



FOURTH JUDICIAL DISTRICT OF THE STATE OF MINNESOTA

***Results of Survey of Domestic Violence Court Defendants:
Understanding of Court Ordered Conditions***

prepared by:
Hennepin County District Court Research Division

October 23, 2002

Questions may be referred to:

Deborah A. Eckberg, Ph.D.
Principal Research Analyst
612.348.2811

deborah.eckberg@co.hennepin.mn.us

Background

The Fourth Judicial District initiated a new domestic violence court calendar on November 13, 2000. This court calendar handles arraignment and pre-trial hearings for all in-custody and out-of-custody domestic violence cases in the city of Minneapolis.

Several evaluations of the domestic violence court calendar have either recently been completed or are currently in process. In fall 2001, the Hennepin County District Court Research Division completed a case processing and disposition analysis which showed that cases were being processed more efficiently in the new court, and that the conviction rate had risen nearly 20%. Early in 2002, the Research Division distributed a report that documented the results of a telephone survey of victims whose cases had gone through domestic violence court. This study found that regardless of the outcomes of their cases, victims were extremely satisfied with how they were treated by court personnel. Currently, the Research Division is executing an analysis of recidivism data for defendants seen in domestic violence court, as well as an update of the case processing and disposition analysis.

This study responds to the question of whether or not defendants understand their court conditions. Many domestic violence defendants violate their conditions of release and/or miss subsequent court dates, thus slowing down the justice process. Before this study, it was unclear whether it was because they were choosing to disobey the court, or because they did not truly understand what the court expected of them. By executing this defendant survey, we are able to assess whether or not the court is communicating with all defendants effectively and uniformly. In short, the theory behind this study is that if defendants can articulate their court conditions just after leaving the courtroom, the reason that they violate their conditions later on rests with themselves, and does not necessarily imply a need for courtroom personnel to improve their methods of communication.

Methodology

From July through October, 2002, we surveyed both in-custody and out-of-custody defendants just after they finished their court appearance in domestic violence court.¹ We chose every other Wednesday morning as our time to conduct the survey for two reasons. First, Wednesday is not a very busy day in court which meant we would have less problems getting access to interpreters and would be less likely to impede court business being conducted. Second, we chose every *other* week because judges have a two week rotation in District Court. By surveying defendants every other week for twelve weeks, we had the best chance of pulling a sample of different judges' communication styles.²

¹ A copy of the survey instrument is attached to this report as Appendix A.

² In all, we saw five different judges in the courtroom, as one judge presided on the domestic violence court calendar twice during our study period.

We spoke with defendants who had just completed a first appearance, as well as those who had their pretrial conference and those who were sentenced. We spoke with the defendants as they were leaving the courtroom. Each time, we had at least one researcher stationed in the courtroom to identify and speak with the out-of-custody defendants as they left, and one researcher sitting in a contact room in the jail holding area to talk with the in-custody defendants. For the latter, the sheriff's deputies brought defendants to the researcher just after they completed their court hearing. We made initial contact with 85 defendants. Of those 85, seven refused to do the interview, leaving us with a total sample of 78 defendants, two thirds of those being in-custody and one third being out of custody. Four of the out-of-custody defendants we spoke with required the help of an interpreter to complete the survey.³

In general, we asked defendants whether or not they felt the judge had spoken directly to them, whether they remembered what they were told, and to articulate their court conditions (if any) and what they meant. We also asked them whether or not they were told to return to court for another appearance and whether or not they were supposed to meet with any other court personnel (i.e., probation officer, attorney, etc.). Finally, we asked defendants what they thought would happen to them if they did not comply with court conditions.

We compared the answers given to us by defendants with their actual court conditions as enumerated on the court's Subject in Process (SIP) database and/or on the Conditional Release Form (CDR)⁴ prepared by probation.⁵

Results⁶

Demographics of defendants: All but eight defendants were men. The average age of defendants was 33 years. Over 60% were people of color. The table on the following page displays the race and gender breakdown of the defendants surveyed.

³ We could not interview any non-English speaking in-custody defendants, as the interpreters were in the courtroom and not in the jail at the time that we were conducting the surveys.

⁴ We appreciate the assistance of Rita Weimar, Vicki Villalpando, Markeitha Wilson, and Jean Waskosky for providing us with copies of the CDR's in a timely fashion after each round of interviews.

⁵ Most defendants who were given conditions of release were provided with a Conditional Release Form (CDR) upon leaving the courtroom. Those who were told to return to court for another appearance (but were not given any other conditions) received a court reminder slip.

⁶ Because the total number of defendants is relatively small, all percentages should be interpreted with caution.

<i>Race of Defendant</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
African-American	3	37	40 (51%)
American Indian/Alaskan Native	1	7	8 (10%)
White	4	25	29 (37%)
White (Hispanic) ⁷	0	1	1 (1%)
<i>TOTAL</i>	<i>8</i> <i>(10%)</i>	<i>70</i> <i>(90%)</i>	<i>78</i> <i>(100%)</i>

Direct Communication from the Bench:

Fifty three of the seventy-eight defendants (68%) felt as if the judge spoke directly to them in the courtroom. Of those fifty-three, forty-five (85%) said they remembered what the judge told them. Seventeen out of the seventy-eight defendants had no court ordered conditions following the appearance we witnessed (i.e., some were told to come back for sentencing later that day).

Articulation of Court Ordered Conditions:

The following table is based on the sixty-three defendants who were given some conditions by the court, besides just another hearing date. The left hand column lists the court conditions as specified by the bench. The right hand columns display the number and percentage of defendants who were given each court condition and could or could not articulate them.

⁷ While only one defendant was identified in SIP as being Hispanic, we spoke with four defendants who required a Spanish speaking interpreter.

<i>Actual Court Conditions</i>	<i>Perceived Court Conditions</i>	
	Yes	No
No contact with victim (45 defendants)	36 80%	7 17%
Remain law abiding (37 defendants)	7 19%	30 81%
Make all court appearances (33 defendants)	5 15%	28 85%
No non-prescription drugs or alcohol (16 defendants)	11 69%	5 31%
Submit to Rule 25/Chemical Health Evaluation (9 defendants)	4 44%	5 56%
Submit to Rule 20/Mental Health Evaluation (1 defendant)	1 100%	0 0%
Other (e.g., anger management, urinalysis/breathalyzers, etc.) (34 defendants)	18 53%	16 47%

Clearly, some court ordered conditions are making a greater impact than others. Perhaps the most critical condition for domestic violence offenders – the “no contact with victim order” is coming through loud and clear, as most of the defendants given this order knew they had been given this order (80%). Of those that could articulate this order, 69% could also clearly articulate what a no contact order means. Two others said they did not know, and for nine of the defendants, their answers did not clearly reflect whether they understood the no contact order or not.

Defendants also seemed to understand when they were told they could not use non-prescription drugs or alcohol, as eleven out of the sixteen (69%) who were given this condition could articulate it during the survey. All but three of these eleven defendants seemed to understand what this condition meant.

With regard to the “remain law abiding” condition, this was rarely articulated by defendants. However, our experience in the courtroom tells us that this condition is also rarely articulated in court, regardless of whether it appears in SIP or on the CDR’s. Instead of “remain law abiding,” judges sometimes specify that the defendant is to have no new charges of a certain type, e.g., no new assault charges, or no new disorderly conduct charges. Most often, however, the judge tells the defendant to simply have “no

same or similar” offenses. This statement did not translate well into a condition that defendants could easily articulate.

Judges sometimes do and sometimes do not tell defendants to make all their court appearances, but this condition often appears in SIP and/or on CDR’s. While defendants did not generally articulate this condition, all but two of the sixty-five defendants (97%) who were given a new court date knew when asked that they had been given a new court date. All of those defendants who knew they had another court date had the date of their next court appearance correct, and all but one had the time correct. There was a bit of confusion surrounding the place defendants were supposed to go for their next court appearance. Fifteen of the sixty-five were not sure where to go for the next court appearance, and two thought they were supposed to go somewhere other than where they were scheduled.⁸

If we look at the most frequent courtroom communications – i.e., the no contact order and the assignment of a new court date – 90% of defendants could articulate what they were told by the bench following their court appearance.

Finally, in response to the question of whether or not they were supposed to meet with any other court personnel, today or in the future, thirty-one out of the thirty-six defendants (86%) who had a scheduled meeting did correctly state that they were told to meet with someone else, and only one was incorrect when asked who they were supposed to meet with. Most of these scheduled meetings (71%) were with probation.

Differences among those Who Could Articulate Court Conditions:

We assessed whether there were any independent indicators of whether or not a defendant would remember their court conditions.⁹ There was a slight difference in whether or not defendants could articulate a no contact order depending on which judge was presiding on the day of the appearance. For two of the judges, 100% of defendants were able to articulate the no contact order they had just been given. The results for the other judges ranged from 60% to 80% of defendants being able to restate the no contact order.

Defendants who felt the judge had spoken directly to them in the courtroom had greater retention of the no contact order than defendants who did not feel addressed by the judge. Sixty percent of those who did not feel that the judge spoke to them remembered the no contact order when we spoke with them, as compared with 88% of those who said the judge had addressed them directly.

⁸ In these cases we either referred defendants to their court reminder slip or, in one case where the courtroom was not listed, we encouraged the defendant to check with the sheriff’s deputies and/or court clerk before leaving.

⁹ For the purposes of this analysis, we used the no contact order to represent all court conditions, as this was the most commonly imposed court condition.

Custody status appeared to make a difference. Twenty out of the twenty-eight in-custody defendants (71%) who were given a no contact order could restate it, as compared with sixteen out of the seventeen out-of-custody defendants (94%).

Some of the results speak to the importance of paperwork. While only twenty-five of the seventy-eight defendants we spoke with received a CDR, 87% of those who were given a no contact order and had a CDR knew that they had a no contact order in place, as compared with 73% of those who were not provided with paperwork. Of those told to come back for court for another appearance, all defendants who were given a CDR knew when they were supposed to return to court.

Finally, defendants who required an interpreter had a slightly greater chance of being able to restate their court conditions than did defendants who were English-speaking.

Articulation of Consequences:

We asked all defendants who were given either (a) conditions of release, (b) a new court date, or (c) both, what would happen if they did not abide by what they were told. Only half (50%) of the seventy-eight defendants we talked with could articulate what would happen to them if they did not obey what the court had just told them. Most of them knew that their non-compliance would likely result in arrest and some additional jail or workhouse time. However, some of the incorrect responses were as follows:

- ü “Judge didn’t say consequences”.
- ü “I would be guilty of not coming to court.”
- ü “No contact.”
- ü “Bail bondsman will hunt me down.”
- ü “I’ll be punished or something.”

Summary Points

- Ø ***80% of domestic violence court defendants could articulate the no contact order just after leaving court.***
- Ø ***97% of domestic violence court defendants who had another court appearance scheduled knew when they were supposed to return to court.***

- Ø *69% of domestic violence defendants who were told not to use any non-prescription drugs or alcohol could restate this condition.*
- Ø *Conditions such as “remain law abiding” and “make all court appearances” may have been implied, but were not clearly stated in the courtroom and may need to be.*
- Ø *Half of the defendants surveyed did not seem to understand the consequences of non-compliance with court conditions.*
- Ø *Defendants were more apt to understand their court conditions if they were given paperwork to refer to that stated them.*
- Ø *Defendants were more apt to understand their court conditions if they felt the judge addressed them directly.*

Appendix A

INTERVIEW BEGINS HERE

Excuse me sir/ma'am – may I speak with you for just a minute?

My name is _____ and I work for the court. We are conducting a survey with the hopes that we can improve domestic violence court and ensure that we do the best job possible communicating with people that are in your situation. I just need a few minutes of your time to discuss what just happened in court. Would you be willing to help us by answering a few questions?

1. Can you tell me in your own words what just happened with regard to your case?

2. Did the judge say anything to you directly?

_____ Yes (go to question #3)

_____ No

3. Can you remember exactly what the judge told you?

_____ Yes

(To the interviewer: If the defendant begins to state court conditions, go directly to the chart on the next page. You can also write comments in the space below on this page, or on the back.)

_____ No (Refer defendant to his/her sheet, and/or someone who can help)

4. Please state in your own words what exactly the judge told you to do.

To the interviewer: As the defendant states the conditions, you need to do two things:

(1) Check off on the left hand side of the table.

(2) Ask them to explain what the judge meant by that condition, or explain what they think that condition means.

<i>Defendant response (check each condition defendant states)</i>	<i>Condition</i>
	No contact with victim (name) _____ What does this mean?
	Remain law abiding What does this mean?
	Make all court appearances What does this mean?
	No drugs/alcohol What does this mean?
	Submit to Rule 25/Chemical health evaluation What does this mean?
	Submit to Rule 20/Mental health evaluation What does this mean?
	Other _____ What does this mean?

(If the defendant has no idea what his/her conditions are, refer him/her to someone who can help, e.g. probation, sheriff's deputy).

5. Were you told to come back to court for another appearance?
- _____ Yes (go to question #6)
- _____ No

6. Where are you supposed to go for your next court appearance?

7. When are you supposed to be there? (date/time)

8. Were you told you needed to meet with anyone else, today or at some other time?
 ____ Yes (go to question #9)
 ____ No

9. Who are you supposed to meet with? What is their job? (e.g, probation, attorney)

10. Where are you supposed to go to meet with them?

11. When are you supposed to meet with them?

12. What will happen to you if you do not follow the conditions that the judge has ordered?

Thank you for your time.

TO THE INTERVIEWER

Please use the table below to check off the actual conditions imposed by the judge as you heard them. Also, please attach with a paper clip a copy of the judge's orders to this form. Write any additional comments you have on the bottom or on the back of this form.

Check if a condition for this defendant	Conditions
	No contact with victim (name)_____
	Remain law abiding
	Make all court appearances
	No drugs/alcohol
	Submit to Rule 25/Chemical health evaluation
	Submit to Rule 20/Mental health evaluation
	Other_____

