

A Study of Connecticut Public Act 15-211: Domestic Violence Offender Program Standards



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EXECUTIVE SUMMARY

Concerns expressed by the Connecticut Coalition Against Domestic Violence (CCADV) over inconsistent offender accountability during the Court pretrial and adjudication processes stemming from a lack of statutory standards for court-mandated domestic violence programming led to the passage of Public Act 15-211, *An Act Concerning Revisions to the Criminal Justice Statutes, and Concerning the Psychiatric Security Review Board, Domestic Violence, Condominium Associations and Depositions of Persons Living Out-Of-State*. Specific to domestic violence, this act (1) created a 16 member Domestic Violence Offender Program Standards Advisory Council; (2) required that the Judicial Branch Court Support Services Division (JB-CSSD) contract with providers of programs that comply with the adopted program standards; and, (3) that prosecutors may not nolle a family violence charge that is not referred to the JB-CSSD Family Services Unit unless the reasons for these actions are stated in court. In addition, if prosecutors allow defendants to attend non-JB-CSSD counseling or treatment programs prior to choosing to nolle a family violence case, these programs must comply with the Domestic Violence Offender Program Standards. Public Act 15-211 went into effect on July 1, 2016.

Following the passage of Public Act 15-211, the Domestic Violence Offender Program Standards Advisory Council created specific programmatic standards and undertook several outreach activities to raise awareness of the new law and to promote the adoption of these standards by individuals and organizations providing treatment and counseling services to domestic violence offenders. A January 2018 progress report from the Domestic Violence Offender Program Standards Advisory Council to the Connecticut General Assembly identified a number of implementation concerns such as: (1) despite outreach efforts, a small number of individuals and agencies applied to be provide treatment and counseling services that would meet the adopted domestic violence treatment standards; (2) State's Attorneys were continuing to nolle domestic violence charges without providing their rationale in court; and, (3) it was not possible to track prosecutors' nolle decisions from the use of services that did not comply with the Domestic Violence Program Standards. The progress report recommended an independent study be conducted to identify more specific issues related to the implementation of Public Act 15-211. Faculty from the Institute for the Study of Crime and Justice at Central Connecticut State University were contracted to analyze court data pertaining to domestic violence cases and facilitate focus groups of key stakeholder groups.

Description of the Study

The study was comprised of two different types of research. The first research component was quantitative and analyzed court data for all domestic violence arrests occurring in the calendar year of 2016. This research focused on the court dispositions and differences in defendants for cases involving the JB-CSSD Family Services Unit and cases that did not involve this unit. The second research component was qualitative and used responses from stakeholder focus groups (private service providers, victim advocates, and JB-CSSD Family Relations' counselors) along with telephone interviews with State's Attorneys. This research explored the utilization of court-mandated domestic violence offender programs with particular attention given to the use and utility of community-based programs in Connecticut.

Study Findings

Based on the analysis of 2016 court data and the focus groups and interviews, it appears that Public Act 15-211 had minimal or no effect on changing the court processing of domestic violence offenders. The court dispositions for domestic violence cases were similar before and after the legislation took effect. Also, the focus group participants did not report seeing changes in how non-JB-CSSD mandated cases were being handled in court.

While the results of both study components found little or no effects in court processing of domestic violence cases as a result of Public Act 15-211, each produced findings allowing for a more in-depth understanding of how these cases are processed. The quantitative analysis found that, overall, Connecticut courts were processing domestic violence offenders in a fairly consistent manner. For instance, less serious domestic violence offenders committing less serious offenses were more likely to be mandated to the JB-CSSD Family Services Unit and placed in appropriate programming that led to cases being nolleed or dismissed. More serious offenders committing more serious offenses were not being mandated to the JB-CSSD Family Services Unit because these cases appeared to be too serious for this programming or the offenders had already utilized these services. These offenders were more likely to be put to plea and received a guilty verdict. Serious offenders were much less likely to receive a nolle or dismissal. The domestic violence offenders who were most likely to have had their cases nolleed or dismissed without JB-CSSD involvement were more serious offenders that had been charged with less serious offenses. Prosecutors, in these cases, likely to required defendants to participate in pre-trial non-JB-CSSD services with the case resulting in a nolle; or, the charges were dismissed due case-specific circumstances (e.g., minimal evidence).

The qualitative analysis provided more detail and explanation to the above findings. Stakeholders have a high level of confidence in the JB-CSSD mandated services since they follow the Domestic Violence Offender Program Standards but do not feel the same about services that do not follow these standards. They see a lack of uniformity in domestic violence dispositions across courts due to the lack of services in some jurisdictions. In areas where services are limited, prosecutors often rely on existing services that may or may not meet the Domestic Violence Program Standards; especially in situations where domestic violence offenders are ineligible or inappropriate for the JB-CSSD mandated programming. Additionally, many treatment and counseling providers did not seek approval to provide treatment and counseling services that met the Domestic Violence Offender Program Standards since they did not believe there would be any change in the amount of referrals they received as they were already a preferred provider for many defendants. Others mentioned that there was no motivation to be added to the list because they already did the work and were getting referrals.

Programmatic and Research Recommendations

This study revealed a gap or lack of services for more serious domestic violence offenders who were arrested for less serious offenses. Our primary recommendation is that the JB-CSSD and CCADV work with State's Attorneys to create ways to provide more service options for this group of offenders across courts and to educate the courts on the various program options (other than contracted services) in specific geographic areas. In addition, stakeholders recommended the need for more unique and flexible program options such as wrap around services for victims, offenders, children, and other people affected by domestic violence.

From a research perspective, we recommend the creation of a centralized database or case management system to house case-specific information for prosecutors. The lack of a centralized database in the Chief State’s Attorney’s Office severely hinders any attempt to truly understand prosecutorial decision-making. Since the collection of statewide prosecutorial data is not possible, we recommend that further research conduct case reviews. These reviews would consist of randomly selecting cases in each court and discussing with prosecutors the factors that lead to their decision to nolle a case. While not an ideal method, it would yield more specific information on why cases involving serious offenders were nolle and if the decision involved offenders completing non-JB-CSSD services. Since the time and resources may not be available to conduct adequate research on prosecutorial decision-making, the CCADV should consider creating a “Court Watch” program. These programs are typically operated by non-profit organizations that recruit and train volunteers to observe the daily workings of courts and assess their adherence to domestic violence laws and policies.

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INTRODUCTION AND BACKGROUND

Family violence is defined under Conn. Gen. Stat. § 46b-38a(1) (2013) and consists of “an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening, between family or household members. Verbal abuse or argument shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.”

Upon making an arrest, the arresting police officer determines if this is a family violence case depending on the offender’s relationship with the victim. Per state statute, offenders in family violence cases must be arraigned within 24 hours of the arrest. At arraignment, the case is referred to the Judicial Branch Court Support Services Division’s (JB-CSSD) Family Services Unit where a Family Relations Counselor identifies the risk of the offender to re-offend, identifies the risk the offender poses to the victim, recommends services for the offender, and determines the need for a protective order. The Family Relations Counselor makes these recommendations to the Court based on: a criminal background check of the offender, a firearms screen to determine whether the offender has access to firearms, and an offender risk assessment using the Domestic Violence Screening Instrument (DVSI-R)¹ and the Supplemental Risk Indicators (SRI)². During this time the victim meets with a Victim’s Advocate who explains the court process, reviews the rights of the victim during this process, and provides referrals to community and state social service agencies.

The Family Relations Counselor then recommends to the Court one of three options: (1) continuance of the case for a full assessment (typically 4 to 6 weeks), (2) pretrial supervision for the offender by the JB-CSSD Family Services (that typically includes participation in the Family Violence Education Program), or (3) to forward the case to the State’s Attorney for prosecution. If this occurs, the State’s Attorney can prosecute the case based on the charges at arraignment, nolle³ the family violence charges and prosecute on other charges, nolle all of the charges including the family violence case, or dismiss some or all of the charges. States’ Attorneys typically decide how to process these cases based on the seriousness of the offense, the defendant’s history of criminal activity and family violence, the evidence of the case regarding the presence of a crime and the seriousness of it, and the defendant’s prior participation and success in court-mandated treatment programs.

¹ The DVSI-R is a validated risk instrument used by the JB-CSSD to screen all incoming family violence offenders prior to judges issuing court orders. It is an 11-item tool addressing the behavioral history of the offender along with indicators of the offender’s imminent risk of future violence. This tool was created for the JB-CSSD by Dr. Kirk Williams and has been validated on several occasions (see Williams, K.R., (2011). Family violence risk instruments: A predictive cross-validation study of the Domestic Violence Screening Instrument-Revised (DVSI-R). *Public Health Reports*, 121, 400-408).

² The SRI asked five specific questions drawn from the Dr. Jacqueline Campbell’s Danger Assessment that have the highest predictability of identifying those domestic violence situations that are at greatest risk of potentially escalating to intense violence.

³ A *Nolle Prosequi* is a official pre-trial action by a prosecutor (State’s Attorney) to delay prosecution of or not prosecute a charge. In Connecticut, prosecutors have 13 months to prosecute charges after which, the charges are erased.

Offenders completing pretrial supervision and/or programming will likely have their family violence cases nolleed or dismissed. Male offenders pleading guilty or convicted of family violence offenses involving an intimate partner may be referred to JB-CSSD administered programs (such as EXPLORE or EVOLVE) from judges' court orders or ordered by probation officers as part of offenders' probation requirements.

Standards for Batterer Intervention Programs

Since the early 1990s, court-mandated batterer intervention programs (also referred to as "BIPs") have become the primary means for addressing family violence, particularly intimate partner or domestic violence.⁴ In addition, a vast majority of states developed statutory standards governing the various interventions that can be used to deal with family violence perpetrators. The scope and content of these standards tend to "vary according to the administrative bodies and the means of regulation."⁵ Standards typically specify the various protocols used for screening and assessment; the content, modality, and length of programming; the training and education requisite to administer such programs; and whether sharing findings and performing evaluations are required.⁶

By 1997, 27 states and the District of Columbia had created standards to assist courts and criminal justice practitioners in selecting suitable batterer interventions and, by 2008 that number had grown to 44.⁷ The Washington State Institute for Public Policy (2013) followed Maiuro and Eberle's (2008) study and found that 44 states had legal guidelines for domestic violence treatment.⁸ As of 2014, Connecticut was one of those six states (along with Arkansas, Mississippi, New York, South Dakota, and Wyoming) that did not have statutory standards regarding their court-mandated interventions for perpetrators of family violence.

Although Connecticut did not have statutory standards for court-mandated domestic violence programming, the JB-CSSD administered three Domestic/Family Violence Batterer Intervention Programs (Family Violence Education Program, EXPLORE, and EVOLVE).⁹ The Family Violence Education Program (FVEP) is a 9 week-13 hour pretrial program for first-time and non-serious offenders. EXPLORE is a 26 week-39 hour post-conviction program for more serious male batterers. EVOLVE is a more intensive 26 week-104 hour post-conviction program for high risk male batterers. These programs adapted evidenced-based curricula and adhered to national program standards for effective batterer interventions. A 2014 evaluation¹⁰ of these

⁴ Feder, L., & Wilson, D.B. (2005). A meta-analytic review of court-mandated batterer intervention programs: Can courts affect abusers' behavior? *Journal of Experimental Criminology*, 1, 239–262.

⁵ Maiuro, R. D., & Eberle, J. A. (2008). State standards for domestic violence perpetrator treatment: Current status, trends, and recommendations. *Violence and Victims*, 23(2), 133-155.

⁶ Maiuro & Eberle (2008)

⁷ Maiuro & Eberle (2008)

⁸ Washington State Institute for Public Policy. (January 2013). *What works to reduce recidivism by domestic violence offenders?* Olympia, WA: Washington State Institute for Public Policy.

⁹ FVEP and EXPLORE are available in all Connecticut courts while EVOLVE is only available in Bridgeport, New Haven, New London, and Waterbury.

¹⁰ Cox, S.M. & Rivolta, P. (2014) *Evaluation of Three Court-Mandated Family Violence Interventions: FVEP, EXPLORE, and EVOLVE*. New Britain, CT: State of Connecticut Judicial Branch. Available at: https://www.jud.ct.gov/cssd/research/FamViolence_Eval_060914.pdf

programs found that they had high completion rates for offenders referred to these programs and also produced lower re-arrest rates for program participants and completers.

While EXPLORE and EVOLVE comply with national standards, EVOLVE is not available in every Connecticut court jurisdiction nor are these programs mandated in all cases of domestic violence. Additionally, repeat domestic violence offenders are unlikely to be mandated to attend EXPLORE or EVOLVE if they have already participated in these programs. In these and other cases, State's Attorneys can use their discretion to dismiss and/or nolle domestic violence cases where offenders are not referred to the JB-CSSD Family Services Unit and are permitted to attend counseling or treatment programs that are not under the purview of the JB-CSSD domestic violence program standards.

Adoption and Implementation of Domestic Violence Program Standards in Connecticut

Concerns expressed by the Connecticut Coalition Against Domestic Violence (CCADV) over inconsistent offender accountability during the Court pretrial and adjudication processes stemming from a lack of statutory standards for non-JB-CSSD court-mandated domestic violence programming led to the 2015 passage of Public Act 15-211, *An Act Concerning Revisions to the Criminal Justice Statutes, and Concerning the Psychiatric Security Review Board, Domestic Violence, Condominium Associations and Depositions of Persons Living Out-Of-State*. Specific to domestic violence, this act (1) created a 16 member Domestic Violence Offender Programs Standards Advisory Council to create, review, and amend standards for domestic violence offender programs; (2) required that the JB-CSSD contract with providers of programs that comply with the adopted program standards; and, (3) that prosecutors may not nolle a family violence charge that is not referred to the JB-CSSD Family Services Unit unless the reasons for these actions are stated in court. In addition, if prosecutors allow defendants to attend non-JB-CSSD counseling or treatment programs prior to choosing to nolle a family violence case, these programs must comply with the domestic violence offender program standards. Public Act 15-211 went into effect on July 1, 2016.

Following the passage of Public Act 15-211, the Domestic Violence Offender Program Standards Advisory Council created specific programmatic standards and undertook several outreach activities to raise awareness of the new law and to promote the adoption of these standards by individuals and organizations providing treatment and counseling services to domestic violence offenders. In January of 2018, the Domestic Violence Offender Program Standards Advisory Council submitted a progress report to the Connecticut General Assembly that identified several implementation concerns (see this report in the Appendix)¹¹. Some of these were:

1. Despite outreach efforts, a very small number of individuals (five) and agencies (six) applied to be provide treatment and counseling services that would meet the adopted domestic violence treatment standards. These low numbers raised concerns that many court locations would not have accessible treatment providers and prosecutors would continue to allow offenders to attend treatment and counseling services that did not meet the domestic violence standards.

¹¹ Domestic Violence Offender Program Standards Advisory Council. (January 2018). *An Update to the Connecticut General Assembly Submitted to the Judiciary Committee and Committee on Children pursuant to Public Act 15-211*.

2. State's Attorneys were continuing to nolle domestic violence charges without providing their rationale in court. In regards to this concern, the progress report noted that case-specific complexities were present in many cases that were not anticipated by the Advisory Council.
3. The Chief State's Attorneys' Office does not have an electronic case management information system that tracks cases or case dispositions. For offenders who successfully complete a program or counseling, a favorable disposition is entered in these cases including a nolle, dismissal or case disposal without conviction. The JB-CSSD contracted providers also submit client reports to the Family Services Unit on a monthly basis and any compliance concerns are communicated to the Court. Non-contracted providers might practice similar reporting protocol but again, evidence of this is not accessible once placed in the state's paper file. Presently there is no electronic database for these files and, therefore, it is difficult to assess whether non-contracted providers are meeting the standards.

The progress report recommended an independent evaluation be conducted that builds on the progress report to identify more specific issues related to the implementation of Public Act 15-211, hold focus groups with key stakeholders regarding the use of the domestic violence program standards, and attempt to retrieve reliable data to assess the use of DV program standards in criminal cases.

Overview of This Report

The current research was conducted pursuant to the recommendation made by the Domestic Violence Offender Program Standards Advisory Council. Faculty from the Institute for the Study of Crime and Justice were contracted to analyze court data pertaining to domestic violence cases and facilitate focus groups of key stakeholder groups. This report contains three sections. The first section presents the findings of the analysis of court data regarding the processing of domestic violence cases. The second section presents the findings from the stakeholder focus groups and interviews. Finally, the third section summarizes the findings from both analyses and provides recommendations to the Advisory Council.

AN ANALYSIS OF 2016 DOMESTIC VIOLENCE COURT CASES

The overall purpose of studying the pre-trial and court processing of domestic violence arrests was to understand differences between those cases that were court-mandated to the JB-CSSD's Family Services Unit and those that were not. Particular attention was given to whether these processes changed following the July 1, 2016 implementation of Public Act 15-211. The first aspect of this study consisted of collecting and analyzing 2016 court data for cases involving intimate partner arrests. The following section presents the methodology used for this portion of the study and the results of the analysis of these data.

Methodology and Data

The research methodology employed for this study was an analysis of existing data, using court records for intimate partner arrests from the calendar year of 2016.¹² We limited this analysis to cases of intimate partner violence since concerns expressed by the Domestic Violence Offender Program Standards Advisory Council centered on the lack of court-mandated treatment for people committing intimate partner violence.

The quantitative analysis focused on the following research questions:

1. Were there differences in court dispositions for defendants mandated to the JB-CSSD Family Services Unit and defendants not mandated to the JB-CSSD?
2. Were there changes in how domestic violence offenders were processed by Connecticut courts before and after Public Act 15-211 went into effect (July 1, 2016)?
3. How were domestic violence defendants mandated to the JB-CSSD different from domestic violence defendants not mandated to the JB-CSSD?
4. For domestic violence defendants who were not mandated to the JB-CSSD, were there differences in offender characteristics for those receiving guilty verdicts compared to those receiving nolle?

The study of domestic violence court cases utilized official records with all data being collected from the Judicial Branch-CSSD's Case Management Information System (CMIS) and the Connecticut Criminal History database (CCH). The first step in the data collection process was to identify all domestic violence arrest cases from 2016 with accompanying charges. We initially selected the 2016 calendar year so that we would be able to compare changes in processing for these cases before and after Public Act 15-211 went into effect. From CMIS, we collected:

- Docket Number;
- Demographic information (date of birth, gender, and race/ethnicity);
- Family violence risk assessment scores from the Domestic Violence Screening Instrument (DVSI-R);
- Victim-offender relationship;
- The JB-CSSD's Family Services recommendations to the Court;
- Court Orders.

¹² Intimate partners, or parties involved in domestic violence, are considered to be spouses, parent of a common child, intimate cohabitant, or in a dating relationship.

Next, these family violence cases were matched to the CCH to collect accompanying charges and criminal history. CCH data consisted of:

- Arrest date and offenses;
- Arraignment date and offenses;
- Disposition date;
- Type of disposition;
- Sentence (incarceration days, probation days).

The data consisted of 18,213 domestic violence cases that began court processing in 2016 (cases were excluded if the initial arrest occurred in 2015). Of these, 9,253 (51%) were mandated to the JB-CSSD for assessment and programming referrals while 8,950 (49%) were not mandated or supervised by the JB-CSSD during the court process.

Domestic Violence Court Case Dispositions by JB-CSSD Involvement

The first analysis compared court dispositions of cases where the offender was mandated to the JB-CSSD to those that were not (Table 1). The case dispositions were statistically significantly related to whether the offender was mandated to the JB-CSSD. For instance, 53% (4,483) of defendants not mandated to the JB-CSSD were convicted compared to 15% of defendants mandated to the JB-CSSD. For nolle and dismissals, 85% of JB-CSSD mandated cases ended with a nolle (51%) or dismissal (34%) while 46% of cases not mandated to the JB-CSSD ended with a nolle (39%) or a dismissal (7%).

Table 1. Dispositions of 2016 Domestic Violence Arrests by JB-CSSD Involvement ¹³

	Court Order		Total
	JB-CSSD	No JB-CSSD	
2016 Intimate Partner Arrests	51% (9,253)	49% (8,950)	18,213
Court Case Disposition*			
Guilty	15% (1,272)	53% (4,483)	34% (5,755)
Nolle	51% (4,419)	39% (3,328)	45% (7,740)
Dismissal	34% (2,918)	7% (629)	21% (3,521)
Not Guilty	0.2% (19)	0.2% (13)	0.4% (65)
Other	0.3% (29)	0.4% (35)	0.4% (64)
Missing Disposition	596	462	1,050

*Chi Square=3422,74, df=4, p.=0.000

¹³Cases involving multiple dispositions were coded as follows: (1) if there was any charge resulting in a guilty verdict the case was coded as “guilty”; (2) if the charges did not contain a guilty verdict but had at least one nolle the case was coded as a “nolle”; (3) if the charges did not contain a guilty verdict or a nolle but had at least one dismissal the case was coded as a “dismissal”; (4) if the charges only had verdicts of not guilty or other the case was coded as “Not Guilty”; and, (5) if all charges had other dispositions the case was coded as “Other”.

Changes in Domestic Violence Court Orders and Dispositions Before and After the DV Standards Legislation

Public Act 15-211 specified that prosecutors may not nolle a family violence charge that is not mandated to the JB-CSSD Family Services Unit unless the reasons for these actions are stated on the record in court. In addition, if prosecutors allow defendants to attend non-JB-CSSD counseling or treatment programs prior to choosing to nolle a family violence case, these programs must comply with the Domestic Violence Offender Program Standards. This legislation was intended to reduce the number of domestic violence cases ending in a nolle that were not referred to the JB-CSSD. It was believed that by requiring prosecutors to use programs meeting the domestic violence program standards or state their rationale for using a nolle in court, prosecutors would be less likely to nolle cases. The second quantitative analysis compared domestic violence case dispositions separately for the JB-CSSD mandated cases before and after the legislation went into effect (July 1, 2016) and for non-JB-CSSD cases for these same time periods (Table 2).

Table 2. Domestic Violence Court Orders and Dispositions Before and After DV Standards Legislation

Before July 1, 2016			After July 1, 2016	
9,029		2016 Intimate Partner Arrests	9,184	
<u>JB-CSSD</u> 49% (4,511)	<u>No JB- CSSD</u> 51% (4,518)	Court Orders	<u>JB-CSSD</u> 51% (4,752)	<u>No JB- CSSD</u> 49% (4,432)
14% (621)	53% (2,296)	Court Case Disposition	15% (651)	53% (2,187)
50% (2,161)	39% (1,715)	Guilty	52% (2,258)	39% (1,613)
35% (1,501)	8% (339)	Nolle	33% (1,417)	7% (290)
0.2% (7)	0% (2)	Dismissal	0.3% (12)	0.3% (11)
0.3% (15)	0.5% (22)	Not Guilty	0.3% (14)	0.3% (13)
		Other		

JB-CSSD Dispositions: Chi Square=6.350, df=4, p.=0.174

No JB-CSSD Dispositions: Chi Square=10.184, df=4, p.=0.037

The number of intimate partner violence court cases was slightly higher in the second half of 2016 (9,184 to 9,029) and the percentage of cases mandated to the JB-CSSD increased from 49% in the first half of 2016 to 51% in the second half of the year. In comparing the dispositions of JB-CSSD mandated cases, there were no statistical differences from the first half of 2016 to the second half. For cases that were not mandated to the JB-CSSD, there were some statistical differences in the dispositions. While the percentage of guilty verdicts and nolles remained the same before and after the law took effect, the percentage of dismissals minimally decreased (from 8% to 7%) and the percentage of not guilty verdicts slightly increased (from 0%, or 2 cases to 0.3%, or 11 cases). From these analyses, it appears that the changes in the law did not produce changes in court processing of domestic violence cases.

Comparison of Domestic Violence Offenders with and without JB-CSSD Involvement

Since there were statistical differences in the court dispositions of domestic violence cases for offenders mandated to the JB-CSSD and those not mandated to the JB-CSSD, we sought to identify how these offenders were different in terms of demographic characteristics (age, gender, race/ethnicity), criminal history (prior arrests, prior convictions, and prior incarceration sentences), domestic violence offender risk scores, and most serious criminal charges associated with their cases. Table 3 provides the findings from this analysis.

Table 3. Comparison of Domestic Violence Offenders by Court Ordered Family Services Involvement*

	JB-CSSD (n=9,263)	No JB-CSSD (n=8,950)
<i>Offender Characteristics</i>		
Average Age	34 yrs old	36 yrs old
Gender		
Percent Males	45%	55%
Percent Females	65%	35%
Race/Ethnicity		
Percent White	53%	47%
Percent African-American	43%	57%
Percent Hispanic	51%	49%
<i>Criminal History</i>		
Prior Arrests	5	12.5
Prior Convictions	1.8	6.7
Prior Incarceration Sentences	0.6	2.8
<i>Risk Assessment Findings</i>		
Average Risk Score	7.5	13.1
% with Highest Risk to Victim	34%	72%
<i>Current Charges</i>		
Average Number of Charges	1.9	2.4
Average Number of Felony Charges	0.2	0.7
Most Serious Offense Charged		
Felony A	7.7% (2)	92% (24)
Felony B	22% (28)	78% (98)
Felony C	48% (624)	52% (680)
Felony D	24% (931)	76% (2,946)
Felony (E or U)	39% (18)	61% (28)
Misdemeanor A	55% (3,627)	45% (3,002)
Misdemeanor B	64% (1,592)	36% (893)
Misdemeanor C	69% (2,222)	31% (992)
Infraction	44% (198)	56% (254)

*All differences are statistically significant at $p < 0.05$

There were statistically significant differences between the offenders mandated and not mandated to the JB-CSSD across all of the categories. For demographics, the JB-CSSD offenders were slightly younger (34 years old compared to 36 years old), were more likely to be females (65% of females were mandated to the JB-CSSD compared to 45% of males), and were more likely to be white or Hispanic).

Defendants not mandated to the JB-CSSD were much more serious offenders in terms of criminal history, domestic violence risk, and current charges. These offenders had more than twice as many prior arrests, three times more convictions, and four times more prison sentences than JB-CSSD mandated offenders. For risk to reoffend, the risk scores for non-JB-CSSD mandated offenders were nearly twice as high as the JB-CSSD offenders (13.1 to 7.5) with 72% posing immediate risk to the victim (compared to 34% of JB-CSSD offenders). The differences between these groups is also seen in the offenders' most serious offense. Non-JB-CSSD offenders had committed a much higher percentage of A, B, D, and E felonies while those offenders charged with misdemeanors (A, B, and C) were mostly mandated to the JB-CSSD.

Comparison of Court Ordered Conditions JB-CSSD and Non-JB-CSSD Mandated Offenders

Another concern voiced by the Domestic Violence Program Standards Advisory Council was that offenders mandated to the JB-CSSD received more programming and treatment than offenders not mandated to the JB-CSSD. Table 4 presents the types of court-ordered conditions between the two groups. While it would appear that JB-CSSD referrals received a significantly higher amount of services than non-JB-CSSD offenders, the non-JB-CSSD numbers must be approached with caution. These numbers only reflect court-ordered conditions and do not accurately reflect services that were associated with plea bargain agreements between prosecutors and defense attorneys. For example, if a prosecutor required the defendant to complete counseling as part of a plea bargain agreement and the defendant completed this counseling, there would be no court record for this counseling since it was not court-ordered. In this case, only the prosecuting attorney would know what type of counseling was completed. This scenario underscores two primary concerns expressed by the Domestic Violence Program Standards Advisory Board. First, the Chief State's Attorney's Office does not have an electronic case management information system to track services received as part of plea bargain agreements and each individual prosecutor relies on her/his own record-keeping. Therefore, it is not possible to determine the amount or type of services received in these cases. Second, the lack of record-keeping does not allow for assessing whether services received complied with the domestic violence program standards created by the Advisory Council.

Table 4. Types of Court-Ordered Conditions*

	JB-CSSD (n=9,253)	No JB-CSSD (n=8,950)
<i>Protective Orders</i>		
Full No Contact	3,915	5,726
Partial	3,523	976
Residential Stay Away	2,357	1,447
<i>JB-CSSD Programs</i>		
FVEP	3,534	468
EXPLORE/EVOLVE	259	15
<i>Evaluation and/or Treatment</i>		
Mental Health Evaluation/Treatment	1,353	115
Substance Abuse/Alcohol Evaluation/Treatment	1,799	191
<i>Other Court Orders</i>		
GPS	498	331
Counseling	1,772	37
Other	1,477	588
Put to Plea	169	1,053

*Numbers do not equal offenders because offenders can be given multiple conditions

Comparison of Guilty Verdicts and Nolles for Offenders Not Mandated to the JB-CSSD

Almost all offenders (92%) who were not mandated to the JB-CSSD had their domestic violence court cases end in a guilty verdict (53%) or nolle (39%)(see Table 1). We compared offender and offense characteristics for these two outcomes to better understand the case processing for offenders not mandated to the JB-CSSD (Table 5).

The only difference in offender characteristics was for gender. A majority of males (57%) received a guilty verdict while a majority of females (52%) received a nolle. There were no differences in age and race/ethnicity. Non-JB-CSSD offenders receiving a guilty verdict had a more substantial criminal history in terms of prior arrests, prior convictions, and prior prison sentences than offenders having their cases nollied. This finding was also present for the domestic violence risk assessment: offenders receiving a guilty verdict had higher risk scores (14 to 12.5) and a higher percentage posed a serious risk to the victim (57%) than offenders receiving a nolle (36%).

The most prevalent differences between guilty verdicts and nolles was observed in the current case charges. The majority of the most serious charges resulted in guilty verdicts while the least serious charges most often ended with a nolle. For instance, the majority of A, B, C, and E felonies and A misdemeanors resulted in guilty verdicts while the majority of B and C misdemeanors received a nolle.

Table 5. Domestic Violence Case Outcomes for Cases Not Mandated to the JB-CSSD*

	Guilty (n=4,483)	Nolle (n=3,328)
<i>Offender Characteristics</i>		
Average Age	36 yrs old	36 yrs old
Gender**		
Males	57%	36%
Females	37%	52%
Race/Ethnicity		
White	51%	40%
African-American	55%	39%
Hispanic	54%	39%
<i>Criminal History**</i>		
Prior Arrests	14	12
Prior Convictions	8.6	5.5
Prior Incarceration Sentences	3.7	2.3
<i>Risk Assessment Findings**</i>		
Average Risk Score	14	12.5
% with Highest Risk to Victim	57%	36%
<i>Current Charges</i>		
Average Number of Charges**	2.7	2.0
Average Number of Felony Charges	0.8	0.6
Most Serious Offense Charged**		
Felony A	76%	19%
Felony B	75%	22%
Felony C	66%	27%
Felony D	41%	49%
Felony (E or U)	81%	19%
Misdemeanor A	65%	28%
Misdemeanor B	43%	51%
Misdemeanor C	39%	54%
Infraction	86%	0

*Table percentages do not total to 100% because only guilty verdicts and nollees are shown

**Differences were statistically significantly different at $p < 0.05$

Summary of Quantitative Findings

The analysis of 2016 domestic violence court data yielded five distinct findings. First, there appeared to be no differences in case processing of domestic violence cases before and after Public Act 15-211 took effect. Second, there were differences in the disposition of domestic violence cases based on whether they were mandated to the JB-CSSD. JB-CSSD mandated cases most often resulted in a nolle or a dismissal while cases that were not JB-CSSD mandated

resulted in either a guilty verdict or nolle. Third, there were significant differences in which offenders were mandated to the JB-CSSD and which offenders were not. JB-CSSD mandated offenders were younger, committed less serious offenses, had a lower risk profile, and a more limited criminal history. Fourth, we were unable to determine the amount or types of services that non-JB-CSSD mandated offenders received. As pointed out by the Domestic Violence Program Standards Advisory Council, the Chief State's Attorney's Office does not have an electronic data management system and does not electronically collect records on these cases. Fifth, for offenders who were not mandated to the JB-CSSD, those found guilty were more serious offenders with more serious charges than those who received a nolle.

AN ANALYSIS OF INTERVIEW FINDINGS

This section of the report summarizes focus group and interview findings of key stakeholders in domestic violence cases. Findings are based on focus groups and interviews that were conducted across the state of Connecticut during a four-month period in 2018. Focus groups and interviews explored people's experiences and understanding of the new requirement for domestic violence criminal offenses. A Domestic Violence Offender Program Standards Advisory Council was established in Section 19 of Public Act 15-211 in essence to review, update, and amend the standards to ensure quality interventions and hold offenders accountable for their actions. These standards are to be utilized when a defendant is not referred to the Judicial Branch contracted Batterer Intervention Programs (EXPLORE and EVOLVE) but rather another option such as private counseling, GPS monitoring, or something else. There are also a number of community-based interventions utilized and these must also meet the minimum standards set forth by the Domestic Violence Offender Program Standards Advisory Council. A recommendation made by the Domestic Violence Standards Advisory Council in their legislative progress report was to conduct focus groups with stakeholders to better understand 1) why the list of providers that have applied to be on the approved list is small despite outreach and 2) the historical patterns of prosecutors entering nolle prosequis in domestic violence cases whether the community-based providers were meeting the established standards set forth by the Advisory Council. In all, three focus groups and seven interviews were conducted with participants from a range of diverse perspectives.

Methodology

Participants for the focus groups/interviews were grouped homogeneously. In all, focus groups were made up of private providers, victim advocates, and family relations counselors. Interviews were conducted with state's attorneys. Public defenders were asked to participate in a similar focus group but declined. Focus groups and interviews were conducted mainly at Connecticut Coalition Against Domestic Violence (CCADV) main office with some over the phone. Participants were provided with a summary of the questions to be asked in a recruitment email (see Appendix A) and the study questions (see Appendix B) at the time of the focus group or interview and some background information on the current legislation concerning the disposition of domestic violence criminal cases. Participants were recorded during the focus groups and some of the interviews (some asked not to record) and the recordings were later coded for anonymity, transcribed and analyzed. The focus groups and interviews were analyzed for themes and the most common themes across all transcripts were identified and discussed in this report.

Data Analysis and Findings

The focus group interviews were recorded and then transcribed. Using qualitative software programming, the data were analyzed for common themes, attitudes, and experiences of the participants (n=29). Qualitative data analysis revealed four overarching themes across the focus groups and interviews. Themes address challenges faced and effects of the Domestic Violence Program Standards.

The data analysis of the focus groups revealed four themes (Table 6) across the focus groups and phone interviews that addressed the domestic violence program standards.

Table 6: Overarching Themes of Interview Responses

Uniformity in Domestic Violence Dispositions

Confidence in State-Contracted Services

Impact of Legislation

Recommendations by Participants

Uniformity in Domestic Violence Dispositions

Across nearly all focus groups, participants expressed a need for consistency within the court dispositions given to domestic violence offenders. A small number of participants mentioned that they felt there was already consistency within the court decisions, but that they are in support of maintaining consistency in terms of the standards mentioned by the Advisory Council. Participants recall their experiences similarly in various geographical areas of the state:

What's happening in our court is different than other courts. There needs to be at least similar handling...The case is either in family relations or being prosecuted. If a case might receive a favorable disposition in consideration of treatment it has to go back to Family Relations regardless...I have heard this is not happening in other courts and that deals are being made with outside treatment providers. This isn't happening in our court. It seems to me that there should be some consistency among the courts.

Another participant supports the above statement, in that, there is variation between geographic areas, but a need for consistency in cases.

...it's to ensure consistency, I think there's some concern by a variety of groups that some people were getting treatment for nollers or dispositions but may not be as stringent as others so some defendants may be getting less counseling but same disposition, access is also a concern...some courthouses when they would ask for DV treatment their options were limited...smaller cities do not have same access as larger cities.

Many participants expressed the importance of the keeping consistency among program referrals and some of the reasons why some are given state-contracted services and others are given community-based services, or private providers-although this is a theme later discussed, it is prominent here as well.

Oversight and consistency are important. One issue we all experience is that folks don't want to "burn" the (Family Violence Education Program) FVEP so they will make many deals prior to using FVEP. The legislation brings attention to this issue in a way.

Another respondent agreed:

I think it was passed to try and gain some uniformity around the state. We needed to have some standard around the state. So many people were going to private counseling and

that was problematic. I'm not certain how it can be reinforced more. Some providers say they meet the standards, but how is that being enforced? This is unclear so that's why FVEP is commonly used.

With regard specifically to the need for updated legislation regarding the prosecutors entering a nolle in domestic violence cases, a respondent discussed their experience with the process:

We heard of so many nolles over the years but maybe within the nolle count there are offenders with multiple offenses receiving several nolles. We don't have this information though. We find this frustrating. I have heard prosecutors say let's give them a break and not have them burn FVEP. This legislation will help find alternatives to nolles. Where I work we don't use community providers because clients can't afford them or they are too far away. We recommend FVEP and 75% get put in and the other 25% are nolleed without anything. They are not following the statute and going on the record. They did in 2015 for a bit, but not anymore. No intervention but FVEP is in our jurisdiction. I've seen offenders doing their program online (for non-violent offenders). We have no pre-trial spots for EXPLORE or EVOVOLVE (reserved for probation). We want to be able to refer to EXPLORE but don't have the option. Our judges have been around for a long time- no changing attitudes.

Participants also discussed how uniformity and consistency in dispositions effects the victim.

Cases were being disposed without any intervention and offenders were returning with a similar offense which is really...well it can be difficult for the victim. Because offenders can go anywhere for services and the counselor may have no knowledge of DV issues. We have always been worried about this situation. Offenders need the right kind of treatment. They may never even address the DV issues. Some counselors don't even know about the charges. Sometimes the providers or counselors aren't addressing what we need them to address.

Another respondent discussed the importance of accountability of the offender and some examples of why they find the new legislation helpful when put into place.

I mean, there are a number of reasons this is needed, probably the most important is the need to ensure offender accountability. We also need to hear how the offender is doing, like a detailed report not just notes about attendance. In EVOLVE and EXPLORE and FVEP we get details about the demeanor of the offender, tone, attitude, you know all the things we need to know in terms of progress. I think this will reduce the likelihood of reoffending with the same victim. We need to ensure victim safety and ensure there is some education too...

Confidence in State-Contracted Services

The comfort in utilizing the state-contracted services as opposed to community-based agencies or private providers was a theme that permeated throughout the groups. Most respondents agreed that using state-contracted services provided them with a robust description of offender behavior

while in the program and this helped in assessing victim safety as well as serving as background information for the offender going forward. Respondents agreed that although the state-contracted services were the ideal, unfortunately not all were available in every geographical location leading to challenges in finding appropriate treatment. Many respondents noted that each case is viewed independently on a case-by-case basis as the situations differ for every defendant and needs vary based on the defendant.

We use what Family Relations suggests, but typically the programs we prefer are FVEP, EVOLVE, in other words, we'll give you a chance to stay out of jail and we use it. EXPLORE is used post-conviction through probation. This is the problem that has come up since the legislation has been passed...If they come in and used FVEP then get arrested again, it may not be serious but is still considered DV-if not serious nature not going to DV docket-if not felony or serious then not on the docket and it depends on the whether they use the designated providers and there are only a few with transportation and they can't get there or pay for them-this doesn't work for the majority, geographically on other side of the state, if you want people who fall in between then you need to find providers closer, the list doesn't work, needs to be rewritten. If nolle, it has to be one of these providers-not workable, if three providers in each location it would be more workable, self-pay is the issue.

Another respondent agreed that the individual needs of the defendant must be considered:

The agreement needs to be gone and get providers in a group setting, sliding scale, would be great to have them, but there are not a lot in our area that are focused on DV counseling. Not sure folks are trained in the area of DV. We always have to ask, what can positively impact this individual?

In a slightly different perspective regarding individual needs of the defendant is demonstrated here:

There are always the ones who...they don't want to be "seen" in a group, they don't want anyone to see them because they don't look or act like everyone else, there's a few of them and that's not why we have different options or what we're saying here in terms of case-by-case individualization, but rather for those that need something different for a real reason...there will always be the defendant that's like embarrassed to be in the groups, well...

Respondents who typically make suggestions regarding referrals noted that although state-contracted programs such as FVEP, EXPLORE, and EVOLVE are often the best-fit, there are a number of others that they use in the community. The others are typically programs they have former experience with and have established relationships.

Respondents discussed the most common programs as FVEP, EXPLORE, and EVOLVE:

"We usually use EXPLORE, EVOLVE, FVEP, we use a counselor that is deemed appropriate, one-on-one treatment or group counseling."

“FVEP is mostly used. Repeat offenders need more than FVEP and we suggest EXPLORE instead.”

“Typically use EXPLORE or EVOLVE. Very violent offenders will get EVOLVE. We have a new program for female offenders, Living Safely Without Violence, but there aren’t enough for females in my opinion.”

Many respondents also discussed changes that have been seen in the recent years with the state-contracted programs.

We have all the similar programs. The way we utilize these programs have changed. For awhile we used EXPLORE for high risk offenders but we used too many EXPLORE slots so we used EVOLVE. EVOLVE is for probation. Sometimes we will get EXPLORE in lieu of FVEP for a serious violent offense. We use AIC’s, R&R, and Moving On. What is problematic is the private attorneys utilizing private counselors or what we do with out of state offenders. The Court is hesitant around pastoral counseling and we lose standardization.

Other respondents discussed utilizing private providers, all of whom were known to the court over a period of time. These are providers that have received and continue to receive referrals from the court based on their expertise. Some of the geographic locations reported that there are very few outside community-based agencies or private providers that are available to them and that if the list of providers were to be more robust, perhaps they would have other options.

...we only really use the providers that we’ve always used, it’s case-by-case, but if they exhausted FVEP and they have a particular need we’ll send them to the provider...it’s someone we’ve always used and we know the curriculum, what to expect [he] will get from the group and they’re not necessarily on the list, but it’s someone who’s standards exceed some of the other programs out there...

Another responded how their area addressed the need for more options than the preferred state-contracted services:

The state contracted programs in the aggregate are very effective but they are not tailored to the causal factors predisposing clients to engage in this behavior. Some do not fit into these models perfectly. Providers can tailor their interventions to the causal factors. Consider the complexities leading to these behaviors. Increase efficacy- not a “one size fits all model”. We can do a better job treating clients this way...

While many respondents discussed their comfort in using state-contracted services, others did mention that the current legislation does perhaps allow for more options for the defendant which will be discussed in the next prominent theme.

Impact of Legislation

The current legislation states that “for any family violence case initiated on or after July, 1, 2016, that is not referred to the local family violence intervention unit...the prosecuting authority shall not enter a nolle prosequi as to any charge of a family violence crime, as defined in in section 46b-38a of the general statutes, unless the prosecuting authority states in open court his or her reasons for that disposition and, if the reasons include consideration of the defendant’s participation in a counseling or treatment program, a representation that such counseling or treatment complies with the Domestic Violence Program Standards...”

Responses from participants were mixed. There were varying experiences with regard to the effectiveness of the legislation referring to the disposition of domestic violence criminal cases. Some of the respondents reported not observing any change in the practices of the prosecuting authority:

...there hasn't been change in our court, the attorneys have always been doing this at least where we are...we use FVEP and EVOLVE, but the [attorneys] will use outside counseling, but they get information from the provider and in our court we use [named provider] ...we've always used him, well since I've been there and I've been there for about 9 years.

Other respondents reported that the legislation has led to more options for defendants and the ability to provide case by case referrals tailored to the needs of the individual.

[The legislation] seems to give options for offenders to participate in treatment instead of court contracted programs and I think that's a need, that's needed for the offender...

Well, the more I think about the legislation, I think that it went into effect because there were data that showed many offenders were going into the private sector without validity...that these [programs] were evidenced-based. This is a way to give offenders accountability for the extreme cases where things did not go well. The belief too many offenders were going outside of CSSD programs, I think it gives the offender more options for those that are not appropriate for some of the contracted services.

It's a way to try to balance those individuals who have resources to circumvent having to go to court programs. These programs may not meet the standards. There really aren't any DV offender standardized, evidenced-based programs. I've reviewed the research and we can't decide how many sessions? How do we assess risk? Is it psycho-education or treatment best? Still many unknowns but standardization is key. Some offenders need the individual treatment for a lot of reasons, but some do just try to get out of their responsibilities.

Some respondents reported noticing slight changes at first, but overall no major changes in court procedures.

When the legislation was first passed I would hear the legislation referred to but now I do not hear it as much. Not that they are opposed to it...DV issues fall by the wayside sometimes. We had a very serious case and based on the victim's wishes the offender was allowed to attend a community provider and he was nollod and then he seriously hurt her and then it was about how bad the program was [he] basically used that example and now doesn't want the prosecution to use the other programs, but they're still needed for some cases so you're damned if you do and damned if you don't...[this] judge will likely not support a referral to a program- conviction only.

Recommendations by Participants

Recommendations and suggestions for system enhancements rather than a complete overhaul of the current process were discussed. Respondents discussed a number of recommendations. Some of the more prominent themes included: 1) flexible program options for defendants and victims; 2) additional private providers; and, 3) added and updated education and training on domestic violence for criminal justice providers and the community.

Flexible Program Options. Participants offered a number of recommendations for increased flexibility with options provided for the victim as well as the offender in domestic violence cases:

- Utilize wrap around services where all parties involved can get treatment (children, witnesses, victim, offender);
- Offer mandatory and comprehensive clinical or long-term services for children involved domestic violence incidents;
- Offer personalized service options rather than a “one size fits all” approach;
- Offer programs/providers in multiple languages and ethnically sensitive curriculum.

Additional Private Providers/Community Agencies. Several recommendations for developing additional collaboration with private providers and other community agencies beyond the state-contracted services were offered which suggested a greater need for domestic violence experts and counselors willing to work with domestic violence offenders:

- Orient private providers and community agencies with domestic violence offender needs;
- Collaborate with family relations to offer defendants more options for programming that meet their individual needs;
- Network private providers and community agencies within court;
- Connect children, witnesses, and victims with a professional and services as well;
- Add state-contracted services and other options in all geographic locations;
- Inform defendants of transportation options to and from programs.

Education and Training. Nearly all respondents expressed an interest in the need for advanced education and training programs around domestic violence offender behavior and accountability.

- Offer similar training provided to state-contracted programs on mental health, patterns of domestic violence, trauma, victims;
- Develop a more comprehensive list of program options (private providers and community agencies) for defendants;

- Educate the courts on the various program options (other than state-contracted services).

Discussion and Implications

The findings discussed in this section highlight the complexities of domestic violence criminal cases. Four overarching themes were discussed that summarized a range of challenges faced by prosecutors in delivering a disposition and referrals made by the court. Further, it is important to note that many of the experiences discussed exist within the context of similar themes in the broader domestic violence literature nationwide. Themes that suggest challenges faced by court leadership, family services, advocates, and service providers are not unique to Connecticut; rather they mirror complex concerns that have challenged the criminal justice system on a number of levels. Nevertheless, the challenges faced and consequences of domestic violence cases discussed in this section represent an important invitation to act. System enhancements rather than a system overhaul are needed to address the standards outlined by the Advisory Council.

A number of themes echoed in the literature on batterer intervention programs suggest that there is a need for more services that are robust and rigorous such as the state-contracted programs (EXPLORE and EVOLVE). These programs were labeled in the groups and interviews as the “gold standard” but are only available in certain geographic locations leaving some defendants with fewer options in treatment resources.

A few noteworthy outcomes of this qualitative study were that several respondents from a range of roles in the criminal justice system expressed a desire for consistency and uniformity in domestic violence dispositions; trust in verified, commonly utilized state-contracted series as well as trusted providers; little to no-change in pre and post legislation where the prosecuting authority is delivering dispositions based on the individual needs of the defendant. A number of recommendations were discussed throughout the focus groups and interviews: 1) flexible program options for defendants and victims; 2) additional private providers; 3) added and updated education and training on domestic violence for criminal justice providers and the community.

OVERALL CONCLUSIONS AND RECOMMENDATIONS

The purpose of this study was to better understand the implementation of Public Act 15-211 relevant to domestic violence programming and court processing. Per the legislation, the Domestic Violence Offender Program Standards Advisory Council was created and did adopt evidenced-based standards that the JB-CSSD contracted service providers were required to follow. Of principle concern for this report was how domestic violence cases that were not placed under the purview of the JB-CSSD were being processed by prosecutors (e.g., State's Attorneys).

The study was comprised of two different types of research. The first research component was quantitative and analyzed court data for all domestic violence arrests occurring in the calendar year of 2016. This research focused on the court dispositions and differences in defendants for cases involving the JB-CSSD Family Services Unit and cases that did not involve this unit. The second research component was qualitative and used responses from stakeholder focus groups (private service providers, victim advocates, and JB-CSSD Family Relations' counselors) along with telephone interviews with State's Attorneys. This research explored the utilization of court-mandated domestic violence offender programs with particular attention given to the use and utility of community-based programs in Connecticut.

Summary of Findings

Based on the analysis of 2016 court data and the focus groups and interviews, it appears that Public Act 15-211 had minimal or no effect on changing the court processing of domestic violence offenders. The court dispositions for domestic violence cases were similar before and after the legislation took effect. Also, the focus group participants did not report seeing changes in how non-JB-CSSD mandated cases were being handled in court.

While the results of both study components found little or no effects in court processing of domestic violence cases as a result of Public Act 15-211, each produced findings allowing for a more in-depth understanding of how these cases are processed. The quantitative analysis found that, overall, Connecticut courts were processing domestic violence offenders in a fairly consistent manner. For instance, less serious domestic violence offenders who committed less serious offenses were more likely to be mandated to the JB-CSSD Family Services Unit and placed in appropriate programming; leading to their cases being nolle or dismissed. More serious offenders committing more serious offenses were not being mandated to the JB-CSSD Family Services Unit because these cases were likely too serious for this programming or the offenders had already utilized these services. These offenders were more likely to be put to plea and received a guilty verdict. Serious offenders were much less likely to receive a nolle or dismissal. The domestic violence offenders who were most likely to have had their cases nolle or dismissed without JB-CSSD involvement were more serious offenders that had been charged with less serious offenses. Prosecutors, in these cases, may have required defendants to participate in pre-trial non-JB-CSSD services with the case resulting in a nolle; or, the charges were dismissed due case-specific circumstances (e.g., minimal evidence).

The qualitative analysis provided more detail and explanation to the above findings. Stakeholders have a high level of confidence in the JB-CSSD mandated services since they follow the Domestic Violence Offender Program Standards but do not feel the same about services that do not follow these standards. They see a lack of uniformity in domestic violence dispositions across courts due to the lack of services in some jurisdictions. In areas where services are limited, prosecutors often rely on existing services that may or may not meet the Domestic Violence Program Standards; especially in situations where domestic violence offenders are ineligible or inappropriate for the JB-CSSD mandated programming.

Programmatic Recommendations

This study revealed a gap or lack of services for more serious domestic violence offenders who were arrested for less serious offenses. Again, these were offenders who likely had JB-CSSD services and were no longer eligible for them. Due to this, prosecutors were likely referring them to non-JB-CSSD programs that did not follow the Domestic Violence Offender Program Standards. Our primary recommendation is that the JB-CSSD and CCADV work with State's Attorneys to create ways to provide more service options for this group of offenders across courts and to educate the courts on the various program options (other than contracted services) in specific geographic areas. One activity may be to create a directory of available services for each court.

In addition, stakeholders recommended the need for more unique and flexible program options such as wrap around services for victims, offenders, children, and other witnesses. Other recommended services include multiple services provided through one host agency such as individual therapy, trauma, substance use, anger management, and parenting skills. In addition to personalized services, participants discussed more options for diverse curriculum which might include bilingual groups or multiple language translation.

Research Recommendations

The lack of a centralized database or case management system in the Chief State's Attorney's Office severely hinders any attempt to truly understand prosecutorial decision-making. There are likely identifiable trends in domestic violence cases that could benefit prosecutors in creating policy and practices leading to more consistency in handling domestic violence cases across courts. Also, an automated records keeping system could help prosecutors better identify service providers and track the usage of non-JB-CSSD services.

Since statewide data collection on the specifics of nolle cases is not possible without a centralized database or case management system, we recommend that further research conduct case reviews. These reviews would consist of randomly selecting cases in each court and discussing with prosecutors the factors leading to their decision to nolle a case. While not an ideal method, it would yield more specific information on why cases involving serious offenders were nolle and if the decision involved offenders completing non-JB-CSSD services.

Since the time and resources may not be available to conduct adequate research on prosecutorial decision-making, the CCADV should consider creating a “Court Watch” program. These programs are typically operated by non-profit organizations that recruit and train volunteers to observe the daily workings of courts and assess their adherence to domestic violence laws and policies. Over the past decade they have become widely used in courtrooms across the United States and Canada.

APPENDIX A: FOCUS GROUP RECRUITMENT E-MAIL

Subject: Focus Group Volunteers

Dear _____,

In a collaboration with CSSD, CCADV and CCSU our team is gathering data on the utility of Connecticut's Batterer Intervention Program standards.

We are recruiting volunteers to take part in a focus group on [date/time]. The focus group should take no more than one hour. Sessions will be audio recorded for the purposes of data collection. This will allow the facilitator to focus on the flow of the discussion. All recorded information will be secured and coded during the research process and destroyed immediately after the project concludes. Names and identifying information will remain confidential.

The focus group will provide an opportunity for you to discuss the current utilization of Connecticut batterer intervention programs. In particular, we are interested in your opinion on:

- Why the current legislation was passed?
- The services you refer your clients to
- What type of deliverables the programs provide you with
- How these programs compare/contrast to EVOLVE and EXPLORE
- What went into your decision to use a particular program

Your views will help us to understand the identify of, use and utility of community-based intervention programs in Connecticut.

If you would like to take part in the focus group on [date/time] please let us know by replying to this email.

Sincerely,

The Research Team

APPENDIX B: FOCUS GROUP QUESTIONS

Focus Group Questions

1. Why do you think the legislation was passed?
 - a. Were there specific reasons that this was needed?
2. Which services do you use to refer clients or does the court use to refer clients? Do you still use/will you use in the future?
 - a. EXPLORE
 - b. EVOLVE
 - c. Other agencies or individuals
3. How did you learn about the programs/services you use?
4. What type of deliverables do the programs you use/the courts use to provide you with?
 - a. Reports
 - b. Recommendations
 - c. Are they consistent with BIP standards?
5. How are the community-based programs similar or different to EXPLORE/EVOLVE?
6. Prior to the current legislation, how did you decide/the court decide where to send someone or the type of services that were needed?

APPENDIX C: DOMESTIC VIOLENCE OFFENDER PROGRAM STANDARDS
ADVISORY COUNCIL: AN UPDATE TO THE CONNECTICUT GENERAL ASSEMBLY