CASELOAD HIGHLIGHTS

Tracking and Understanding Family Violence Caseloads

Domestic violence is one of the most significant issues state courts face today, and domestic violence cases are a large and rising portion of the domestic relations caseload in state courts.[1] State court leaders consequently are striving to devise effective responses to family violence and its impact on case management and adjudication. A major obstacle impeding these efforts, however, is a general lack of accurate and sufficiently detailed data on family violence caseloads. The courts' inability to track the incidents of family violence from filing through post-adjudication leaves many basic questions unanswered. For example, how many felony family violence, misdemeanor family violence, and protection order cases are filed in trial courts annually, and how are these cases disposed? What types of sanctions do judges typically impose on offenders convicted of family violence crimes? How do family violence caseloads compare across the states, and do caseload trends indicate the effects of the numerous and diverse state and federal initiatives to address family violence?

This issue of *Caseload Highlights* introduces the Family Violence Data Reporting Prototype, which was conceived by the Court Statistics Project (CSP)[2] as a tool for state courts to use in identifying, classifying, counting, and reporting family violence cases. The need for a data reporting prototype emerged when the rising volume of family violence cases was being reported to the CSP in over 20 different categories. This lack of clear and coherent reporting has severely impeded the CSP's ability to track and analyze family violence caseload trends over time or to compare caseloads across states.

Furthermore, state courts have been hampered in their efforts to assess the effectiveness of resources allocated to reducing family violence, demonstrate the need for legislative support and grant funds for family violence initiatives, and implement effective case management systems.

The Family Violence Data Reporting Prototype addresses these problems by proposing a minimum set of four categories of family violence cases: felony domestic violence, misdemeanor domestic violence, civil protection orders, and civil claims. For courts that are better able to distinguish the details of domestic violence cases, the prototype outlines subcategories for each of the four main categories. For example, the subcategories for felony and misdemeanor family violence cases are homicide (felony only), physical assault, sexual assault, property crimes, and stalking. The prototype also includes sections for reporting information on the manner of case disposition, trial outcomes, and sentencing.

[1] Brian J. Ostrom and Neal B. Kauder (eds.), *Examining the Work of State Courts, 1997: A National Perspective from the Court Statistics Project* (Williamsburg, Va.: National Center for State Courts, 1998), p. 39.

Family Violence Data Reporting Prototype: Definition of Family Violence

Family violence means the occurrence of an act of violence, coercion, or intimidation by a family or household member against another household or family member that could result in the filing of felony or misdemeanor charges, the issuance of a civil protection order, or an action for civil damages. Family or household members include: (a) persons who are current or former spouses; (b) persons who are intimate partners who live together or who have lived together; (c) persons who are dating or who have dated; (d) persons who are engaged in or who have engaged in a sexual relationship; (e) persons who are related by blood or adoption; (f) persons who are related or formerly related by marriage; (g) persons who have a child in common; and (h) minor children of a person in a relationship that is described in paragraphs (a) through (g).

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[2] A principal goal of the Court Statistics Project (CSP) is to overcome data collection problems by promulgating nationally accepted terms and definitions that make statistics uniform and comparable.

National Initiatives to Measure Family Violence

Family violence has implications for many fields of criminal justice, social welfare, health care, victim advocacy, and community services. The courts are beginning to catch up with law enforcement, prosecution, and social services in developing ways to identify, classify, and count incidents of family violence. For example, for the past decade law enforcement agencies have been moving toward standardized local and state Incidence-Based Reporting (IBR) systems and participation in the National Incident-Based Reporting System. These IBR systems capture individual case characteristics that can be used to identify family violence offenses and other victim and offender information that can be critical for successfully prosecuting and appropriately adjudicating family violence cases. Like the courts, the health care system is a relative newcomer to measuring family violence. The Centers for Disease Control, the National Institute of Health, and the National Institute of Justice recently have been partnering to promote data collection and analysis from clinical studies of family violence and the standardization of definitions and data elements for the surveillance of family violence.[3]

Few state courts currently have the capacity to collect data on specific types of family violence cases (e.g., New Jersey, Washington, and Florida), but as this *Caseload Highlights* reveals, this situation is improving. However, greater availability and comparability of family violence information from the state courts will be critical to the success of the national movement to explore and address issues of family violence through multiple perspectives.

Developing the Family Violence Data Reporting Prototype

Implementing an instrument such as the Family Violence Data Reporting Prototype is difficult because of the wide variation among courts on a number of relevant factors, including the scope and refinement of automated data systems, jurisdiction over family violence cases, and the types of crime or actions defined or identified as family violence. In addition, family violence cases rarely conform to traditional, non-overlapping case classification strategies. For example,

a family violence physical assault may potentially be linked with many interrelated cases, including felony charges, civil protection orders, divorce filings, and petitions for child custody, child support, dependency, and juvenile delinquency. Therefore, depending on the individual court's classification strategy, a case involving family violence may be counted multiple times as civil, criminal, and/or juvenile cases.

The challenge in developing the Family Violence Data Reporting Prototype was to present a clear, informed, and inclusive definition of family violence[4] while offering a flexible classification and reporting model that can be adjusted to accommodate individual state statutes and address the evolving needs and capabilities of state courts across the country. The prototype was developed to meet this challenge using the expert opinion of the Conference of State Court Administrators Court Statistics Committee and an advisory committee of court managers and domestic violence

experts and practitioners;[5] a comprehensive review of state statutes relating to family violence; and a survey of 18 courts.

Testing the Family Violence Data Reporting Prototype

The prototype was pilot tested for six months in 1998 to gain a better understanding of the current availability of family violence data in state courts and the ability of courts to report this data. Demonstration courts were recruited randomly and selected primarily on their willingness to test the prototype. A basic premise of the demonstration test was that court structure and automated system constraints would limit the number of courts that could collect data for all of the reporting categories. Major impediments to full reporting by the individual courts included the lack of jurisdiction for all of the case types in the prototype, the jurisdiction of more than one court or division over the same case types, the lack of integration of the data from each court or division, and

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[3] The Family and Intimate Violence Prevention Team (FIVPT) has defined and pilot tested a minimum set of data elements needed for surveillance of intimate partner violence. For more information, see the FIVPT's Web site at www.cdc.gov/ncipc/dvp/fivpt/fivpt.htm.

[4] Child dependency cases are not included in the definition of family violence, but criminal abuse and neglect cases are included.

[5] The members of the advisory committee were Sharon Denaro, Domestic Violence Project Manager, Superior Court for the District of Columbia; Daniel J. Hall, Director of Planning & Analysis, Colorado Judicial Department; Barbara J. Hart, Associate Director, Battered Women's Justice Project; Jennifer Juhler, Domestic Abuse Intervention Coordinator, State of Iowa; Howard P. Schwartz, Judicial Administrator, State of Kansas; and Linda Saltzman (liaison), Centers for Disease Control.

the inability of the case information system to distinguish the case types in the prototype or capture the event or outcome data it specifies.

Twelve courts[6] ultimately were able to use the prototype to provide at least some data during the reporting period of January 1, 1998, to June 30, 1998. To collect data for the prototype reporting categories, three courts accessed data solely from automated systems, seven courts utilized data from both automated systems and case files, and two collected all of the data manually from case files. Three-quarters of the demonstration courts indicated that changes in their established data collection procedures were necessary to report the data included in the prototype's categories and subcategories. The difficulties of tracking data across various sources using different collection methods are demonstrated by incomplete or inconsistent data for some of the more detailed prototype categories, such as manner of disposition and sentencing outcomes (see Tables 4 and 5).

As the pilot project came to a close, the demonstration courts were surveyed to solicit their opinions about the

[6] Boulder, Colorado; Fort Lauderdale, Florida; Santa Ana, California; Norristown, Pennsylvania; San Francisco, California; Miami, Florida; Wailuku, Hawaii; Tampa, Florida; Hillsboro, Oregon (two months only); Ventura, California; Seattle, Washington; and Wilmington, Delaware.

utility of the prototype and their suggestions for improving it. All but one of the courts reported that the prototype was easy to understand, sufficiently comprehensive, and useful for collecting family violence case data. Most of the demonstration courts also indicated that the prototype was useful in selecting elements to be included in a data collection system, designing data reporting forms, and reporting family violence case data. The demonstration courts also recommended revisions to the prototype to clarify terminology, provide additional examples of terms, and refine some case type and other reporting categories.

Family Violence Data Collected During the Demonstration of the Prototype

By outlining the basic case type categories (felony, misdemeanor, and civil) and the breakdown of associated subcategories of case types and outcomes, the prototype offers a "drill-down" design that accommodates the various levels of court data system development. For example, courts with less refined data collection systems may be able to use the prototype to report the total number of protection order fil-

ings, but may not be able to distinguish misdemeanor family violence cases in the general misdemeanor caseload. Case information systems that can identify and count more detailed data can use the prototype to report not only misdemeanor family violence filings, but also filings and dispositions by type of misdemeanor, manner of disposition, and sentencing outcomes. Courts with this level of data system development can examine and analyze more meaningfully the dynamics of the family violence caseload and its impact on court workload and case outcomes.

Tables 1-5 present family violence data provided by the demonstration courts on filings, dispositions, and sentencing outcomes. The variation in the type and level of data collected and reported by

these 12 courts reflects the drill-down design of the prototype. Moreover, the inconsistencies in the data underscore the challenges many courts face in tracking family violence caseloads that led to the development of the prototype.

Filings

Each of the 12 demonstration courts was able to provide filing data for at least one of the main case categories (Table 1). Boulder, Seattle, and Miami collected filing data for felonies, misdemeanors, and protection orders. Only a few courts could provide complete, detailed information on filings for specific case types. For example, Boulder reported filings for each of the prototype felony subcategories (homicide,

Table 1: Family Violence Case Filings, January- June 1998

	Felony	Misdemeanor	Protection Orders
Boulder, CO	107	476	227
Seattle, WA[1]	272	127	2,513
Miami, FL[2]	1,213	3,215	5,225
Santa Ana, CA	57	199	
Wilmington, DE		2,646	1,275
Tampa, FL[3]		2,407	2,808
Wailuku, HI[3]		262	331
Hillsboro, OR[3, 4]		44	315
Ventura, CA[3, 5]		363	708
San Francisco, CA		267	
Fort Lauderdale, FL			3,189
Norristown, PA			741

[1] Felony filings are missing January data.
[2] Felony and misdemeanor filings are missing June data.
[3] Misdemeanors include family violence physical assaults only.
[4] Data are for January and February only.
[5] Protection orders include protection from harassment involving violence.

physical assault, sexual assault, property crime, and stalking) (Table 2).

Filing data were more commonly available for misdemeanor cases and protection orders than for felony cases. All of the ten courts with jurisdiction for misdemeanors reported misdemeanor filings, and ten of the eleven courts with jurisdiction for protection orders reported protection order filings. In contrast, only half of the eight courts with jurisdiction for felony cases reported felony filings. This experience indicates that the prototype may be more useful initially for reporting misdemeanor family violence cases and protection order cases.

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Dispositions and Sentencing

Over half of the demonstration courts were able to collect some disposition data. Boulder, Seattle, Miami, and Wailuku provided a breakdown of temporary and final protection orders granted (Table 3).[7] These data indicate a wide disparity across these four courts in the proportions of temporary orders that result in a final protection order. These proportions range from a high of 85 percent in Boulder, which is uncommonly high, to a low of 32 percent in Miami, which is not uncommon for a large jurisdiction.

Boulder, Seattle, Miami, Tampa, Wailuku, Ventura, and Hillsboro supplied data on the manner of disposition for felony and/or misdemeanor cases (Table 4). Most of these cases are resolved by plea (guilty or nolo contendre).[8] Six of these seven courts also reported data on sentencing outcomes for felony and/or misdemeanor cases (Table 5). This level of detail capitalizes on the drill-down nature of the prototype's content and

structure to allow a more complete view of the adjudication process and to assess court workloads.

[7] Three courts (Delaware, Miami, and Wailuku) reported some type of information on trial outcomes for protection order hearings and/or manner of disposition. However, the data varied too greatly across courts to present comparisons.

[8] In Miami and Tampa, a significant number of cases are disposed by diversion to a treatment program offered primarily to first-time offenders. The nolle pros category in Miami and Tampa includes the cases of offenders who successfully complete the diversion program as well as prosecutor dismissals.

Table 3: Protection Orders Issued, January–June 1998

	Boulder	Seattle	Miami	Wailuku
Temporary	123	1,718	3,970	214
Final	104	795	1,255	117
Total	227	2,513	5,225	331

Table 2: Criminal Family Violence Filings for Boulder, Colorado, January–June 1998

	Felony	Misdemeanor
Homicide	1	N/A
Physical Assault	71	456
Sexual Assault	11	4
Property Crime	18	16
Stalking	6	0
Total	**107**	**476**

Table 4: Dispositions for Criminal Family Violence Cases, January–June 1998

	Boulder		Seattle[1]		Miami[2]		Tampa[3]	Wailuku[3]	Ventura[3]	Hillsboro[3, 4]
	Felony	Misd.	Felony	Misd.	Felony	Misd.	Misd.	Misd.	Misd.	Misd.
Dismissed	4	145	10	5	1	33	15	5	16	3
Guilty plea/stipulation/nolo plea	4	181	159	135	738	587	1,030	82	187	16
Diversion/discharge/conditional discharge	0	0	1	0	103	673	587	0	1	15
Nolle pros	N/A	N/A	N/A	N/A	132	1,723	473	52	N/A	N/A
Other	1	1	0	0	204	6	51	0	0	1
Total dispositions	8	327	170	140	2,177	3,022	2,156	139	204	35

[1] Felony dispositions are missing January data.
[2] Felony and misdemeanor dispositions are missing June data.
[3] Misdemeanors include family violence physical assaults only.
[4] Data are for January and February only.

Table 5: Criminal Family Violence Cases by Type of Sentence, January–June 1998

	Boulder		Seattle[1]		Miami[2]		Tampa[3]	Wailuku[3]	Ventura[3]
	Felony	Misd.	Felony	Misd.	Felony	Misd.	Misd.	Misd.	Misd.
Probation	4	131	2	1	414	552	671	1	12
Probation with incarceration	5	71	124	117	147	68	31	92	155
Incarceration	0	32	31	14	190	62	372	12	9

[1] Felony figures are missing January data.
[2] Felony and misdemeanor figures are missing June data.
[3] Misdemeanors include family violence physical assaults only.

The Family Violence Data Reporting Prototype

Definition of Family Violence

Family violence means the occurrence of an act of violence, coercion, or intimidation by a family or household member against another household or family member that could result in the filing of felony or misdemeanor charges, the issuance of a civil protection order, or an action for civil damages. Family or household members include: (a) persons who are current or former spouses; (b) persons who are intimate partners who live together or who have lived together; (c) persons who are dating or who have dated; (d) persons who are engaged in or who have engaged in a sexual relationship; (e) persons who are related by blood or adoption; (f) persons who are related or formerly related by marriage; (g) persons who have a child in common; and (h) minor children of a person in a relationship that is described in paragraphs (a) through (g).

Case Type Categories and Subcategories

Case types listed are examples of case types that typically are included in the main category (e.g., felony family violence) and the subcategory (e.g., homicide).

Felony Family Violence

1. Homicide
- Homicide
- Manslaughter
- Attempted homicide
- Negligent manslaughter

2. Physical Assault
- Assault with a weapon
- Kidnapping/abduction
- Assault with serious injuries
- Enhancements to a felony for repeated misdemeanors
- False imprisonment/ unlawful imprisonment
- Robbery

3. Sexual Assault
- Rape
- Sodomy
- Attempted rape
- Enhancements to a felony for repeated misdemeanors
- Sexual assault

4. Property Crimes
- Arson
- Firearms violation
- Attempted arson
- Enhancements to a felony for repeated misdemeanors
- Burglary/breaking and entering
- Robbery

5. Stalking
- Stalking

Misdemeanor Family Violence

1. Physical Assault
- Assault/domestic assault
- Reckless endangerment
- Breach of peace
- Simple assault
- Criminal/malicious mischief
- Terrorist threats
- Disorderly conduct
- Violation of protection order
- Harassment
- Unlawful restraint
- Menacing/threatening

2. Sexual Assault
- Criminal sexual conduct
- Offensive touching

3. Property Crimes
- Criminal trespass/ unlawful entry
- Motor vehicle theft
- Burglary/breaking and entering
- Possession of a firearm
- Embezzlement
- Forgery
- Property damage/vandalism
- Extortion
- Theft/larceny
- Firearms violation

4. Stalking
- Stalking

Protection Orders
- Temporary protection order petition
- Emergency protection order petition
- Final protection order petition
- Motion for extension of a protection order
- Motion for modification of a protection order
- Civil contempt motion
- Criminal contempt motion

Civil Claims
- Civil damages/ intentional tort
- Violence Against Women Act civil rights claim
- Property damage

Manner of Disposition

Report separately for felonies and misdemeanors.

Criminal
- Jury
- Non-jury
- Dismissed
- Guilty plea/stipulation/nolo contendre
- Guilty plea/deferred sentence
- Diversion/discharge
- Diversion/conditional discharge
- Nolle pros
- Bind down to misdemeanor
- Other (e.g., transfer)

Protection Orders
- Emergency proceeding
- Temporary hearing
- Final/full hearing
- Default
- Dismissed

Civil Damages
- Jury
- Non-jury
- Arbitration
- Settled
- Dismissed
- Default
- Transferred
- Other

Trial Outcomes

Criminal
- Jury trial conviction
- Jury trial acquittal
- Plea after jury trial commenced
- Bench trial conviction
- Bench trial acquittal
- Plea after bench trial commenced

Protection Orders
- Order granted/contested
- Order granted/uncontested
- Order granted/by consent
- Order extended
- Order denied
- Dismissed
- Contempt found
- Contempt not found

Civil Claims
- Jury verdict/plaintiff
- Jury verdict/defendant
- Bench verdict/plaintiff
- Bench verdict/defendant

Sentencing Types

- Probation*
- Probation with incarceration
- Incarceration

* This category assumes probation is subject to some conditions.

Conclusion

The outcomes of the demonstration of the Family Violence Data Reporting Prototype indicate that the prototype is a viable tool for state courts to use in identifying, classifying, counting, and reporting family violence cases. First, the prototype appears to be sufficiently flexible to be used by courts with varying capacities for data identification, collection, and reporting. The prototype therefore should be useful both as a guide for reporting family violence data currently available and as a tool for designing or revising data collection systems for family violence cases. Second, the prototype provides a standardized framework for reporting and comparing data from different jurisdictions with varying terminology and categories for family violence data. It also offers a foundation for developing a state court model statistical reporting dictionary for family violence cases. Finally, the drill-down characteristics of the prototype demonstrate significant potential for the identification and analysis of family violence caseload trends that are essential for assessing individual court workloads, implementing competent case management systems, and informing the creation and evaluation of effective court initiatives to reduce family violence.

The Court Statistics Project (CSP)

In existence since 1975, the CSP is administered by the National Center for State Courts, with generous support by the State Justice Institute (Grant SJI-91-N-007-O98-1) and the Bureau of Justice Statistics. The CSP receives general policy direction from the Conference of State Court Administrators through its Court Statistics Project Advisory Committee. Those wishing a more comprehensive review and analysis of the business of state trial and appellate courts are invited to read the CSP's latest publication, *Examining the Work of State Courts, 1997.*

CASELOAD HIGHLIGHTS

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