

VIOLATION OF DOMESTIC VIOLENCE STATUTES STATUS REPORT

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JUSTICE ASSISTANCE

Abbreviated Title: Domestic Violence Review (DVR)

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Figures and Tables: Appendix A: 'Daily Court Calendar Report Summary' and 'Figures 1 through 9'

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KEYWORDS

- Disposition
- Filed
- Dismissed
- Probation
- Defendant
- Case Number
- Police Department
- Lead Charge
- Event
- Attorney
- Status Date
- Bench Warrant

ABSTRACT

Aim: To identify the causal factors in the decline in district court referrals as they relate to defendants who violate the domestic violence statutes.

Rationale: The number of referrals to Justice Assistance within this offense category has dropped by over thirty-five percent (35%) during the first six (6) months of the current fiscal year.

Methods: A review of the 'Daily Criminal Calendar' by court and by police department from December 1st through February 2nd. Upon completion of the review, **all** domestic cases were cross-checked with 'Criminal Information Search' to determine final outcomes.

Results: Of the 347 domestic violence cases disposed of in all district courts 200, or 58%, were dismissed between December 1st and February 2nd. Dismissals by division are as follows:

- 2nd Division District Court: 44%
- 3rd Division District Court: 45%
- 4th Division District Court: 53%
- 6th Division District Court: 64%

Main Conclusions: Justice Assistance offers one conclusion. The majority of the cases within the coterie of domestic violence offenses are dismissed.

From our findings, we raise four questions: First, has there been a negative impact on the charging and/or prosecution of domestic violence offenses since *Crawford v Washington* (2004) and if so why is it just now reaching the Rhode Island court system? (*The U.S. Supreme Court ruled that the use of certain victim statements as evidence violates the 6th Amendment confrontation clause unless the defendant has the opportunity to cross-examine the victim.*) Second, has police training as it relates the investigation and subject interrogation when called to a domestic incident been consistent with allowable actions for victimless prosecution? Third, what has been the real impact upon the prosecution and travel of domestic cases from arrest through disposition using city and town solicitors? Finally, has there been a downgrading, through plea negotiation, of the domestic portion of a charge?

INTRODUCTION

Background to the Topic: In Fiscal Year 2010 Justice Assistance recorded a slight decline in domestic violence referrals from the district courts. The pace of decline increased in 2011. During the first 6-months of Fiscal Year 2012 the organization has seen an overall drop in domestic violence referrals of 116, or 35%. The drop over the same time period in 6th Division District Court reached 72, or 50%.

Statement of Aims / Questions Posed: To determine the cause for this unprecedented decline in enrollments, the organization sought to determine if this was unique to filings or if the trend was also among sentenced offenders. Questions posed included: Is the organization aware of all referrals made to Justice Assistance? What does the Daily Court Calendar tell us? Did the court reorganization play a role?

Gaps in Knowledge: Is the decline isolated to a few police departments or is there a systemic problem? Has the Rhode Island or United States Supreme Courts issued any rulings detrimental to the prosecution of domestic violence statutes? Has the transition from police prosecution to city and town solicitors played a role in the decline? Is the domestic portion of a charge being downgraded?

Scientific Merit and Applications: None. Justice Assistance claims no scientific merit or application. The analysis is considered a summative evaluation. The information analyzed by Justice Assistance is available to the public. We make no assurances that the numbers entered into the court data-base are accurate. In fact, we remind the reader that the court declares that the use of the court connect data is subject to entry error.

Declaration of Testable Hypotheses: Justice Assistance was not receiving the 'Criminal Complaint Forms' to enroll and process clients referred to the organization.

Overview of Experimental Approach to Tackle the Hypotheses: Justice Assistance reviewed and tallied the 'Daily Criminal Calendar', following each domestic violence case from arraignment through disposition, segmented by court and police department. The Daily Court Calendar was cross-checked with Criminal Information Search.

Predictions: None.

MATERIALS AND METHODS

See Supplementary Material at Appendix A: entitled, 'Daily Court Calendar Report Summary' for full details that complement the Methods described here, allowing for methodical interpretation and reproducibility of the analysis.

SUBJECTS

Model System (Total n=347)

Sub-Population and Restrictions: None

Ethical Approval: None

EXPERIMENTAL DESIGN

Justice Assistance, beginning December 1, 2011, initiated an analysis of all domestic violence arraignments and their continuing travel through the district court. This analysis ended February 2nd.

At the close of business each day – Monday through Friday – Justice Assistance staff reviewed the Rhode Island District Court 'Daily Criminal Calendar'. The data recorded was defendant name, case number, arresting police department, lead charge, court event, defense attorney assignment, court status review date, divisional court, arraignment date, disposition date and outcome.

Upon completion of the daily recording of the data the following was tallied: 1) Total Dispositions; 2) Total Filed; 3) Total Sentenced; 4) Total Dismissed; and, 5) Total Bench Warrants Issued. The data was subsequently segmented by district court division and police department within each divisional district court.

The daily data collection was consequently compiled cumulatively.

DATA ANALYSIS

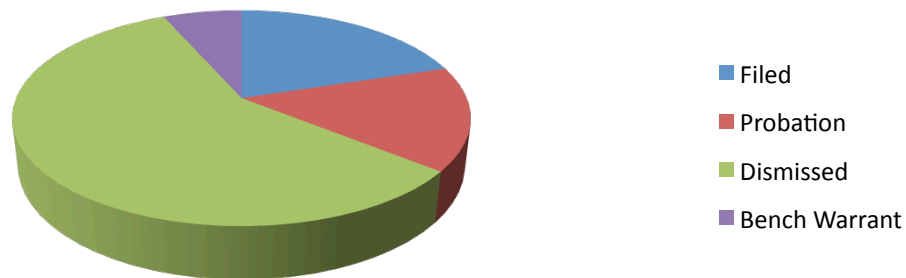
It had been the hypothesis that the number of referrals to Justice Assistance decreased because the court criminal complaint forms had not been properly forwarded. We found this hypothesis to be partially accurate. Of the 70 filed defendants charged with domestic offenses, 39 were ordered to complete a batterers' intervention program but only 24 were referred to Justice Assistance for supervision. Of the remaining 31 defendants, 1 received no conditions, 15 had court costs only and 15 received a sanction other than batterers' intervention.

While our analysis of the daily court calendar found our original hypothesis to be valid in part, we also discovered what would appear to be an inordinate number of dismissals. Unfortunately, the daily court calendar is only available for a 24-hour period and consequently there is no comparable data available from which we could draw any conclusions. We can, however, draw a reasonable assumption that the number of dismissals and the decrease in enrollments is related.

From the period December 1, 2011 through February 3, 2012, the district court disposed of 347 cases involving defendants who violated the various domestic violence statutes. Of this number, 200 or 58% were dismissed; 70 or 20% were filed; 54 or 16% were sentenced and 23 or 7% had bench warrants issued (See Figure 1).

FIGURE 1

Total Domestic Violence Dispositions



- Total Number of Dispositions: 100%
- Number of Filings: 20%
- Number of Probation Sentences: 16%
- Number of Dismissals: 58%

- Number of Bench Warrant: 6%

Without the luxury of comparative data, the organization then sought to determine if any policies had been issued within the courts or the police departments that may affect the flow of domestic violence cases from the point of arrest through disposition. We found through simply asking various court, law enforcement and probation personnel if any recent directives involving the processing of domestic violence cases had been issued. Not only had there been none but just the opposite was occurring. The district court was more diligent in processing cases through the use of pre-trial services and on the superior court level a special 'Domestic Violence Calendar' was initiated. We also found that the Department of Corrections prioritised their domestic violence probation unit and the local police departments continued to provide training in the area of domestic calls.

To reach deeper, we analyzed the data by divisional court and police departments.

Within the various divisions of the district court, a similar pattern emerged leading us to question if the dismissal rate was being driven by forces external to the courts themselves.

For example, dismissals accounted for 44% of all outcomes in 2nd Division District Court, 45% in 3rd Division District Court, 52% in 4th Division District Court and 64% in 6th Division District Court.

2nd Division District Court encompasses Jamestown, Little Compton, Middletown, Newport, Portsmouth and Tiverton. In the time period analysed the court disposed of 34 cases: 15, or 45%, were dismissed; 11, or 32%, were filed; 6, or 18%, were sentenced; and, 2 bench warrants were issued (See Figure 2). The Tiverton and Newport Police Department's dismissed 67% and 60% respectively and accounted for 14 of the 15 dismissals (See Figure 3).

FIGURE 2

- Total Number of Dispositions: 100%
- Number of Filings: 32%
- Number of Probation Sentences: 18%
- Number of Dismissals: 15%
- Number of Bench Warrant: 6%

2nd Division District Court

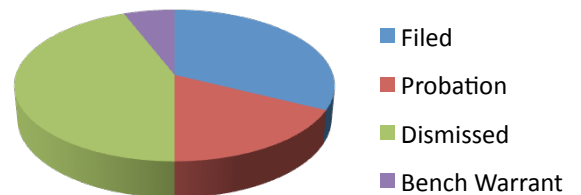
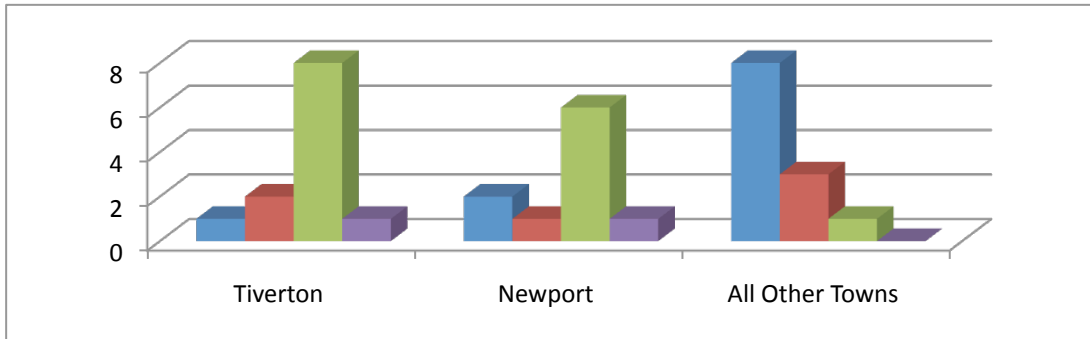


FIGURE 3



3rd Division District Court includes Coventry, Cranston, East Greenwich, Exeter, Foster, Glocester, Johnston, Lincoln, North Kingstown, North Providence, North Smithfield, Scituate, Smithfield, Warwick, West Greenwich and West Warwick. Seventy-one (71) cases were disposed of during the analyzed time period: thirty-two (32), or 45%, were dismissed; 18, or 25%, were filed; 15, or 21%, were sentenced; and, 6, or 8%, had bench warrants issued (See Figure 4). The Warwick, North Providence, Cranston and Coventry Police Department’s dismissed 53%, 50%, 46% and 44% respectively accounting for 23 of the 32 dismissals (See Figure 5).

FIGURE 4

- Total Number of Dispositions: 100%
- Number of Filings: 25%
- Number of Probation Sentences: 21%
- Number of Dismissals: 45%
- Number of Bench Warrant: 9%

3rd Division District Court

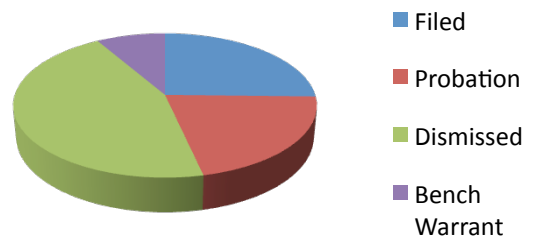
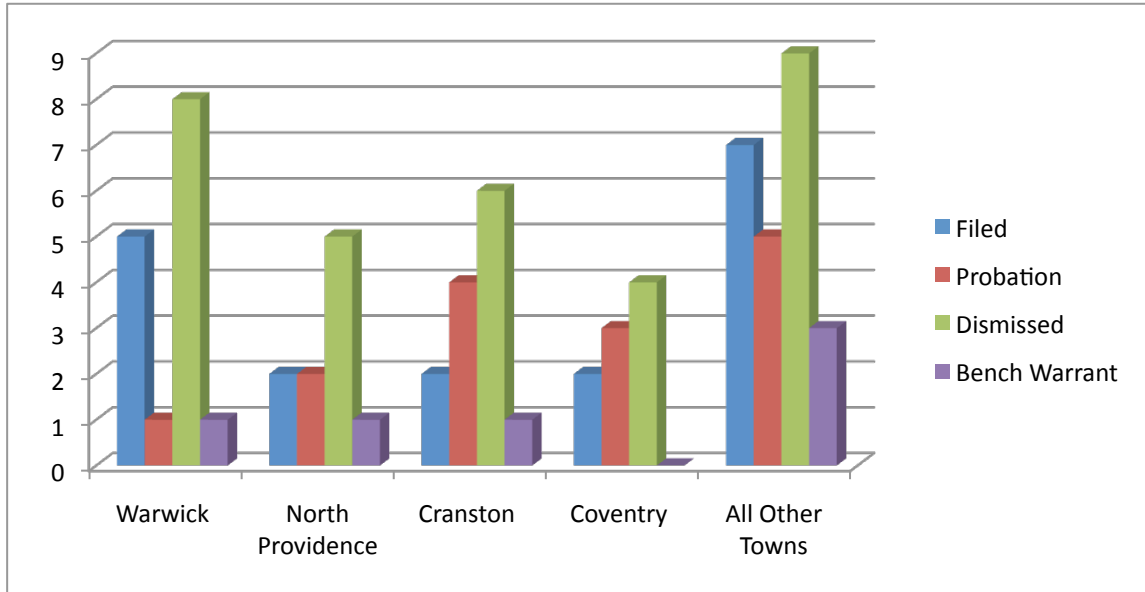


FIGURE 5



4th Division District Court consists of Charlestown, Hopkinton, Narragansett, New Shoreham, Richmond, South Kingston, Westerly, the Department of Environmental Management and the University of Rhode Island. Nineteen (19) cases were disposed of between December 1st and February 3rd. Of that number, 10, or 53%, were dismissed, 5, or 26%, were filed while 3, or 16%, were sentenced. Only 1 bench warrant was issued (See Figure 6). The Westerly and South Kingston Police Department’s dismissed 57% and 43% respectively and accounted for 70% of all dismissals in Washington County (See Figure 7).

FIGURE 6

- Total Number of Dispositions: 100%
- Number of Filings: 26%
- Number of Probation Sentences: 16%
- Number of Dismissals: 53%
- Number of Bench Warrant: 5%

4th Division District Court

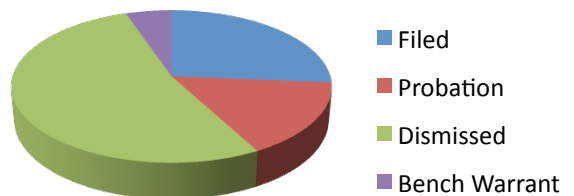
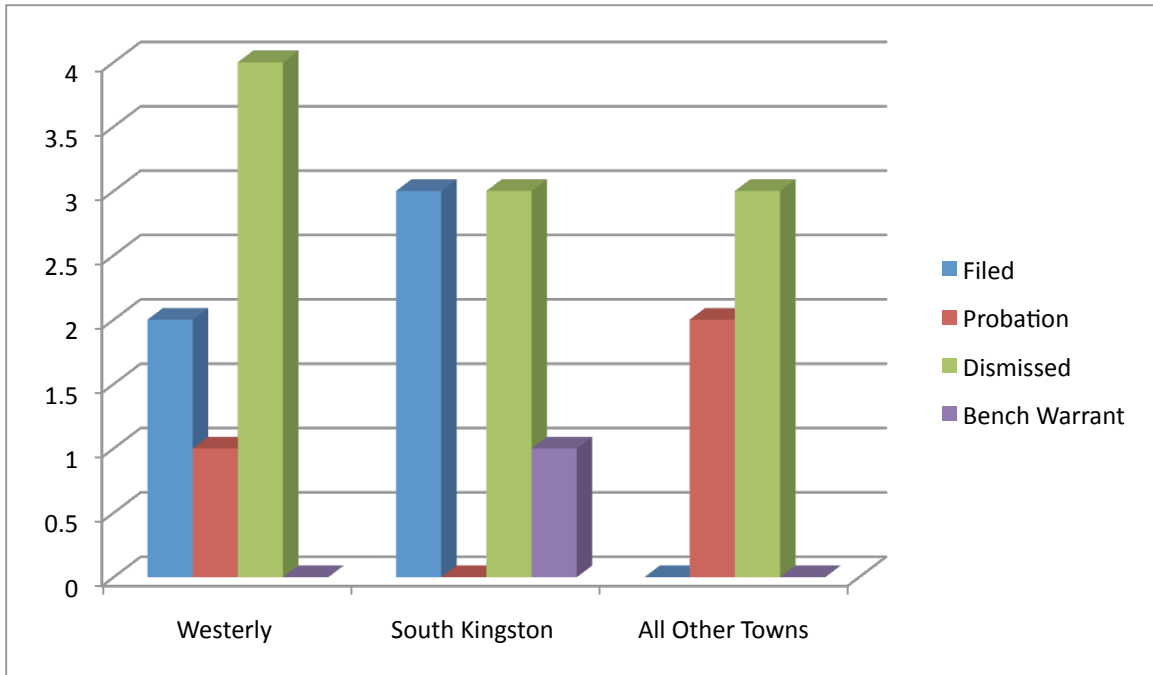


FIGURE 7



6th Division District Court is made up of Barrington, Bristol, Burrillville, Central Falls, Cumberland, East Providence, Pawtucket, Providence, Warren and Woonsocket. There were 221 dispositions within the 10-week analysis period. One hundred and forty-two (142) were dismissed accounting for 64% of all dispositions. Thirty-five (35), or 16% of the total dispositions were filed, 30, or 14%, were sentenced and 14, or 6% of the defendants were issued bench warrants (See Figure 8). With 52 dismissals, Providence dismissed the largest number of cases. Their percentage of dismissal totalled 68%. East Providence dismissed at a rate of 88% followed by Central Falls at 75%, Woonsocket at 66%, and Cumberland at 55% (See Figure 9).

FIGURE 8

- Total Number of Dispositions: 100%
- Number of Filings: 16%
- Number of Probation Sentences: 14%
- Number of Dismissals: 64%
- Number of Bench Warrant: 6%

6th Division District Court

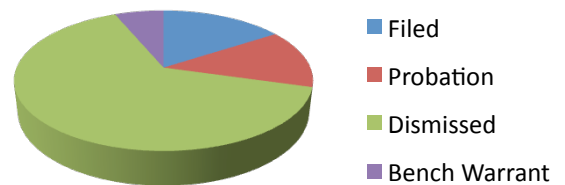
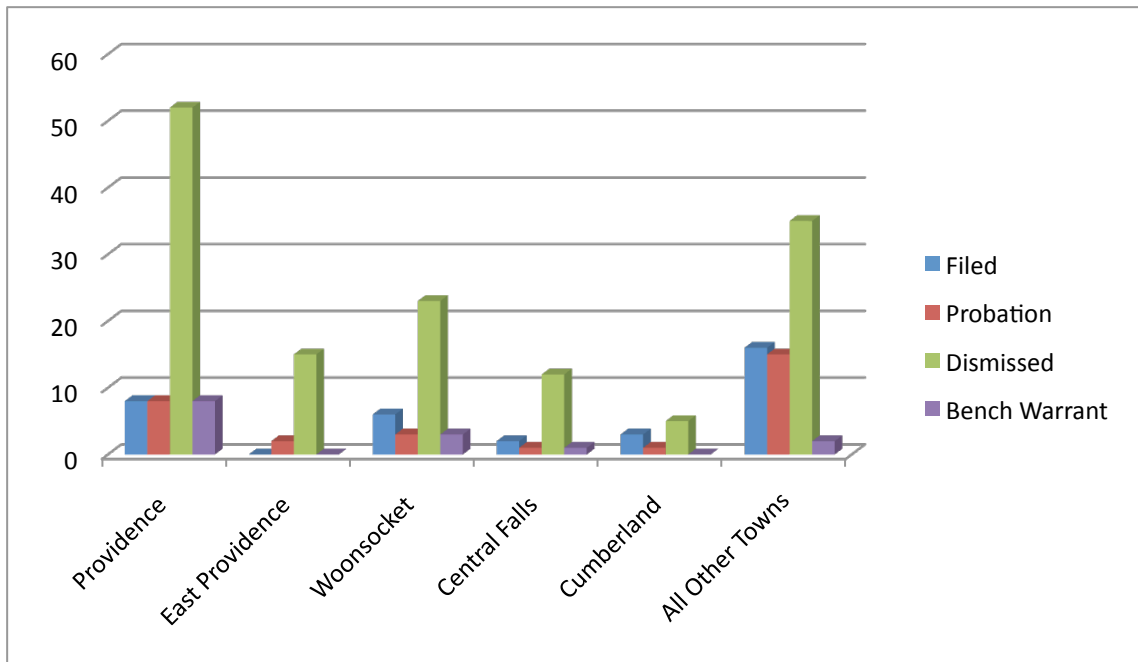


FIGURE 9



The data is highlighted by three areas of interest: First, the dismissal rate far exceeds any other disposition; second, the use of the filing sanction has exceeded the sentenced option for the first time in the history of Justice Assistance; and, third, both filed and sentenced cases where the charges included both domestic and non-domestic it became common practice to dismiss the domestic charges.

Recently, Justice Assistance had issued a 5-year analysis of batterers' intervention programs. In that analysis we found overwhelming evidence that such intervention has an extremely positive impact upon clients whose court outcome ended in a filing. For that reason we are pleased to see the court providing more individuals the opportunity to be diverted out of the criminal justice system as reflected in the number of filed versus sentenced individuals in this current analysis.

Without comparative statistics we cannot offer any conclusions. We do find the high percentage of dismissals troubling. Coupling dismissals with the failure to use the batterers' intervention sanction is a disturbing trend.

RESULTS

Appendix A: Daily Court Calendar Report Summary
