespass (1st Degree)        | 9         | 1.0%    |
| Aggravated Domestic Violence          | 5         | .8%     |

\* Offenses committed by fewer than 5 offenders are omitted.

\*\* Violations of subsection A, paragraphs 1, 2, 3, or 6.

**Table 7. Offense Severity**

|                        | Frequency | Percent |
|------------------------|-----------|---------|
| Misdemeanor Class 1    | 469       | 70%     |
| Misdemeanor Class 2    | 39        | 6%      |
| Felony without 13-3601 | 74        | 11%     |
| Felony with 13-3601    | 75        | 11%     |
| Felony with 13-3601(m) | 9         | 1%      |

## Judicial Review

A central element of the DV court model is the regular judicial review of each case. Initially, reviews are done every two weeks. As positive results are noted, the reviews decrease in frequency. Prior to each court hearing, a case is reviewed by a judge, probation officer, prosecutor, public defender, and in some cases a treatment-program provider. The judge hears from the offender at each hearing, as well as from the victim or their representative if they request it. The Pinal County DV database contains judicial review information on 651 cases. The number of times cases were reviewed ranged from 1 to 25 and averaged 7.9 times (with a median of 8), for a total of 5,119 reviews.

## SANCTIONS

In 78% of the reviews, no violations were recorded. Overall, intermediate sanctions were invoked by probation officers on 21% of the case reviews. Judges issued special sanctions in 47% of the reviews. The following table summarizes the number of times special sanctions were ordered (more than one order or sanction may have been issued at a single review).

**Table 8. Sanctions**

| Special Order or Sanction           | Frequency | Percent |
|-------------------------------------|-----------|---------|
| Attendance at all judicial calendar | 1,518     | 30.0%   |
| Verbal admonishment                 | 560       | 11.0%   |
| Jail time not waived                | 283       | 6.0%    |
| Revocation                          | 186       | 4.0%    |
| More judicial reviews               | 157       | 3.0%    |
| More urine analysis                 | 17        | .3%     |
| Community service hours             | 14        | .3%     |
| Early curfew                        | 12        | .2%     |
| Other judge's sanction              | 11        | .2%     |
| Increased supervision               | 7         | .1%     |
| Extra reporting to PO               | 4         | .1%     |

## INCENTIVES

One or more incentives were issued in 69% of judicial reviews. The following table summarizes the incentives by probation officers and judges across all judicial reviews.

**Table 9. Incentives**

| Incentives                                  | Probation Officer |         | Judge     |         |
|---|-------------------|---------|-----------|---------|
|   | Frequency         | Percent | Frequency | Percent |
| Verbal praise                               | 3,109             | 60.7%   | 3,091     | 60.0%   |
| Less judicial review                        | 1,853             | 36.2%   | 1,855     | 36.0%   |
| Waive probation supervision fees            | 1,013             | 19.8%   | 1,017     | 20.0%   |
| Program completion                          | 314               | 6.1%    | 313       | 1.0%    |
| Dismiss attendance at all judicial calendar | 116               | 2.3%    | 117       | 7.0%    |
| Later curfew                                | 76                | 1.5%    | 25        | .5%     |
| Decreased supervision level                 | 41                | .8%     | 30        | .6%     |
| Less reporting to PO                        | 37                | .7%     | 18        | .4%     |
| Waive community service hours               | 5                 | .1%     | 8         | .2%     |
| Removal of house arrest                     |                   |         | 1         |         |
| Other incentive(s)                          | 151               | 2.9%    | 8         | .2%     |

## New Offenses While on Probation

Of the 666 participants, 61 (9%) committed new offenses while they were on probation for their DV conviction. There were a total of 68 offenses, of which 45 (66%) were for violent crimes; 22 (32%) of the offenses were against the original victim.

## General Self-Efficacy Scale Results

The Pinal County DV Database contained assessments of offenders on the General Self-Efficacy Scale (GSE). The scale is a widely used 10-item, 4-point scale designed to measure an individual's general confidence in their ability to deal successfully with challenges. Higher scores by offenders on the GSE are believed to indicate improvement in their ability to avoid future DV offenses. An analysis

was made of the 116 participants who completed the instrument twice (indicated below as “time 1” and “time 2”), usually about a year apart. The higher the average score, the more self-confident the offenders reported they felt. The table shows that there were on average increases in confidence on all items. An independent-samples *t*-test showed that these increases were statistically significant on 8 of the 10 items at or below the .05 probability level.

**Table 10. General Self-Efficacy Scale Item**

|  | <b>Time 1</b><br>Mean | <b>Time 2</b><br>Mean | <b>f<sub>t</sub>test sig.</b><br>(2-tailed) |
|--|-----------------------|-----------------------|---|
| I can always manage to solve difficult problems if I try hard enough                 | 3.54                  | 3.69                  |   |
| If someone opposes me, I can find the means and ways to get what I want              | 2.46                  | 2.99                  | .000  |
| It is easy for me to stick to my aims and accomplish my goals                        | 3.32                  | 3.49                  |   |
| I am confident that I could deal efficiently with unexpected events                  | 3.32                  | 3.65                  | .000  |
| Thanks to my resourcefulness, I know how to handle unforeseen situations             | 3.22                  | 3.47                  | .002  |
| I can solve most problems if I invest the necessary effort                           | 3.52                  | 3.66                  | .046  |
| I can remain calm when facing difficulties because I can rely on my coping abilities | 3.29                  | 3.58                  | .000  |
| When I am confronted with a problem, I can usually find several solutions            | 3.33                  | 3.54                  | .007  |
| If I am in trouble, I can think of a solution  | 3.27                  | 3.53                  | .004  |
| I can usually handle whatever comes my way   | 3.26                  | 3.53                  | .001  |

### Propensity for Abusiveness Scale Results

The database contained assessments of offenders on the Propensity for Abusiveness Scale (PAS), a 29-item, 5-point scale that measures the likelihood that conflict in an intimate relationship will lead an individual to become abusive. An analysis was made of the 113 participants with “time 1” and “time 2” records. The scale is scored by adding item scores. The higher the score, the higher offenders’ propensity for abusiveness. Time 1 scores showed an average for 113 offenders across the 29 items of 58, while time 2 scores dropped to an average of 52.5. An independent-samples *t*-test showed that this decrease was statistically significant at or below the .05 probability level ( $t=2.216, p=.028$ ).

### Offender Satisfaction with the Criminal Justice System

The database contained measurement of offenders’ satisfaction with probation officers and judges from a survey administered, like the GSE, usually about a year apart (“time 1” and “time 2”). The survey asked for levels of agreement with three statements about judges and seven statements about probation officers, on a scale of 1 to 7, where higher average scores indicated higher levels of satisfaction. An analysis of 116 offenders found that there were increases in average satisfaction levels on all items. An independent-samples *t*-test showed that these increases were statistically significant on all items at or below the .05 probability level.

**Table 11. Offender Satisfaction with the Criminal Justice System**

|   | <b>Time 1</b><br>Mean | <b>Time 2</b><br>Mean | <b>f<sub>t</sub>test sig.</b><br>(2-tailed) |
|---|-----------------------|-----------------------|---|
| The judge treated me with respect   | 5.66                  | 6.48                  | .000  |
| I felt physically safe in the courtroom   | 5.88                  | 6.42                  | .001  |
| The judge explained things to me in ways I could understand   | 5.72                  | 6.46                  | .000  |
| I felt the probation officer and the Adult Probation Department wanted to know how this experience had impacted my life                                   | 4.99                  | 6.22                  | .000  |
| My probation officer was supportive of me   | 5.49                  | 6.41                  | .000  |
| My probation officer let me know how I was doing on probation (e.g., good or needed improvement)  | 5.31                  | 6.54                  | .000  |
| My probation officer made referrals for me to other services I might need (e.g., counseling/therapy, anger management, marriage counseling, job training) | 5.73                  | 6.18                  | .003  |
| My probation officer tried to work with me if I was having a hard time instead of taking me right back to the judge                                       | 5.39                  | 6.21                  | .000  |
| My probation officer treated me with respect  | 5.80                  | 6.51                  | .000  |
| My probation officer explained things to me in ways I could understand  | 5.98                  | 6.54                  | .000  |

## Treatment Program Outcomes

Of the 2,063 treatment records in the Pinal County DV database, the 627 that were no longer active (i.e., no longer in the program) were extracted for analysis. This consisted of 461 participants, involved in from 1 to 6 treatment programs, with an average of 1.4 programs per offender. The vast majority of program outcomes (85%) were for batterer intervention programs (BIPs); 12% were for substance-abuse programs.

Of all non-active treatment-program records, 59% showed successful completions. If the “pending” cases are removed, more than 70% of records had successful completions. “Pending” cases were usually those of offenders who had missed initial intake but had not yet been terminated. Twenty-one percent of cases were marked as terminated from their treatment programs for such reasons as non-compliance, poor progress, or failure to attend.

**Table 12. Treatment Programs**

| Type of Program       | Frequency | Percent |
|-----------------------|-----------|---------|
| BIP                   | 530       | 84.0%   |
| Substance abuse       | 78        | 12.0%   |
| General Mental Health | 7         | 1.0%    |
| Parenting             | 5         | .8%     |
| Other                 | 7         | 1.0%    |

**Table 13. Status of Non-Active Cases**

|                     | Frequency | Percent |
|---------------------|-----------|---------|
| Completed           | 372       | 59.0%   |
| Pending             | 109       | 17.0%   |
| Terminated          | 133       | 21.0%   |
| No treatment record | 8         | 1.3%    |
| Other               | 5         | .8%     |

## Drug Testing

Of the 666 offenders in the Pinal County DV database, 518 were tested one or more times for illegal drug use during their participation in the DV court program. The number of times an individual was tested ranged from 1 to 11, with an average of 2.1 times each. The following table shows the results of the total 1,091 tests by type of substance found. Overall, there were one or more positive results on 338 (31%) of the tests and for 209 (31%) of the offenders tested.

**Table 14. Drug Testing**

| Type of Drug                | Frequency | Percent |
|-----------------------------|-----------|---------|
| Methamphetamine/Amphetamine | 180       | 17.0%   |
| Marijuana                   | 120       | 11.0%   |
| Cocaine                     | 54        | 5.0%    |
| Opiates                     | 30        | 3.0%    |
| Alcohol                     | 29        | 3.0%    |
| Barbiturates                | 5         | .5%     |
| Propoxyphene                | 3         | .3%     |
| Benzodiazepines             | 3         | .3%     |
| Methadone                   | 1         | .1%     |
| PCP                         | 0         | 0.0%    |

## Discussion

Initial results from the Pinal County Domestic Violence Court suggest that the program has contributed to positive performance by offenders across several metrics. Offenders' before-and-after scores on the GSE and PAS scales improved by statistically significant amounts, as did their reported satisfaction with the criminal justice system. A majority of offenders completed their required treatment programs. Incentives were issued much more frequently than sanctions by judges and probation officers, with 78% of the reviews resulting in no violations of probation terms. Perhaps most important, only 9% of offenders were cited as committing new offenses while in the program.

While encouraging, these findings are too limited to be definitive. Among their limitations are:

- There was no adequate control group of offenders to compare with program participants.
- Most of the 666 offenders did not take the GSE and other scales twice.
- Recidivism and other negative behavior were recorded only during the time that offenders were in the program.
- Follow-up interviews concerning recidivism and other matters were not conducted with victims.

Despite such shortcomings, however, the program does offer promise for enhancing the justice system's response to DV—a task that remains a major challenge for courts throughout Arizona. A useful next step would be for Pinal County to continue its collection of data on offenders in DV Court as well as on a control group of those—matched in demographic and offense categories—who are processed in the county's other justice courts. Future research would hopefully be able to draw samples for analysis from both groups, as well as to follow up on offenders' conduct beyond their period of court supervision, ideally by consulting past victims as well as law enforcement reports.



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