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MEASURING SUCCESS

An Evaluability Assessment for the Grand Forks Domestic Violence Court

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Executive Summary

- **This Work Matters:** Recidivism for domestic violence varies significantly, with some reporting anywhere from one-fifth to two-thirds of perpetrators will reoffend (McCormick et al., 2011).
- **Setting Realistic Expectations:** Though the Grand Forks Domestic Violence Court (GFDVC) has yet to be evaluated, prior research suggests DVCs reduce recidivism by about 6% for general reoffending and 3% for domestic violence (Gutierrez et al., 2016). Independent of DVCs, intimate partner violence interventions reportedly reduce reoffending by about 5% (Babcock et al., 2004; Travers et al., 2021).
- **Inconsistent Recidivism Definitions:** Recidivism definitions vary in terms of their point of observation (e.g., rearrest, reconviction), type of offense (e.g., general reoffending, violent crimes, domestic violence), and follow-up period (i.e., anywhere from one to three years). There is no universally accepted definition.
- **Evaluability Concerns:** The Community Violence Intervention Center (CVIC) currently tracks many data points necessary to conduct a preliminary outcome evaluation. The most notable omission is the lack of a risk/needs assessment specific to intimate partner violence (IPV) perpetrators to differentiate high, moderate, and low risk to engage in further domestic violence. CVIC possesses some data collected from the Lethality Assessment Program (LAP) conducted by law enforcement with IPV victims. The North Dakota Department of Corrections and Rehabilitation (DOCR), Parole and Probation Grand Forks office, utilizes the Level of Service Inventory-Revised (LSI-R), appropriate for general recidivism prediction, but has yet to adopt a supplemental tool specific to IPV.
- **Recommendation 1:** Adopt an official recidivism definition with the consensus of all relevant stakeholders.
- **Recommendation 2:** Adopt a risk/needs tool specific to IPV perpetrators, such as the Domestic Violence Screening Inventory-Revised (DVSI-R) (Messing & Thaller, 2015), in collaboration with the DOCR's Parole and Probation Grand Forks office.
- **Recommendation 3:** Short-term, proceed with conducting a preliminary outcome evaluation. A quasi-experimental design is possible with existing data using a pre/post matched cohort comparison, though with some significant limitations. Matching techniques are available (e.g., propensity score matching) that will allow the evaluator to reduce some observable biases between convictions prior to DVC implementation and DVC program participants after the court's creation. Though this is a less rigorous design, it is a significant first step towards monitoring performance.
- **Recommendation 4:** Long-term, consider the viability of a more rigorous research design (i.e., randomized control trial or stronger quasi-design) as well as other assessments (e.g., process, cost-benefit) in conjunction with obtaining further external funding support.

Introduction

According to the most recent estimates from the National Crime Victimization Survey (NCVS), in the United States 50.7% of intimate partner violence (IPV) crimes are reported to law enforcement (Thompson & Tapp, 2022). Only 9% of the victims associated with these violent crimes reported receiving assistance from public or private victim service providers. Repeated victimization is a concern with one-fifth to two-thirds of domestic violence perpetrators reoffending (McCormick et al., 2011). For example, the Public Policy Institute of California reported domestic violence rearrest rates of 67% based on data obtained from 2011-2015, compiled across 12 California counties (Nguyen & Bird, 2018). However, rates vary across studies. For example, Kingsnorth (2006) reported a lower rearrest rate of 15.3% within 18 months for a sample of 872 IPV offenders in Sacramento County, California. A large proportion of recidivism, about 60%, occurs within the first six months, with just under 40% occurring within the first three months (Gondolf, 2000). As this research demonstrates, there is a clear need to promptly identify and intervene in the maladaptive behaviors of high-risk perpetrators of domestic violence.

First implemented in the 1990s, specialized domestic violence courts represent one of several solutions developed to improve the response to domestic violence and enhance services for victims (Collins et al., 2021). Other solutions have included mandatory arrest and prosecutorial no-drop policies as well as increased funding support for

victim services. There are reportedly over 300 DVCs in the United States as well as 50 in Canada and 100 in the United Kingdom (Eley, 2005; Gutierrez et al., 2016; Hemmens et al., 2020; Home Office, 2008; Tutty & Koshan, 2013). Based on input from a variety of key stakeholders including judges, state's attorneys, public defense, court administration, and Community Violence Intervention Center (CVIC) staff in 2016, a specialized Domestic Violence Court (DVC) was formally established in Grand Forks (GF) in 2018. It is currently the only DVC court in the state. The GFDVC is a post-conviction specialty court whereby convicted individuals are required to participate in an orientation, intervention programming (such as *New Choices* facilitated by CVIC), and regular review hearings with Judge Jason McCarthy or Judge Jay Knudson. The goals of the program include increased communication and safety for victims as well as increased compliance and recidivism reduction for the perpetrators. This evaluability assessment briefly summarizes relevant outcome literature pertinent to DVCs, reports the current availability of data maintained by CVIC, and provides short-term and long-term recommendations.

In 2021, CVIC served 790 adult victims of domestic violence. CVIC's recent newsletter indicated nearly 60% of 200 individuals screened in 2021 by police were at high risk of violent victimization. For the state, 5,417 victims were served by 18 crisis intervention centers according to the North Dakota Council on Abused Women's Services (CAWS North Dakota) (see also, Kelly, 2022).

Domestic Violence Court Effectiveness

Unlike drug courts (Mitchell et al., 2012), DVCs have received comparatively little empirical examination and their effectiveness has generally been regarded as “mixed” (Hemmens et al., 2020; Labriola et al., 2009). The National Institute of Justice (NIJ) currently regards the practice of DVC as “promising” based on the results of a single systematic review and meta-analysis conducted by Gutierrez and colleagues (2016). Alternatively, NIJ has rated three separate New York DVC programs as having “no effects” (Cissner et al., 2013; Katz & Rempel, 2011; Labriola et al., 2012). An earlier review by Labriola and colleagues (2009) found three studies reported a reduction in recidivism (Angene, 2000; Gover et al., 2003; Harrell et al., 2007) while five reported no change (Harrell et al., 2007; Henning & Klesges, 1999; Newmark et al., 2001; Peterson, 2004; Quann, 2007) and two had mixed findings (Davis et al., 2001; Harrell et al., 2006). They did note, however, a consistent improvement in case processing efficiency. Nonetheless, Gutierrez and colleagues’ later (2016) review reported an overall 5.65% reduction in general recidivism and 2.77% reduction in violent recidivism for DVC participants across 20 outcome evaluations conducted from 1996-2013 in the United States and Canada. Of the 26 samples gathered across the 20 studies, 14 utilized a quasi-experimental design. Five studies used a randomized control trial (RCT), associated with random assignment, the gold standard for establishing causation and judging effectiveness (Taxman & Belenko, 2012; Weisburd et al., 2016). Of concern, most of the samples came from unpublished reports and Gutierrez and colleagues (2016) ranked nearly 70% of the studies in their review as “weak” in terms of methodological rigor. Gutierrez and

For a detailed discussion and review of effective programming for IPV, see Travers et al. (2021). CVIC provides programming referred to as *New Choices* which involves 20-to-27 session group meetings (a.k.a., therapeutic community) utilizing the *Creating a Process of Change for Men Who Batter or Beyond Violence* curriculum (CVIC, n.d.), based on what is commonly referred to as the Duluth treatment model. Travers and colleagues indicate that the Duluth model emphasizes a psychoeducational approach that “...targets gender dynamics of power and control in relationships” (2021, p. 2). Alternatively, the cognitive behavioral therapy (CBT) approach focuses more on challenging cognitive errors and distortions that contribute to maladjusted behavioral responses (i.e., aggression and violence). That said, Travers and colleagues note the two models have borrowed so heavily from each other to the extent that today the two, in practice, are often indistinguishable. Of the 31 studies suitable for their systematic review, 10 utilized some form of risk assessment at intake. Overall, their findings favored CBT interventions. A specific program, *Achieving Change through Values-Based Behavior* (ACTV) derived from Acceptance and Commitment Therapy (ACT), was specifically highlighted as performing significantly better than the Duluth- and CBT-based alternatives.

colleagues noted those DVCs that adhered to the risk-need-responsivity (RNR) model were associated with a larger treatment effect, but overall adherence to RNR across DVCs was low.

Comparing outcomes across DVCs can be complicated. DVCs may share a similar aim but vary significantly in their approach, implementation, and execution (Keilitz, 2004; Labriola et al., 2009). Of notable concern to small town and rural jurisdictions, the mere availability of intervention programming as well as a community organization's willingness to collaborate also dictates what services can be provided. Further, implementation matters, including fidelity and long-term maintenance, as discussed heavily by several prominent penology scholars (Latessa et al., 2020; Taxman & Belenko, 2012). Failure to adequately train staff or provide ongoing support has been associated with diminishing returns and even detrimental outcomes for interventions otherwise proven to work. For example, Greenwood (2014) reported on a failed implementation of multisystemic therapy (MST), a well-established evidence-based program, attributed largely to a lack of training. Though initial outcomes were poor, the agency subsequently acquired the appropriate training and achieved the positive results they had expected.

Operationalizing Recidivism

Though the number of outcome evaluations available for DVCs is relatively limited (Gutierrez et al., 2016), there is a lot of variation in how recidivism is measured. **Figure 1** presents a visualization (a.k.a., decision tree) of several ways recidivism has been operationalized, with three key decision points: 1) observation point, 2) re-offense type, and 3) fixed follow-up period. Gutierrez and colleagues' (2016) review found a majority of studies relied on rearrest (85%), with an average fixed follow-up period of 21 months ($SD=9.83$). In other words, the fixed follow-up period varied from about 12 months (one year) to 36 months (three years). More generally, some studies have used as little as a 1-year follow-up (Collins et al., 2021; Goldkamp et al., 1996) while others have used up to a 3-year follow-up period (Pinchevsky, 2017), though 2-year follow-up periods are also common (Dagenhardt et al., 2023; Tutty & Babins-Wagner, 2019). Many studies also include general and domestic violence-specific reoffending as two separate dependent variables of interest (Collins et al., 2021).

Currently, the CVIC and GFDVC lack an official recidivism definition but have been monitoring recidivism through a working definition: any subsequent law enforcement contact (regardless of whether an arrest occurs), new charges, new convictions, or protection orders associated with an intimate partner violence crime within a two-year fixed follow-up period (highlighted in red in **Figure 1**). An initial draft of a recidivism definition, informed by CVIC's current work and the empirical literature, is provided below. It is recommended that the GFDVC Steering Committee work together to develop and formally recognize a definition that meets the needs of all relevant stakeholders.

Sample Draft Recidivism Definition:

Recidivism is subsequent contact with law enforcement, arrest, conviction, protection order issued, or incarceration for a new intimate partner violence (IPV) offense by IPV perpetrators that successfully complete Grand Forks Domestic Violence Court (GFDVC) requirements, including New Choices programming, at six months, one year, two years, and three years after DVC completion. In addition to IPV, general and violent recidivism will also be tracked. Non-completers, including those that reoffend while a DVC participant, will be examined separately from DVC completers.

Predictors of Recidivism

Table 1 displays a list of predictors and potential correlates identified in collaboration with CVIC as currently available and retrievable. The strongest predictors of recidivism in domestic violence include if the perpetrator is young, unmarried, unemployed, possesses an unstable lifestyle, is experiencing substance abuse issues, possesses low verbal intelligence, and/or possesses an extensive criminal history (Lum & Koper, 2017; McCormick et al., 2011).

Anticipated Sample Size and Comparison Group

A counterfactual is needed to assess program effectiveness (Bachman & Schutt, 2017). Simply stated, what would be the likely outcome absent the existence of the DVC? Using appropriate matching techniques, such as propensity score matching (Bai & Clark, 2019), will allow the evaluator to create comparable groups based on key predictors of recidivism. Matching will be limited by the availability of data but is a common method of strengthening quasi-experimental designs by ensuring groups are similar on characteristics known to be related to the outcome of interest. This pre- and post-DVC implementation comparison is also known as an *ex post facto control group design* (Bachman & Schutt, 2017). Gutierrez and colleagues' (2016) review found a majority of DVC evaluations (69%) consisted of similar retrospective cohort designs whereby historic samples of domestic violence perpetrators prior to the court's implementation were used as a comparison group. That said, only 31% of the studies they reviewed utilized matching.

Averaging about 120 DVC participants per year from 2019 through 2021, there were 363 total defendants ordered to participate in GFDVC (CVIC, 2022). CVIC has identified data for 838 convictions in Grand Forks County District Court that predate implementation of the DVC but would have been eligible if such had existed at the time, with information dating back to January 2014. This population can serve as a comparison group (or counterfactual) for matching.

Figure 1: *Sample Decision Tree for Defining Recidivism*

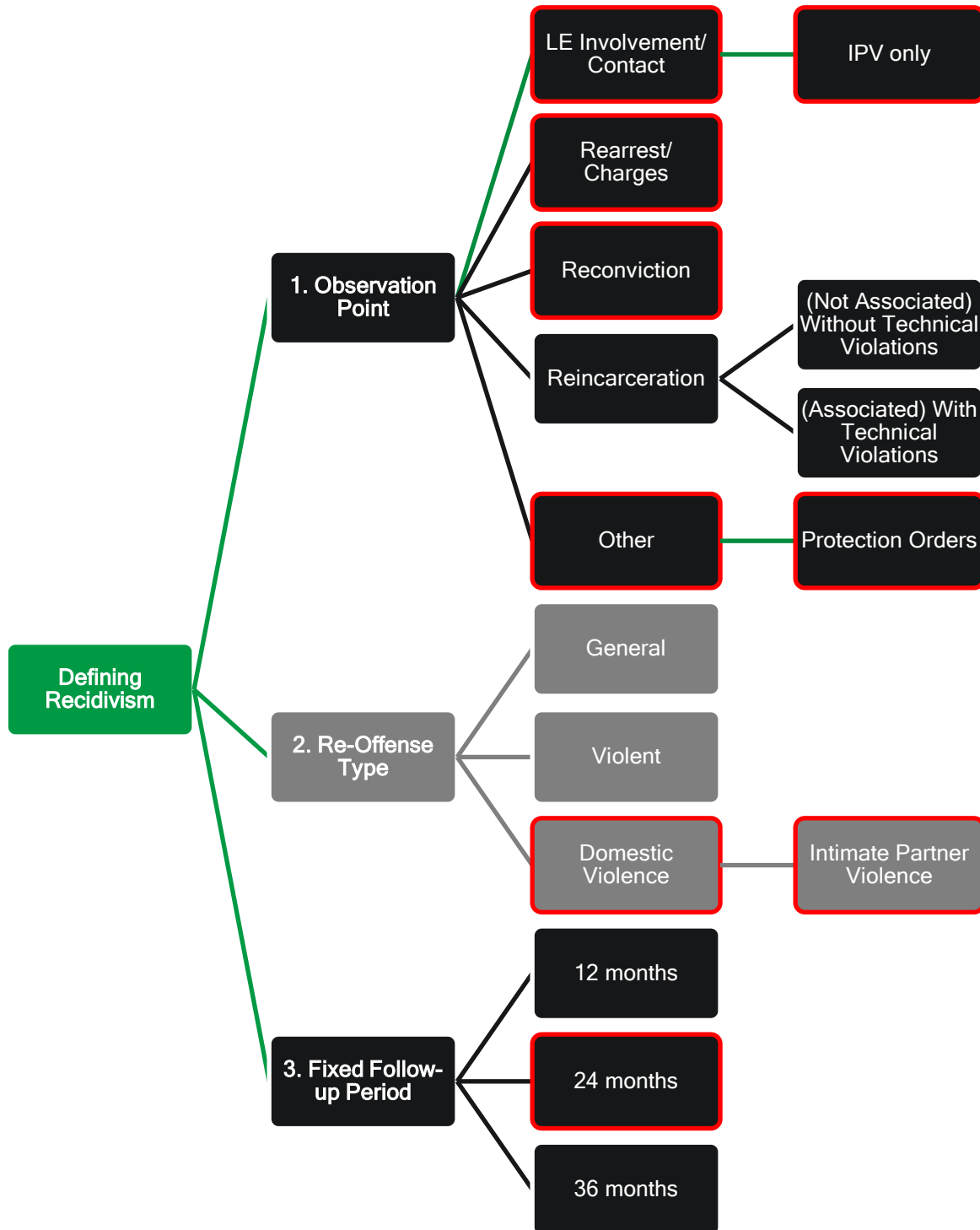


Table 1: Independent Variables, Attributes, and Sources

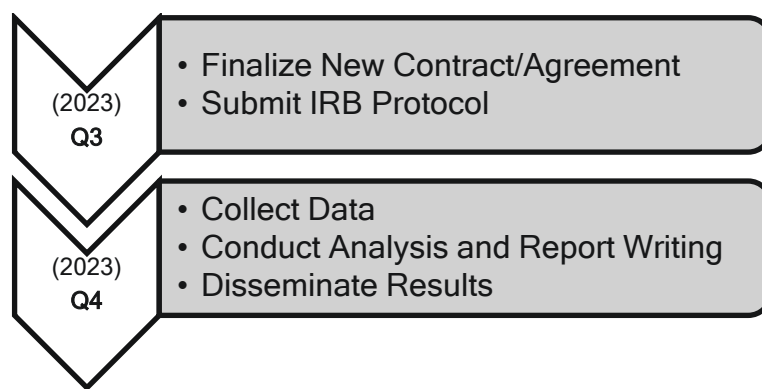
Variable	Attributes	Data Quality	Source
Offender-Victim Relationship	Divorced (Living Together) Divorced (Not Living Together) Ex-Partner Ex-Partner (Living Together) Married (Living Together) Married (Separated) Partner (Living Together) Partner (Not Living Together) New/Old Partner	+++++	Optimize NP 2.0 - Incident Report Table
[Perpetrator's] Gender	Female Male Non-Binary (doesn't identify with a gender) Transgender Female (male to female) Transgender Male (female to male) Unknown	+++++	Optimize NP 2.0 - Incident Report Table
Victim's Gender	Female Male Non-Binary (doesn't identify with a gender) Transgender Female (male to female) Transgender Male (female to male) Unknown	+++++	Optimize NP 2.0 - Incident Report Table
[Perpetrator's] Race	White Black White-Hispanic Origin Non-White Asian American American Indian/Alaska Native Native Hawaiian or Other Pacific Islander White/Native American Asian/Indian White/Asian White/Black Native American/Hispanic Unknown	+++++	Optimize NP 2.0 - Incident Report Table
Victim's Race	White Black White-Hispanic Origin Non-White Asian American American Indian/Alaska Native Native Hawaiian or Other Pacific Islander White/Native American Asian/Indian White/Asian White/Black Native American/Hispanic Unknown	+++++	Optimize NP 2.0 - Incident Report Table
[Perpetrator's] Date of Birth	[Date]	+++++	Optimize NP 2.0 - Incident Report Table
Victim's Date of Birth	[Date]	+++++	Optimize NP 2.0 - Incident Report Table
Employment History	[Text]	++	Optimize NP 2.0 - Vitals 2 Tab
Alcohol	Yes No	+++++	Optimize NP 2.0 - Incident Report Factors Table

Weapon	Yes No	+++++	Optimize NP 2.0 - Incident Report Factors Table
Law Enforcement Charge(s)	[Text]	+++++	Optimize NP 2.0 - LE Charges Data Table
Dual Arrest	Yes No	++++	Optimize NP 2.0 - Incident Report Table
Case Type Charge	Felony Misdemeanor Gross Misdemeanor	+++++	Optimize NP 2.0 - Court Charges Table
Charge[s]	[Text]	+++++	Optimize NP 2.0 - Court Charges Table
Disposition Date[s]	[Date]	+++++	Optimize NP 2.0 - Court Charges Table
Verdict/Judgement	Acquitted Convicted Dismissed by Court Dismissed by Prosecution	+++++	Optimize NP 2.0 - Court Charges Table
Hearing Type	Field Initial Hearing Order to Show Cause Preliminary Hearing Probation Revocation Sentencing Trial (Jury/Court) PSR (DVC) Court Appearance Final Dispositional Conference	+++	Optimize NP 2.0 - Court Hearing Data Table
End of Hearing	Dismissed Plead Guilty Pending Deferred Failure to Appear Found Guilty Found Not Guilty Warrant Issued OSC - Pending OSC - ProbExtended OSC - Dismissed OSC - Jail OSC - Conditions Added Pending - Trial PR - Dismissed PR - Jail PR - Resentenced PR - Conditions Added PR - Probation Extended PSR (DVC) - Pending PSR (DVC) - Completed PSR (DVC) - Closed PSR (DVC) - No Action PSR (DVC) - Probation Extended PSR (DVC) - NA Continued	+++	Optimize NP 2.0 - Court Hearing Table
Hearing Date[s]	[Date]	++++	Optimize NP 2.0 - Court Hearing Data Table
Defendant Hearing Attendance	Yes No	++++	Optimize NP 2.0 - Court Hearing Data Table

CCR Staff Hearing Attendance	Yes No	++++	Optimize NP 2.0 - Court Hearing Data Table
DVC Orientation Completion	Yes No	+++++	Optimize NP 2.0 - DVC Data Table
DVC Orientation	[Date]	+++++	Optimize NP 2.0 - DVC Data Table
DVC Completion	[Date]	+++++	Optimize NP 2.0 - DVC Data Table
Probation Type	Supervised Unsupervised Not on Probation Unsupervised/Deferred	+++++	Optimize NP 2.0 - Probation Statistics Table
Probation Start Date	[Date]	+++++	Optimize NP 2.0 - Probation Statistics Table
Probation Expiration	[Date]	+++++	Optimize NP 2.0 - Probation Statistics Table
Lethality Assessment Program (LAP)	11-item instrument conducted by law enforcement with victims of IPV (Messing et al., 2015).		

Data Extraction and Analysis Estimates

Additional funding has been secured to conduct a preliminary outcome study utilizing the available data described within this report. In consultation with CVIC, it is estimated it will take up to two weeks to extract the necessary data, followed by two weeks for the researcher to receive and compile the data in preparation for analysis in a statistical package such as SPSS, STATA, or R. Another four-to-eight weeks is advised to conduct the analysis and produce a research report on the results. Note, IRB approval must be obtained by the researcher prior to conducting the analysis. However, this research represents a secondary dataset with an adult population eligible for expedited review. The research presents minimal-to-no risk to the subjects and has a high potential to benefit the GFDVC and its clients in the long term.



Concluding Remarks

Short-term, a preliminary outcome evaluation can be conducted using available data identified by CVIC, with some notable limitations. First, a weaker quasi-experimental design is possible, but it is not the most rigorous design. Less rigorous designs have been demonstrated to overestimate the effect of a given program (Gutierrez et al., 2016; Lum & Koper, 2017; Weisburd et al., 2016). Further, without key risk assessment information, matching will be less precise, making results even less reliable and subject to selection bias. If possible, obtaining LSI-R assessment classifications from the DOCR is worth consideration. Regardless, such an analysis is a useful first step in performance monitoring for the GFDVC.

That said, in addition to conducting said preliminary research, we propose two practice recommendations going forward; 1) that the GFDVC and its relevant stakeholders officially select and adopt a recidivism definition, and 2) that a risk/needs assessment tool be implemented in collaboration with the DOCR's Probation and Parole Grand Forks office. Research on DVC and IPV interventions more generally stresses adherence to RNR as an important component in terms of improving outcomes (Gutierrez et al., 2016; Travers et al., 2021), implementation of a risk assessment specific to IPV is a significant first step. Prior research from Hilton and colleagues (2010) established the use of a specialized tool, the Ontario Domestic Assault Risk Assessment (ODARA), performed significantly better in predicting domestic violence reoffending than relying on a general recidivism tool such as the Level of Service Inventory-Revised (LSI-R). Messing and Thaller (2013) examined the validity

Additional Information on the Domestic Violence Screening-Revised (DVSI-R) and the Spousal Assault Risk Assessment (SARA)

The DVSI-R originated from the Colorado Department of Probation Services and the Colorado Domestic Violence Reduction Project (Messing & Thaller, 2015). It was developed through a thorough review of the domestic violence literature and informed by expertise from judges, lawyers, victim advocates, and policing professionals. It is an 11-item tool (originally possessed 12 items) designed to assess intimate partner violence risk with males (though it has also been used with females; see Stansfield & Williams, 2014) and includes measures, for example, related to criminal history, substance abuse, employment, violations of restraining orders, weapon use, presence of children, and IPV treatment history. The tool produces a numeric score and risk classification of low, moderate, or high risk (see also Nicholls et al., 2013; Stansfield & Williams, 2014; Williams, 2012; Williams & Houghton, 2004). The SARA is a 20-item tool marketed by the British Columbia Institute Against Family Violence and includes additional dynamic factors such as psychosocial adjustment, spouse assault aversive attitudes, and escalation of assault threats (Wong & Hisashima, 2008).

of five IPV risk assessments and found that the ODARA possessed the highest predictive accuracy, though the Spousal Assault Risk Assessment (SARA) was a close second followed by the Danger Assessment (DA), Domestic Violence Screening Inventory (DVSI), and the Kingston Screening Instrument for Domestic Violence (K-SID). That said, ODARA is primarily used by law enforcement to assess a perpetrator's likelihood to reoffend and in this case would be redundant, to some extent, with the existing LAP (for more on the LAP see Messing et al., 2015). Further, ODARA relies heavily on static risk factors which are of limited utility to case planning. Instead, from a specialty court orientation, Messing and Thaller (2015) recommend the Domestic Violence Screening Inventory-Revised (DVSI-R) as the most useful for judges, prosecutors, and probation officers (p. 1814). However, they also report SARA may be the most extensive tool available in terms of possessing added utility pertinent to batterers intervention programs due to a greater incorporation of dynamic risk factors. As Nicholls and colleagues (2013) further explain, the DVSI-R is a screening tool. Those classified as moderate or high on this assessment should then be assessed further using a tool such as the SARA (Hisashima, 2008, Wong & Hisashima, 2008). We recommend the GFDVC and DOCR Parole and Probation GF office, in consultation with other DVC stakeholders, consider adoption of the DVSI-R and the SARA or an equivalent, with priority given to the DVSI-R.

Long-term, it is recommended this early research be the catalyst for further planning and generation of more rigorous evaluations, potentially in partnership with funding opportunities through, for example, NIJ's [*Research and Evaluation on Violence Against Women*](#) solicitation or an appropriate foundation. In addition to more rigorous outcome evaluations (i.e., Randomized Control Trial or stronger quasi-design), process and cost-benefit analyses would also be of significant value.

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