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TOWARDS SENTENCE COMPLIANCE: EXAMINING PFMA OFFENDER
PATHWAYS THROUGH MISSOULA MUNICIPAL AND JUSTICE COURTS

By

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Professional Paper

presented in partial fulfillment of the requirements
for the degree of

Master of the Arts
in Sociology, Criminology

The University of Montana
Missoula, MT

May 2011

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Towards Sentence Completion: Examining PFMA Offender Pathways in Missoula Municipal and Justice Courts

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In recent years, there has been great concern among those who work in the criminal justice system, in Missoula, Montana, about the processing of domestic violence offenders. Many of these people believe that domestic violence defendants are not being consistently prosecuted, and that convicted offenders are not completing their mandated anger management program. To address these concerns, this analysis examines the adjudication, from arrest to sentencing, of a cohort of defendants appearing in Missoula Municipal Court and Missoula County Justice Court. The sample includes defendants whose final charge between July 1, 2007 and June 30, 2008 was *Partner/Family Member Assault* (PFMA) per Montana Code Annotated [MCA] 45-5-206. Databases were constructed using information extracted from Missoula Municipal Court and Missoula County Justice Court *FullCourt* data systems. Because this local system provides only jurisdiction-specific data, cases were matched and populated by information from the *State of Montana Repository* data.

Montana law requires that an offender pay for and complete 40 hours of anger management upon conviction of partner/family member assault. However many offenders who are mandated to anger management are not compliant with their sentence. The results of this study indicate a non-completion rate of 58.3% in Municipal Court and 55.2% in Justice Court. This study examines the effect of chemical dependency treatment and misdemeanor probation on the likelihood of anger management program completion.

The findings of this study have encouraged changes in Missoula's criminal justice system. Specifically, a grant application was submitted to the Montana Board of Crime Control to hire a sentence compliance monitor within the City Attorney's Office of Missoula.

ACKNOWLEDGEMENTS

This thesis would not be possible without a number of people to whom I owe my deepest gratitude.

To Daisy Rooks, thank you for taking on my thesis as Committee Chair. I doubt that this project would have come to fruition without the structure you provided through deadlines and weekly meetings. Your encouragement and enthusiasm for my project has been so motivating.

To Dan Doyle, thank you for being my mentor throughout my graduate, as well as undergraduate, career. Your confidence in my abilities has allowed me to excel as a student and teaching assistant. I have learned a lot from you, especially how to apply sociological concepts to real world problems. With your help, I have gained a considerable amount of experience working with community organizations.

To Danielle Wozniak, thank you for acting as my outside thesis member. Your insight has provided new ways of looking at this project. It has been so interesting to see how different fields of study can have such similar concepts.

To Nancy Rittel and Kim Campbell of the Office of Planning and Grants, thank you for hiring me to do this research. It has been such a pleasure working for you. Your passion for research and victim advocacy is inspiring. I have found this project so rewarding, as I am able to help those who work in the criminal justice system to better prosecute domestic violence offenders. More importantly, when offenders are prosecuted efficiently, victims may be less likely to re-experience this terrible type of violence.

To my parents, Vickie and Steven Shapiro, thank you for your lifelong love and support. I thank my Mom for her calming words and confidence in me. I am grateful to my Dad for always pushing me to be my best and for reminding me to not worry about the little things.

To James, my love, thank you for taking this journey with me. You make me feel like I can accomplish anything I set my mind to. Thank you for your love and patience as I finished this project.

Finally, how to thank my friends? To Katie, your faith in my abilities and your willingness to listen about my troubles, as well as my triumphs, has been so comforting. To my fellow graduate students, it has been an amazing two years. I have learned so much about academia, and life, from you. I am confident that we have created lasting friendships.

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In recent years there has been concern among those who work in and with Missoula Courts as to the proper adjudication of domestic violence offenders. Many of these court affiliates believe that partner/family member assault (PFMA) defendants are having their cases dismissed too early in the adjudication process and that many offenders are not completing their mandated anger management program. To address these issues a group called JUSTResponse was formed to increase the criminal justice system's response to domestic violence in the City of Missoula and Missoula County.

This study will provide empirical evidence for the anecdotal concerns about partner/ family member assault (PFMA) defendant processing through the criminal justice system in Missoula Municipal and Missoula County Justice Courts. This study will look at the pathways of offenders through arrest, adjudication, and sentencing. Most importantly this analysis will show the likelihood of anger management completion. I will also explore the effects of chemical dependency treatment and misdemeanor probation on anger management completion.

By providing a non-biased and objective analysis of PFMA offender processing through Missoula Municipal and Justice Courts, members of JUSTResponse can stop debating about whether certain problems exist, and instead can work to solve the problems identified by this study. Through collaboration, members of this group can facilitate procedures that will increase the likelihood of efficient offender prosecution and sentence completion. Though statistics concerning victim safety in Missoula are not analyzed for the purpose of this study, we can make

the inference that both effective prosecution of domestic violence offenders and completion of anger management will improve victim safety, as this is the premise of current laws concerning partner/family member assault.

Previous research has analyzed the types of people who are most likely to be domestic violence aggressors, as well as the likelihood of recidivism based on court compliance and psychological characteristics. In addition, these studies have provided insight into the effectiveness of batterer intervention programs (anger management). However, no peer reviewed studies have looked at offender attrition through the adjudication process, nor have they examined the likelihood of post-adjudication court action for non-compliant offenders. In addition, there is very little literature that indicates a relationship between misdemeanor probation and anger management completion.

To bridge these gaps in knowledge regarding PFMA, I will analyze offender pathways through Missoula Municipal and Justice Courts. First, I will provide background on the mission of JUSTResponse, the rates of abuse in Missoula as compared to other areas, and the definition of partner/family member assault as defined by the Montana Code Annotated. Next, I will discuss the literature on domestic violence offender processing and anger management. Subsequently, I will illustrate the methods and results of this study. I will then offer some recommendations, based on the results of this study, about how to improve the likelihood of anger management completion among offenders in Missoula Municipal and Missoula County Justice Court.

BACKGROUND

In 2004, several organizations (see figure 1.) came together to form JUSTResponse which, “examine[s] Missoula County’s criminal justice system’s response to domestic violence” (JUST Response 2010). In recent years, members of this group (see figure 1) became concerned that legal consequences for partner/family member assault (PFMA) are not being fully executed by prosecutors, offenders are not being held accountable for their actions, and that victims end up paying for it through re-abuse.

Figure 1. JustResponse Affiliated Organizations

Child and Family Services	Missoula Correctional Services
City Attorney’s Office	Missoula County Detention Facility
County Attorney’s Office	Municipal Court
Crime Victim Advocate Program	Office of Planning and Grants
District Court	Planet Kids
YWCA Pathways Shelter	Police Department
Justice Court	Public Defender’s Office
M.A.N. Program	Sherriff’s Department
First STEP (forensic sexual assault medical evaluations)	

To address these concerns, JUSTResponse requested, and was awarded, grant money from the Montana Board of Crime Control.¹ In addition to many other projects, the grant money funded this research to identify the pathways that partner/family member assault offenders take through the criminal justice system.

The identification of offender pathways will provide factual evidence for

¹Montana Board of Crime Control awarded funds to the Missoula Office of Planning and grants (grant number M01-90549) to carry out certain projects within the State’s “Misdemeanor Probation for Domestic Violence Program.” More specifically, “Tracking of sentence requirements and compliance with each” and “Tracking of outcomes” (e.g., recidivism, revocation of probation) for offenders convicted of partner/family member assault (Montana Code Annotated 45-5-206) are the two purpose areas of the program for which the proposed research project was developed.

JUSTResponse members when deciding how to appropriately distribute further grant money. Many members of this group believe that this would be an improvement over their current reliance on anecdotal evidence for decision making.

Missoula County

While most counties in Montana tend to be rural, Missoula County is one of the few that contains a metropolitan area. According to 2009 Census data, 64,081 people resided in the city of Missoula and 108,623 resided within Missoula County. Census statistics also indicate that Missoula is the second largest metropolitan statistical area in Montana (Census 2009).

I was able to analyze domestic violence offenders at a local level using the Montana Code Annotated definition of partner/family member assault. According to Montana Code Annotated 45-5-206, a person commits PFMA, often referred to as intimate assault, when that person, “(a) purposely or knowingly causes bodily injury to a partner or family member; (b) negligently causes bodily injury to a partner or family member with a weapon; or(c) purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member.”

The fines and jail time, according to Montana Code Annotated 45-5-406, associated with PFMA offenses can be seen in Figure 2.

Figure 2. PFMA Fines and Jail Time

PFMA Offense Sequence	Fines	Jail or Prison Sentence
1st Offense	\$100 - \$1000	24 hours - 1 year (jail)
2nd Offense	\$300 - \$1,000	72 hours - 1 year (jail)
3rd or Subsequent Offense	\$500 - \$50,000	30 days (jail) - 5 years (prison)

Judicial discretion and prosecutor recommendations determine the fines given to and length of incarceration for offenders charged with PFMA. In addition, previous record, cooperation with the police, cooperation with the court and severity of offense are taken often take into account during sentencing.

A third PFMA conviction constitutes a felony in the state of Montana. In the event of a third or subsequent offense, a person will be sent to the county jail if their sentence ranges from thirty days to one year, and will be sent to the State Prison if their sentence ranges from one year to five years. Offenders convicted of PFMA are required to pay for a counseling assessment in addition to any fines. This assessment recommends placement into a program that is focused on, “violence, controlling behavior, dangerousness, and chemical dependency” (MCA 45-5-206). The offender must pay for and complete at least 40 hours of the program to fulfill the requirement of their sentence. Offenders obtain anger management through local counseling offices that specialize in batterer intervention.

Using the above definition of PFMA, I compared the rates of partner/family member assault in Missoula County to other counties in Montana that contain metropolitan areas. These counties are Lewis and

Figure 3. Montana PFMA Rates

County	PFMA offenses per 100,000
Cascade	489.09
Flathead	410.61
Lewis and Clark	393.59
Missoula	424.55
Silver Bow	607.29
Yellowstone	511.19

Clark County, Silver Bow County, Flathead County, Cascade County, and Yellowstone County. Comparatively, Missoula County has one of the lower rates of

aggravated assault in the state of Montana (See Figure 3). Silver Bow County, which contains the city of Butte, and Yellowstone County, which contains the city of Billings, have the highest rates of PFMA offenses per 100,000 people (Montana Board of Crime Control 2009).

RESEARCH QUESTIONS

The following analysis seeks to understand the process by which offenders move through the criminal justice system. This process consists of arrest, charging, adjudication, sentencing, and treatment. A few key questions will be the focus of this analysis.

To what extent are offenders filtered out of the adjudication process before sentencing? The number of PFMA offenders who have their cases dismissed, and the number who are found guilty, will be indicative of offender retention and filtering.

Are anger management programs taken seriously by the courts and by offenders? This analysis will explore how many people are sent to anger management and of those, how many are compliant with the treatment.

Finally, do the courts penalize offenders for sentence non-compliance? The number of bench warrants issued and the number of petitions to revoke filed will be indicative of court action, post-adjudication, for non compliant offenders.

LITERATURE REVIEW

Many researchers have studied the topic of domestic violence. While some seek to identify those who are most likely to commit domestic violence, others seek to predict the effectiveness of batterer intervention programs. To provide a

framework within which we can discuss domestic violence offender processing in Missoula, this section will first explore domestic violence offender demographics. Next, the effects of substance abuse on the likelihood of domestic violence and anger management non-compliance will be investigated. Finally, I will examine the effectiveness of batter programs in comparison to non-treatment.

Offender Characteristics

Previous scholarly research and national crime research centers have found that there are certain demographics that are characteristic of domestic violence offenders. Offenders are most likely to be between the ages of 18 and 35 (Klein 2009; Morgan2010), with an average age of 31 to 33 (Klein 2009; Shapiro 2010). In 2000, the National Incident Based Reporting System (NIBRS) found that 81% of domestic violence offenders were male with female victims (Klein 2009). The National Crime Victimization Survey also shows that most domestic violence offenders are male with female victims (Bureau of Justice Statistics 2003). Scholars have also found a relationship between minority status and arrest for domestic violence.

Minority populations have been found to have a higher likelihood of arrest for domestic violence than whites (Wooldredge and Thistlethwaite 2005). A study in Sedgwick County, Kansas (Etter and Birzer 2007) and in Quincy District Court, Massachusetts (Klein and Tobin 2008) showed that while whites were most likely to be domestic violence defendants, blacks were overrepresented in comparison to their population statistics. In Kansas, African Americans made up 24.5% of the domestic

violence offender sample, but county racial demographics indicate that only 11.4% of the population is African American (Etter and Birzer 2007). African Americans represented 15% of the domestic violence offender sample in Massachusetts, yet only represented 6% of the population (Klein and Tobin 2008).

Previous studies have also indicated that domestic violence offenders are likely to have a history of prior criminal activity. The percentage of domestic violence defendants who have a misdemeanor criminal record is estimated at 69.5% in Kansas (Etter and Birzer 2007), and 89% nationally (Klein 2009).

Substance Abuse

Researchers have also found a correlation between substance abuse and domestic violence. The use of alcohol or drugs can affect the likelihood of domestic violence as well as the likelihood of re-arrest. One national study has found a correlation between substance abuse at the time of the incident and domestic violence (Klein 2009). Nationally, over half of domestic violence offenders in state correctional facilities in 1991, and offenders who were in jail in 1995, admitted to drinking or using drugs at the time of the domestic violence incident (Klein 2009). Another study could not validate a correlation between substance use (including alcohol) at the time of arrest and the likelihood of arrest, however they did observe a correlation between substance use and the likelihood of conviction (Hirschel et al 2010). Those who were under the influence at the time of arrest were more likely to be found guilty than those who were not (Hirschel et al 2010). Substance abuse can also increase the likelihood of future domestic violence arrests.

Recidivism (re-arrest) for domestic violence offenders is also associated with substance use or abuse. Offenders with a history of drug use are significantly more likely to recidivate than those who have no substance abuse problems (Menard et al 2008). Offenders who were drinking or abusing substances at the time of arrest were 1.4 times more likely to commit another act of domestic violence (Hirschel et al 2010). However, there are many other factors that can affect the likelihood of re-arrest for domestic violence, including batterer intervention program completion.

Batterer Intervention Programs: Reducing Recidivism?

Batterer intervention programs, which include anger management, aim to provide education and therapy to domestic violence aggressors. Programs focus on social and communication skills, anger management techniques and cognitive behavior therapy (Jewell and Wormith 2010). The long-term goal of these programs is to reduce recidivism.

Though all programs work towards this common goal of reducing recidivism, batterer programs vary. There are two primary philosophies underlying domestic violence batterer programs. The first philosophy is that the program functions as a process which specifically deters² the offender from committing future acts of domestic violence. The second philosophy is that the batterer program is a way to show the public that there is an elevated certainty of punishment for domestic violence (Labriola et al 2008; Healey et al 1998). Imposing punishment or treatment

² Specific deterrence refers to the idea that the punishment will encourage the offender to desist from future acts of violence. In comparison, general deterrence refers to the idea that punishment will serve as an example for others, and will communicate the inevitability of punishment for that act (Miller et al 2008).

on offenders shows the general public that there are consequences associated with the perpetration of domestic violence.

Despite the lofty goals of batterer intervention programs, high rates of treatment non-compliance have been observed in the City of Missoula (Shapiro 2010) and in Illinois (Stalans and Seng 2008). Program non-completion can occur through three avenues: 1) the offender failed to show up for treatment sessions, 2) the offender was terminated from treatment, or 3) the offender dropped out of treatment after attending some treatment sessions (Stalans and Seng 2008).

Though batterer intervention and other domestic violence treatment programs are widely used sentencing tools, scholars disagree whether they are ultimately effective in reducing future acts of domestic violence. There are several patterns in the research on batterer intervention programs and the prediction of recidivism. Some research has examined the demographic characteristics of those who are most likely to complete batter programs (Huss and Ralston 2008; Stalans and Seng 2007). Other studies seek to understand whether these programs are effective in reducing the likelihood of future violence for certain subgroups of people (Stalans and Seng 2007). A third group of studies examines the overall effectiveness of these programs in terms of reducing recidivism (Labriola et al 2008).

High school completion, employment, current marital status, and substance abuse are the demographic variables associated with the likelihood of batterer treatment program completion (Stalans & Seng 2008). Domestic violence offenders who made more than \$15,000 annually were considered low risk for non-compliance

if they were never married, graduated high school or were not simultaneously sentenced to substance abuse treatment (Stalans and Seng 2008). Those living in poverty were more likely to complete treatment if they were currently married and were not simultaneously ordered to a substance abuse program (Stalans and Seng 2008).

Others have questioned whether anger management is equally effective for those who exhibit traits of personality disorders (Huss and Ralston 2008). Those who are ‘generally violent’ aggressors that display characteristics of an antisocial personality are more likely to recidivate after treatment (Huss and Ralston 2008). Those who have traits of border-line personality disorder, as well as those who are ‘family only’ aggressors,³ are less likely to recidivate after treatment (Huss and Ralston 2008).

The effectiveness of batterer intervention programs can be measured by the rates of program completion and the likelihood of recidivism after treatment. In one study, offender interviews revealed that the more information the offenders received about the responsibilities associated with a batterer program and the consequences of non-completion, the more likely they would be to complete anger management (Labriola et al 2008). Researchers have also examined sentence compliance and its correlation with recidivism (Kindness et al 2009). Those who had one or more incidents of court non-compliance⁴ were four times more likely to recidivate than

³ ‘Family only’ aggressors are those offenders characterized by low levels of marital violence and little evidence of personality disorders.

⁴ Court non-compliance is defined as one or more failures to comply with domestic violence counseling, one or more warrants issued by the court for failure to comply with court orders, or

those who were completely court compliant (Kindness et al 2009). Non-completion of mandated batterer programs also leads to an increased likelihood of recidivism (Bouffard and Muftic 2007). However, others have found that there were no significant differences in recidivism between those who had and those who had not completed a batterer program (Labriola et al 2008).

Identifying the prototypical domestic violence offender and examining the role of substance abuse and batterer treatment in relation to recidivism will provide a framework in which the results of this analysis can be discussed. The following results will either provide evidence for, or will dispute, the claims of these previous studies.

METHODS

Study Population

In order to identify domestic violence offender pathways through the criminal justice system in Missoula City and County, I chose a population of interest comprised of defendants who were charged with partner/family member assault in the City of Missoula or Missoula County. I based the inclusion criteria on the geographic region in which the arrest was made and the date of the arrest.

Missoula Municipal and Justice Courts are differentiated by the geographic areas within their jurisdiction. Missoula Municipal Court hears cases that occur within the city limits of Missoula (appendix A). Cases that occur within the county of

conditions of probation, or one or more new offenses reported to the police department in which the defendant was listed as a suspect or subject during the duration of the sentence (Kindness et al 2009).

Missoula, but are outside the city limits of Missoula, are adjudicated in Missoula County Justice Court (appendix B). Although Missoula County appears much larger than the city of Missoula, the county's sparse population density and rural nature suggests that many more people live in the city. According to the United States Census (2009), 108,623 people resided in the County of Missoula, and of those, an overwhelming 68,876 of those people lived within the city of Missoula. While the city of Missoula covers only 24 square miles (maps-n-stats.com 2009) out of the 2,612 square miles in Missoula County (Montana Association of Counties 2009), over 63% of the population of Missoula County resides within the city limits of Missoula.

In addition to geographic area, I based offender inclusion for this study on the date of the person's arrest for partner/family member assault (PFMA). There were 187 defendants charged with a PFMA in either Missoula Municipal or Missoula Justice Courts between July 1, 2007 and June 30, 2008 who qualified for inclusion in this study. To be clear, these are not all of the people that were initially arrested for PFMA during these dates. Rather, they are those whose final charge was a PFMA. If the defendant was pled down to a different or lesser charge, they were not included in the sample.

Data

To paint an accurate picture of domestic violence offender pathways in Missoula Municipal and Justice Courts, I gathered data from more than one source. Several sources made the following Missoula City and County data available to this

project: Missoula Municipal Court, the City Attorney's Office, and Missoula Justice Court.

FullCourt. The Full Court database provides offender history specific to individual court jurisdictions. I organized data from the Full Court system into a database and used this database as a beginning point for data entry. The Full Court system,

“...provides the necessary functionality for a court to track and docket cases from filing to closure, provides a complete financial management system to account for all fines and fees received by the court, and a reporting subsystem that provides over 250 different reports of interest to the court” (Montana Supreme Court 2007: 5).

I extracted the following variables from the Full Court Database: age, issue/charge date, sentencing sequence,⁵ defendant plea, finding, date of sentencing, treatment program ordered, treatment 'complete by' date, actual date of completion, bench warrant issuance, and petition to revoke.

Because Full Court data is provided by individual jurisdictions, as opposed to by a statewide entity of data, it only provides data specific to the jurisdiction in which it is being accessed. For instance, Missoula County Justice Court personnel can only view cases in FullCourt that have been heard in Missoula County Justice Court. If an offender has been tried or convicted of a PFMA in another city or county, that charge will not be listed as a previous offense. Therefore, the courts must use a

⁵ Sentencing sequence refers to the number of PFMA charges that a person has received to date. In Missoula Municipal and Justice Courts, it will be a first or second PFMA as these courts only adjudicate misdemeanor offenses.

supplementary database, the State of Montana Repository, to identify all previous charges.

State of Montana Repository. To overcome the limitations of FullCourt, I matched cases and obtained further offender history through the State of Montana Repository. The Montana Supreme Court has described the Repository database as follows:

“The CCR [court central repository], located in Helena and hosted by the Department of Administration, permits the Office of the Court Administrator to perform a nightly replication of any remote Full Court court, thereby, creating a central database of all court data. The CCR is used for catastrophic disaster recovery, electronic information sharing, and statewide statistics” (Montana Supreme Court 2007: 5).

The repository is a conglomerate of all Full Court systems statewide, and as such contains the complete history of all court processes that have occurred in Montana. This database can be searched by offender name or by case number. The following variables were extracted from individual offender files obtained from the State Repository: number of previous PFMA convictions, date that bench warrant was issued for non-compliance, and date that the petition to revoke was issued.

Merging data sources. To provide a more complete picture of offender processing, pre- and post-adjudication, I merged FullCourt and State Repository data. In order to match offender files, the Municipal Court Clerk provided a list of all eligible offenders based on FullCourt data, and then provided hard copy versions of repository data for these same offenders. I then searched the repository files for

information that was not included in the FullCourt database. As I will discuss in the next section, repository information for Justice Court was inaccessible.

Limits of Data

While Full Court and the State Repository are helpful tools, there are some problems associated with information gathering from both systems. Neither system is accessible by non-court personnel. The only way to access the information is if court personnel, in the specific jurisdiction that is being studied, agree to cooperate with a researcher or other interested party. While both courts examined in this study provided information from FullCourt, Justice Court denied requests for repository data.

Constructed Variables and Analysis

The analysis was conducted using the Statistical Package for the Social Sciences (SPSS). After the data were collected in Missoula Municipal and Justice Courts, I constructed several additional variables in SPSS: age, length of time between charging date and disposition, and loss of jurisdiction.

I utilized frequency distributions and cross tab tables to show how those charged with PFMA move through the Missoula Municipal and Justice Court Systems. These two methods of analysis provide different insights into PFMA offender processing through the courts.

I charted the frequency of pleas, court findings and sentences to identify the different courses of PFMA offender processing through Missoula City and County courts. For instance, flow charts show the extent to which defendants plead not guilty

to PFMA charges, and the rate at which PFMA cases are dismissed in both courts. Cross tabulations provide evidence of relationships between variables. For instance, by using cross tabulation tables, we provide evidence for a relationship between type of misdemeanor probation and sentence completion.

It is important to be clear that this study is strictly a descriptive, process study. It does not predict *why* patterns exist, but is indicative of patterns that already exist. Therefore, I did not analyze individual level characteristics such as race, socio-economic status, employment, and family ties.

RESULTS

Members of the JUSTResponse team commissioned this research to provide evidence of the way PFMA offenders are processed through the criminal justice system. Many members of JUST Response believe that an excessive proportion of PFMA defendant cases result in court dismissal and sentence noncompliance in the Missoula City and County criminal justice system. Objective data analysis provides evidence that can support or dispute these perceived problems associated with defendant pathways through the system.

To evaluate the validity of JUSTResponse member concerns, these results will examine several stages of domestic violence processing in Missoula. The frequency of different pleas and dispositions⁶ will show the extent to which defendants dispute the charge of PFMA, and the number of cases that are dismissed. The rates of anger

⁶ The term disposition refers to the Judge's final decision about whether the defendant is guilty or non-guilty.

management sentencing and completion will show the function of batterer intervention programs. Finally, I will explore the effect of misdemeanor probation and chemical dependency treatment on the likelihood of anger management completion. Before discussing the findings of this research, the following section will provide demographic information associated with the sample.

Defendant Demographics

Of the 126 defendants in the Municipal Court sample, 84.1% were male and 15.9% were female.⁷ The average age of the defendants at the time of their offense was 31 years old. This finding is consistent with national data, as the average age of domestic violence offenders in 2009 was 33 years old (Klein 2009). However, the data is positively skewed as 52% of the defendants were under the age of 27 at the time of their offense.

Though the number of defendants in Justice Court (59) was relatively small compared to the number of defendants in Municipal court (127), both had similar demographic characteristics. Of the 59 defendants in the Justice Court sample, 91.5% were male and 8.5% were female. The average age of those in Justice Court was 32 years old. The data is again slightly positively skewed as 50.8% of the defendants were under the age of 31 at the time of their cohort offense.

Defendant Pleas and Dispositions

⁷ Though analyzing both males and females separately would be ideal, and there are likely differences in the processing of the different populations, there are not a significant number of females in this sample to make for a separate study at this time. In addition, a comparison between first and second time offenders would be insignificant as there is only one case where the person's charge was their second PFMA.

Flowcharts can document the pathways of PFMA offenders in Missoula Municipal (see appendix C) and Justice Courts (see appendix D). These charts provide a visual aide of the patterns of PFMA offender processing in terms of plea type and subsequent disposition.

In Municipal Court, of the 126 total defendants charged with a PFMA, 59.8% plead not guilty, 4.1% plead ‘no contest’, 14.8% plead guilty, and 21.3% failed to enter a plea. Of the cases disposed, 53.7% were found guilty, 6.48% were transferred to another court,⁸ 5.56% were deferred by the prosecution, .93% had a deferred imposition of their sentence, and 33.3% of the cases were dismissed by the prosecution. Approximately 13.1% of the cases in the sample had not been disposed. Interestingly, at the point of disposition, no defendants were found not-guilty.

Unfortunately some of defendants in this sample were inaccurately charged with their first PFMA. Of the 89 defendants in Municipal court who were charged with their first lifetime PFMA offense, and did not have their cases dismissed, 13 should have been charged with their second offense.

Justice Court statistics paint a similar story. Of the 59 defendants charged with a PFMA in Justice Court, 50.8% plead not guilty, 5.1% plead no contest, 28.8% plead guilty, and 15.3% were either transferred or had their cases dismissed before entering a plea.

⁸The most likely reason to transfer a case to another court is when an offender has previously been found guilty of two or more PFMA charges. In this case, their current charge would constitute a felony. Felony cases are adjudicated in district court.

There was also little difference between Municipal and Justice Courts during the disposition phase of adjudication. Of the defendants charged with a PFMA in Justice Court, 3.4% were found not guilty, 47.5% were found guilty, 6.8% were transferred to another court, 6.8% were deferred by the prosecutor, and 30.5% of the cases were ultimately dismissed. There were 3 cases (5.1%) still pending at the time of this analysis. Unfortunately, data concerning accuracy of charging in Justice Court could not be analyzed due to the inaccessibility of Repository data.

Sentencing

Missoula Municipal and Justice Courts sentence PFMA offenders to two local anger management programs, Men Advocating Non-Violence (M.A.N.) and Women against Violence (W.A.V.). Justice Court employs two additional methods of formal social control to increase the likelihood that defendants will complete their anger management sentence: chemical dependency treatment and misdemeanor supervision.

Mandated Anger Management. In Municipal court, forty-two offenders were required to enroll in an anger management treatment program as part of their sentence. Of the offenders sent to anger management in municipal court, 58.3% were non-compliant.

In comparison, Justice Court has slightly lower rates of sentence non-compliance. Of the 29 offenders sent to anger management in Justice Court, 55.2% did not complete the program. The rates of sentence compliance for those who were ordered to chemical dependency treatment and those who were not treated for chemical dependency problems can also be compared.

Chemical Dependency treatment. Defendants in Justice Court, who received chemical dependency treatment as part of their sentence, had a lower rate of anger management completion than those who were not required to undergo chemical dependency treatment. Seven of the ten offenders (70%) treated for chemical dependency did not complete their anger management program. In comparison, only 47.3% of the offenders who did not undergo chemical dependency treatment as part of their sentence were non-compliant. In addition to chemical dependency treatment, we can also see the effects that misdemeanor probation has on sentence compliance.

Misdemeanor Probation. In addition chemical dependency treatment, Missoula Justice Court uses misdemeanor probation to ensure sentence compliance, while Municipal Court does not utilize this tool. There is a slight increase in the likelihood of anger management completion when offenders are on misdemeanor probation. Of the 7 defendants under misdemeanor probation, 57.1% completed their anger management program. Of those not sentenced to misdemeanor probation in Justice Court, only 40% completed their anger management program.

Post-Adjudication Court Action

Of the 42 people sent to anger management in Municipal Court, 26 were not compliant with their sentence. If an offender is non-compliant with their sentence, the court can either issue a bench warrant, or can file a petition to revoke⁹ the offender's sentence. In Municipal court, a bench warrant was issued for sentence

⁹ A petition to revoke filed when an offender is non-compliant. If the prosecutor files this petition and it is granted, the offender's sentence can be restarted. This way, the court will not lose jurisdiction before the person completes their anger management.

non-compliance 44 times. Of the 26 offenders who were ultimately non-compliant with their sentence, there were only two times (7.75%) in which a petition to revoke was filed.

In Justice Court, of the 29 offenders sent to anger management, there were 16 people who did not complete the program. Of those, there were eleven cases in which a bench warrant was issued for non-compliance. Unlike Municipal Court, of the 16 cases in which the offender was non-compliant, there were 9 (56.3%) petitions filed to revoke the offender's sentence.

DISCUSSION

This study provides empirical support for many of the concerns expressed about the prosecution of domestic violence offenders in the City and County of Missoula by JUSTResponse members. Several important issues arose from the analysis: accessibility of court data, the rate at which domestic violence cases are dismissed, the alarming number of offenders who do not complete anger management, and the inconsistent use of post-adjudication tools.

Case Dismissal

The results of this study indicate a large number of dismissed cases. Many people are quick to assign blame to the prosecutor's office for the high rate of dismissals, but there may be outside factors that influence the likelihood of case dismissal. During an informal meeting, a prosecutor for the City Attorney's office indicated that a case could be dismissed if there is not enough evidence for prosecution, or if the victim is non-cooperative in providing evidence of the incident.

However, with approximately 30% of cases being dismissed in both Municipal and Justice Courts it is hard for many to believe that all of the dismissed cases are the result of insufficient evidence.

Anger Management Completion

The low rates of anger management completion documented in this study indicate another problem. Though the state requires 40 hours of anger management or some other counseling program for PFMA offenders, approximately 60% of all offenders sent to anger management were non-compliant. Of the offenders who were not ordered into a chemical dependency treatment program, and were not on misdemeanor probation, 58.1% did not complete their anger management program.

Figure 4. Anger Management Completion

Sentence Description	Completed Anger Management	Did Not Complete Anger Management
Anger Management Only	41.9%	58.1%
Chemical Dependency Treatment and Anger Management	30.0%	70.0%
Misdemeanor Probation and Anger Management	57.1%	41.9%

Those offenders who were on misdemeanor probation were more likely to complete anger management than those who were unsupervised (see Figure 4). Of those under misdemeanor probation, 57.1% were compliant with their sentence of anger management. Of those sentenced to chemical dependency treatment, only 30% completed their anger management program. The effects of chemical dependency frequently ripple across many realms of a person’s life. Lower levels of personal attachments and lower levels of job commitment resulting from chemical dependency

could render spurious the relationship between chemical dependency treatment and anger management. So the question remains, if offenders are not going to anger management, and there is no general consensus among scholars concerning the effectiveness of batterer treatment on recidivism, what evidence is driving the state to mandate anger management?

Post-Adjudication Court Action

In Municipal Court, of 44 cases in which a bench warrant was issued for non-compliance, jurisdiction was lost on 18 (40.9%). This indicates that offenders are not consistently being held accountable for their actions. In three of these 44 cases, a bench warrant was issued after the court had lost jurisdiction. Loss of jurisdiction can be prevented if the City Attorney's Office files a petition to revoke the suspended part of a (non-compliant) person's sentence. The motion to revoke will decrease the likelihood that the court will lose jurisdiction, as the sentence can be re-imposed and the one year time period starts over.

RECOMMENDATIONS

Although courts, prosecutors and treatment providers in Missoula may very well be doing everything they can to effectively process PFMA offenders, it is likely that they may be lacking sufficient resources to do so. Based on the results of this study, I have identified a number of problem areas in the adjudication and sentence compliance of PFMA offenders in which changes are needed. In the following section, I will offer several recommendations that address the limitations of full court

data, the high rates of sentence non-compliance, and the utility of misdemeanor probation.

Modification of the FullCourt data system, in a number of areas, will likely increase the efficiency of offender processing in Missoula Municipal and Justice Courts. First, access to complete offender histories need to be more accessible in order to accurately charge offenders. Employing a single statewide database will allow city attorneys and court personnel to more efficiently find offender histories. While the State repository is, by its definition, to be used for information sharing and statewide statistics, it is inaccessible to most people. I made numerous requests to obtain direct access to the repository database, and all of my requests were denied. The inability to obtain state repository data is a tremendous limitation for researchers as well as criminal justice system employees. Some offenders are being charged for their 1st offense when it should be their 2nd or subsequent PFMA and expanding access to repository data would likely decrease the occurrence of inaccurate charging. Alternatively, a single, comprehensive statewide database would allow every court to immediately access previous charges for PFMA offenders. The thirteen offenders in Municipal Court charged with a first PFMA when it should have been their second charge, indicates a lack of proper information sharing among courts. As previously mentioned, the FullCourt data is jurisdiction-specific, and the acting court must access the repository data in addition to the FullCourt data to know whether or not the defendant has any previous PFMA charges statewide.

Members of JUSTResponse should consider hiring someone to be a liaison between the court, the city attorney's office, anger management providers and the offenders, to help to decrease the rates of non-compliance. Increased communication between these organizations would increase the likelihood that offenders are completing their anger management and/or substance abuse treatment programs.

Furthermore, the courts should utilize misdemeanor probation to increase sentence compliance. Despite a small sample size, this analysis shows that there are extremely high rates of offender non-compliance with anger management treatment. This could be due to a number of reasons such as work interference and lack of supervision. Contrary to previous studies (Morgan 2010), offenders in Missoula are unlikely to fail anger management due to inability to pay for services. Unofficial interviews with anger management providers indicate that the reason for non-compliance is that the offenders stop coming; they do not turn people away who are unable to immediately pay in full. Therefore, misdemeanor probation is likely to provide the supervision and guidance needed for the PFMA offenders who would otherwise discontinue their anger management program.

Unfortunately, jurisdiction can be lost on a case if an offender is able to avoid going to anger management for over a year, and the court can no longer take action. The City Attorney's Office can prevent this problem by filing a petition to revoke an offender's sentence before jurisdiction is lost. Filing this petition allows the judge to restart a person's sentence due to non-compliance. However, during an informal meeting, a prosecutor from the City Attorney office expressed the concern that

prosecutors are not promptly notified when a defendant is non-compliant. When they are notified, it has often been so long from sentencing that they do not have enough time to file the petition to revoke before jurisdiction is lost. This is a prime example of how communication between members of the criminal justice system is lacking. Hiring a domestic violence liaison would be the first step towards ensuring PFMA offender sentence compliance.

This study has provided empirical support for the concerns of JUSTResponse team members. Hopefully, through collaboration, some of the identified problems, associated with partner/family member assault offender processing in Missoula City and County, will be addressed. By addressing these problems, offenders will be held accountable for their actions, and there will be a decreased likelihood of re-abuse for the victims of partner/family member assault.

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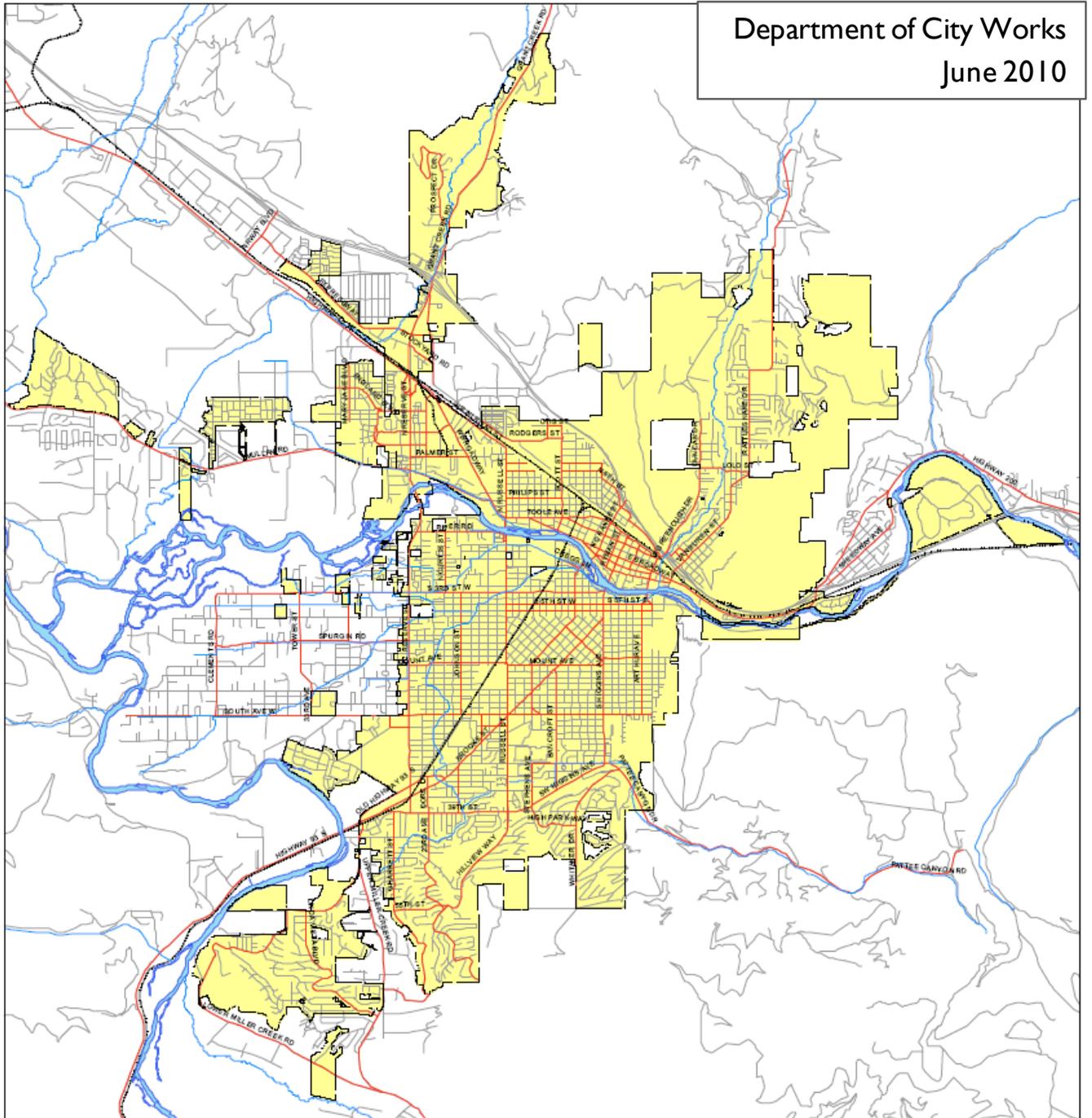
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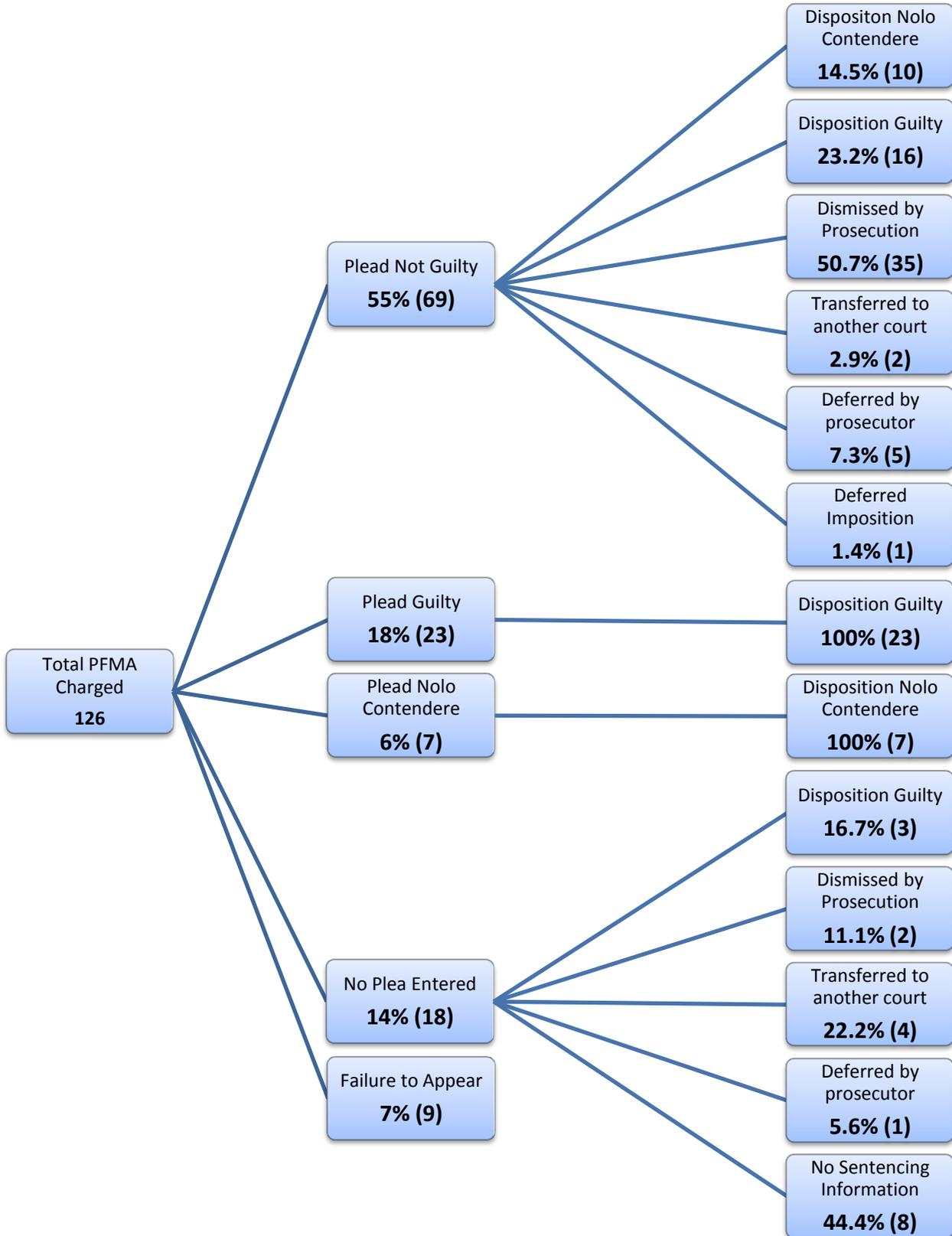
Appendix A: Missoula Municipal Court Jurisdiction



Appendix B: Missoula County Justice Court Jurisdiction



Appendix C: Pleas and dispositions for a cohort of PFMA defendants
Municipal Court



Appendix D: Pleas and dispositions for a cohort of PFMA defendants
Justice Court

