

Dealing with Domestic Violence: Family Court of the State of Delaware

by

Danilo Yanich

Spring 1999

**Center for Community Development & Family Policy and
School of Urban Affairs & Public Policy, University of Delaware**

Project Staff

Danilo Yanich, Ph.D., Project Director

Professor Edward T. Ratledge, Consultant

Tina Howard, Graduate Research Associate

For copies of this report, contact:

Dr. Danilo Yanich
School of Urban Affairs & Public Policy
Graham Hall
University of Delaware
Newark, DE 19716
302.831.1710; email: dyanich@udel.edu.

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Introduction

The purpose of this study was to analyze the family/domestic violence cases in the Family Court of the State of Delaware as they moved through the system from filing to disposition and to gain insight into the processing of that docket. The project was the result of the questions Family Court Chief Judge Vincent J. Poppiti asked regarding the Court's progress in dealing with domestic violence.

With funding from the State Justice Institute, (grant number SJI-97-N-252) the Family Court engaged the Center for Community Development and Family Policy to examine the issue. This report offers the results of that examination.

This project compared the case processing of domestic violence cases during a period **before** the Family Court of Delaware implemented programs specifically designed to handle domestic violence cases with a period **after** those programs

were in operation for some time. The project was essentially the first comprehensive evaluation of the case processing activity of the Family Court in which the types of cases, types of dispositions, process time requirements, and times required for the phases of case processing were the basis for the analysis.

The result of the study is an identification of the case processing activity of the Family Court that provides the Chief Judge with crucial information for changes in policy and practice at the court. That is particularly important as the court now has jurisdiction over most of the offenses that fall under the general category of family/domestic violence.

The state of Delaware has recognized the importance of addressing family and domestic violence as a unitary phenomenon and has changed the jurisdiction of its courts to reflect that reality. Significant changes in practice, policy, and statute have been implemented since 1990 in Delaware to treat family and domestic violence in a more comprehensive and holistic way. Naturally, Family Court is

the focal point of those efforts.

The findings from this study provide the Family Court with several things:

- 1.** A base-line view of the functioning of the court at the beginning of the new approach to family/domestic violence;
- 2.** The first comprehensive evaluation of case processing in Family Court for use by the Court, the Administrative Office of the Courts, and the General Assembly;
- 3.** A new way of looking at the performance of the court that allows for up-to-date case processing information to be efficiently and accurately reported.

The report provides the state of Delaware with essential information to guide policy, practice, and statutory innovations in family/domestic and criminal case processing in the Family Court.

Acknowledgments

Doing sound policy research is a difficult task. Quite often, the questions we ask can produce anxious moments for the institutions whose policies we are examining. However, the staff of the Family Court of Delaware embraced the project from its inception. Chief Judge Vincent Poppiti asked the initial hard questions about his Court's performance and made it clear that he wanted the honest answers. That was the crucial impetus for the project.

Court Administrator Ed Pollard gave the project his support and offered important advice during the formative meetings with the Court staff.

The administration of the project was the work of Michael Arrington, Director of Special Court Services. He always made sure we were in compliance with our responsibilities.

Frank Mroz, Director of Case Processing, served almost as a quasi-staff member for the project. He answered our many questions about data, variables, definitions of terms, etc. with skill and professionalism.

Family Court's Kevin Agne also offered crucial information regarding case processing that was important to the project.

The staff of the Judicial Information Center (JIC) provided us with the raw data from which we derived the research files.

Professor Edward Ratledge, Director of the Center for Applied Demography and Survey Research, was responsible for writing the programs to extract the data from the JIC files. He also provided the project with a constant sounding board regarding the execution of the research.

We express our gratitude to all of these dedicated professionals for their contributions to this work.

Domestic Violence: A Background

Family and domestic violence has become a significant problem in many jurisdictions in the United States. Almost daily we are presented with new information that makes our concern very real and it comes from various sources. A comprehensive study of the health of American women indicates that almost four million American women were physically abused by their husbands or boyfriends in 1993.¹ That abuse has a disturbing face as two-thirds of the attacks on women were

committed by someone the victim knows---often a husband or boyfriend.² Further, the Commonwealth Fund study states that women were more often the victims of domestic violence than they were the victims of burglary, mugging, or other physical crimes combined.³

As troubling as these data are, there is other information that indicates that family and domestic violence affects other family members as well. The Family Violence Prevention

Fund found that more than one in three Americans have witnessed an incident of family and domestic violence.⁴ In spite of, or perhaps because of, the increasing awareness of the toll that family/domestic violence places on the public, over 80 percent of Americans believe that something can be done by policy-makers to reduce family/domestic violence in the United States.⁵ The Family Court of Delaware has embarked on just such a set of initiatives. The purpose of this project is to provide the court with a comprehensive evaluation of those initiatives and its general case processing activity.

Delaware's Initiatives

The timely and fair disposition of cases that come before the court system in the United States is an essential element of the judicial process. Its importance is underscored by its constitutional grounding. The timeliness of that process is open to serious question as many jurisdictions experience significant delay in their court activities. Therefore, in response to the growing concerns over family/domestic violence, the Family Court of Delaware has instituted several

organizational and administrative initiatives. A brief outline of those programs follows.

The Family Court took very important administrative steps in 1992. The Court:

- ' |Eliminated arbitration in domestic violence cases;
- ' |Expedited the scheduling of domestic violence cases;
- ' |Coordinated bail guidelines for domestic violence cases with the Justice of the Peace Courts;
- ' |Established a policy on entering disposition information within forty-eight hours.

In January 1993, the court created, for New Castle County where the majority of cases are filed, the Criminal, Delinquency, and Children and Families at Risk Division. The mandate of the division is to expedite all related actions in the priority cases which have the most direct impact on the health, welfare, and safety of children. In FY93, two judges, one commissioner, two masters (expanded to three commissioners and three masters in FY94), and

appropriate staff, were assigned to handle cases involving families at risk, juvenile delinquency, adult criminal and termination of parental rights, adoption and delinquency neglect actions..

The First Offenders Domestic Violence Diversion Program was established by the General Assembly (Senate Bill 153) in August 1993. Through this program the offender may elect to participate in the program at arraignment by entering a guilty plea with an agreement to follow certain conditions. If the conditions are violated, the court may enter an adjudication of guilty.

The School Offenses program began in September 1993 and instituted an expedited system to fast-track offenses committed on school property by either an adult or a juvenile. The Protection From Abuse Act (Senate Bill 154)), implemented in January 1994 provides a mechanism for a petitioner to file a civil petition in Family Court alleging abuse or family/domestic violence upon him/herself, a minor child, or an infirm adult by a respondent and to request the Court to provide relief in the form of a civil protective order.

Perhaps the most important step taken by the state in response to family and domestic violence was the creation by the General Assembly of the statewide Domestic Violence Coordinating Council (DVCC) in 1993. The membership is comprised of the Chief Judge of Family Court, the President Judge of the Superior Court, the Attorney General, the Public Defender, a State Senator, a State Representative, a member of the Cabinet to be designated by the Governor, a representative of the law enforcement community, the Chairperson of the Domestic Violence Task Force, a family practice physician, and four at-large members.

The Council is responsible for studying court services and procedures relating to family/domestic violence; studying law enforcement procedures and protocol; reviewing criminal justice data collection and analysis as it relates to family/domestic violence; effectuating coordination between all relevant agencies, organizations and the courts; promoting effective protection, intervention and treatment techniques; recommending

standards for treatment programs to the Department of Health and Social Services and the Department for Services to Children, Youth and Their Families, Department of Corrections and other service providers; reviewing and commenting upon relevant legislation at the request of a member of the General Assembly or on its own initiative; improving the response to domestic violence; and generally reducing the amount of family/domestic violence incidents. The Council works to accomplish these goals through a number of subcommittees that are chaired by the members of the Council and that include other members of the community.

The Delaware Domestic Violence Coordinating Council is a manifestation of Delaware's aggressive stance regarding family/domestic violence. Its work reflects the fact that Delaware adopted an approach toward family/domestic violence that treats family/domestic violence as a **criminal** rather than a civil act. That perspective sends two very important messages: (1) the state considers family and domestic violence a sufficiently serious offense as to define it

as a criminal act; and (2) by extension, the state can then act as the initiator of the complaint, thereby removing some of the burden of that action from the victim.

Delaware's Caseload

The initiatives described above were implemented in response to a burgeoning caseload at the court. The data for fiscal years 1994 and 1995 indicate the nature of the problem. According to the Administrative Office of the Courts, on June 30, 1995 (the end of FY95), there were 12,053 filings pending in the Family Court. During FY95, 51,187 new filings (criminal and civil) occurred representing a 6.2 percent increase over FY94. The court could barely keep even as it disposed of just over 51,000 filings (criminal and civil) during FY95. The result was that at the end of FY95, the Family Court had even more filings pending (12,053) than it had at the end of the previous fiscal year.⁶ These trends place a great burden on the court's case processing capacity.

Our Method

The Research Question

The research question that guided this examination was based on a comparative analysis of two periods of case processing in the Family Court. Specifically, the research question was: to compare the case processing activity of the Family Court of Delaware **before** and **after** the implementation of new programs that address the special needs of family/domestic violence cases. Emphasis was placed on

identifying the types of domestic violence cases that moved through the system, the dispositions that were reached for those cases, the length of time required to process the case, and the length of time required to move through particular phases in the case process.

Universe of Cases

For this project the *sample* populations included the **universe** misdemeanor

domestic violence cases that were filed in Family Court for two specified two-year-long periods. One filing period represented the court **before** the implementation of the family/domestic violence programs and one represented the court **after** such programs were put in place. The cases for this project included **every** family/domestic violence case that was filed during those periods. That is, there was no sample of cases; **every** family/domestic violence case at the court will be part of the data set. Using this approach eliminated any possibility of sampling bias.

Study Periods

The two-year **filing period** that represented the cases that were processed by the Family Court **before** the implementation of the family/domestic violence programs was Jan. 1, 1989 through Dec. 31, 1990. Essentially the pre study period was calendar years 1989 and 1990. The two-year **filing period** that represented the cases that were processed by the Family Court **after** the implementation of the family/domestic violence programs was Jan. 1, 1995

through Dec. 31, 1996. Specifying this two-year-long period as the post filing period accommodated two very important research issues. First, Jan. 1, 1995 through Dec. 31, 1996 represented a filing period during which the various family/domestic violence programs that the state of Delaware has initiated have been in place for at least two years. Second, the data were gathered in early 1998. As such, the 1995-1996 filing period gave the cases sufficient time to be processed through the Family Court system.

Domestic Violence Offenses

Not all of the offenses with which the Family Court deals were the subjects of this research. We were interested only in the misdemeanor domestic violence offenses. Accordingly, the staff of Family Court identified those offenses that comprised this category. They included:

1. Aggravated Harassment (11 DEL. C. § 1312)
2. Assault in the 3rd degree (11 DEL. C. § 611)

3. Endangering the welfare of a child (11 DEL. C. § 1102)

4. Harassment (11 DEL. C. § 1311)

5. Menacing (11 DEL. C. § 602)

6. Offensive Touching (11 DEL. C. § 601)

7. Terroristic Threatening (11 DEL. C. § 621)

Study Populations

The populations for this study were derived by identifying the cases in the filings of the Family Court in which domestic violence offenses (the seven categories of offenses described in the previous section) were committed.

During the 1989-1990 filing period that represented the pre population, the Family Court had a total of 11,024 criminal and delinquency filings. The domestic violence offenses, as identified by the staff of the Court, accounted for 3,753 (34%) of those filings, i.e., the entire population of domestic violence cases that came to the court during the period from Jan. 1, 1989 through Dec. 31, 1990. As such, these filings constituted the universe of domestic

violence cases that comprised the pre population for this study.

The post population for this study was derived in like manner. During the period from Jan. 1, 1995 through Dec. 31, 1996, the Family Court had a total of 14,731 filings. Domestic violence offenses accounted for 5,272 (36%) of the filings. These filings comprised the universe of the post population. By using this method to identify the pre and post populations, we removed the possibility of any sampling bias because we examined the universe of domestic violence cases that were filed in Family Court during the study periods.

Data Gathering

The data were derived from the electronic files of the Delaware Judicial Information Center (JIC). The JIC delivered the complete files for the filings in Family Court for the specified filing periods from which the project staff extracted the information necessary for the analysis.

The Model

The model that was developed to guide the research was developed in consultation with the staff of Family Court and the Advisory Council for the project. The development of the model began with a general examination of the data files that were generated by the JIC. Because we requested a transfer of *all* of the information that JIC had for every case in our populations, the task of determining which variables were necessary to carry out the analysis fell to the project staff. That is, not all of the JIC data were necessary for the project. As a result, the task of identifying the relevant information from the JIC data was crucial in developing the model that guided the research.

The information that was gleaned from the JIC data produced a model that had two sections, an identification section and an process (action) section. The identification section included such information as offender demographics, case type, hearing location, etc. The process section included information about the actions during the case: for example,

dates for the charge, the arrest, the arraignment, the final disposition, and final disposition type.

After the variables that constituted each section of the model were identified, they were extracted from the large data files that were received from JIC. The data from the JIC files resided in seven separate files for each population. Using the case number as the unique identifier for each filing, the variables that were necessary for the research were aggregated and merged into one research data file for the pre and post populations.

Comparing Case Processing

Cases Filed

Our first task in comparing the case processing of domestic violence cases in Family Court before and after the implementation of the domestic violence programs was to determine the distribution of those cases in both time periods. That was important because the mix of cases might have an effect on the pace at which the caseload was processed. That is, if the case mix between the two time periods were different, then any

difference in the case processing time might be attributable to that mix, rather than some other factor.

First, the total numbers. Between the time periods, Family Court experienced a statewide forty percent increase in the filings of domestic violence cases. The pre-population was comprised of 3,753 filings; the post-population had 5,272 filings. A more specific question concerned the filings in each county for both time periods.

The changes in the filings of domestic violence cases across the counties from the pre to post time periods was quite different (Table 1). While New Castle County experienced the smallest increase, it was still substantial (30%).

However, as we have seen, the statewide increase in domestic violence cases was forty percent, about one-third higher than other cases. Consequently, not only did Family Court's domestic violence caseload increase, it

Table 1: Domestic Violence Filings in Family Court

Domestic Violence Filings	Kent	New Castle	Sussex
Pre-Population (CY s 1989 & 1990)	623	2633	497
Post-Population (CY s 1995 & 1996)	930	3422	920
<i>Percent increase from Pre to Post periods</i>	49%	30%	85%

In Kent County the increase in domestic violence filings between the time periods was forty-nine percent. While Kent and New Castle counties experienced significant increases in domestic violence cases, Sussex County was, by far, the most dramatically affected with a jump of eighty-five percent.

rose significantly more than the other offenses that were being filed with the court.

The domestic violence caseload in Family Court rose more than the caseload of other cases. If we consider offenses other than domestic violence, the rise in Family Court's caseload rose thirty percent from the pre to the post-period.

Case Mix

Case mix refers to the distribution of the domestic violence filings in both the pre and post time periods. A look at the total numbers above told us that there were substantial increases across all three counties in the number of domestic violence filings

change in the types of domestic violence cases that Family Court had to process from the pre to post periods?

The short answer to our question was no. That is, there was a remarkable similarity in the mix of cases in both time periods.

In each of the time periods,

Table 2: Pre and Post Domestic Violence Filings

Domestic Violence Offenses	Pre Pop. (N=3753) % (n)	Post Pop. (N=5272) % (n)
Offensive Touch	34.1 (1279)	39.7 (2094)
Assault 3rd	32.7 (1227)	29.0 (1528)
Terror Threat	14.9 (560)	14.3 (755)
Harassment	6.7 (250)	4.0 (212)
Menace	5.0 (189)	6.2 (329)
Endanger Child	3.9 (147)	5.0 (263)
Aggr. Harassment	2.0 (75)	1.3 (67)
Interfere w/ Custody of Child	0.7 (26)	0.5 (24)
Total	100 (3753)	100 (5272)

between the study periods. A logical question arose. Did the increase represent a similar distribution of domestic violence offenses in both time periods, or did the increase also change the mix of cases? Was there a

offensive touching, assault 3rd, and terroristic threatening occupied the top three spots respectively and accounted for over eighty percent of the filings (Table 2). In addition, those three offenses maintained

relatively the same proportion of the case mix in both time periods. In fact, the case mix in both time periods was so similar that only harassment and menacing changed places in proportion (6.7% and 5%, respectively in the pre-population to 4% and 6.2% in the post-population).

These data showed us that Family Court was processing the same mix

of cases in both the pre and post populations, only it was dealing with many more of them.

County Case Mix: Pre

We also looked at the case mix across the counties for each time period. Was there any difference in the distribution of the offenses in that regard?

For the Pre-population, in six out of the eight offenses, the

majority of the cases occurred in New Castle County, as we might expect (Table 3). For the three most numerous offenses, offensive touching, assault 3rd

Table 3: Domestic Violence Filings by County, Pre-Population

Domestic Violence Offenses (N=3753)	Kent %	New Castle %	Sussex %	Total
Offensive Touch (n=1279)	16.2	70.5	13.3	100
Assault 3rd (n=1227)	17.3	73.8	8.9	100
Terror Threat (n=560)	11.6	73.2	15.2	100
Harassment (n=250)	19.6	60.8	19.6	100
Menace (n=189)	12.2	76.2	11.6	100
Endanger Child (n=147)	30.6	44.2	25.2	100
Aggr. Harassment (n=75)	24.0	58.7	17.3	100
Interfere w/ cust. child (n=26)	15.4	38.5	46.2	100

and terroristic threatening (together accounting for over 80% of cases), New Castle County had the substantial share (70.5%, 73.8% and 73.2%, respectively for each offense).

Sussex County accounted for the plurality of interfere with custody of a child offenses, the only category of offense in which New Castle did not lead. However, the number of cases was too small (n=26) to be reliable.

County Case Mix: Post

The distribution of the offenses across the counties for the Post-population was very similar to that of the Pre-population (Table 4). However, for the three most prominent offenses, offensive

touching, assault 3rd, and terroristic threatening, New Castle County's majority was reduced between five and eight percent from the pre to post time periods (70.5% to 62.8% for offensive touching; 73.8% to 64.9% for assault 3rd; 73.2% to 68.1% for terroristic threatening).

Further, New Castle County held a majority of cases in every offense category. That majority ranged from almost three-quarters of the harassment cases (74.5%) to just over half of the interfere with custody of a child offenses

(54.2%), although the small number of these cases makes this finding unreliable.

Although, in general, the distribution of offenses across the counties remained relatively stable, there were several changes that merit attention. In

Table 4: Domestic Violence Filings by County, Post-Population

Domestic Violence Offenses (N=5272)	Kent %	New Castle %	Sussex %	Total
Offensive Touch (n=2094)	21.7	62.8	15.5	100
Assault 3 rd (n=1528)	15.1	64.9	20.0	100
Terror Threat (n=755)	14.8	68.1	17.1	100
Menace (n=329)	16.1	69.9	14.0	100
Endanger Child (n=263)	19.0	58.6	22.4	100
Harassment (n=212)	9.0	74.5	16.5	100
Aggr. Harassment (n=67)	7.5	68.6	23.9	100
Interfere w/ Cust. of Child (n=24)	25.0	54.2	20.8	100

all three of the most prominent offenses, offensive touching, assault 3rd and terroristic threatening, Sussex County's proportion increased from the pre to post periods. In fact, for the assault 3rd offense, Sussex County's proportion more than doubled (from 8.9% to 20% for the pre and post populations, respectively).

Outcomes

The fundamental attribute of case processing is the outcome. What happened to the cases that we followed through the system? Specifically, what dispositions did the cases that made their way through Family Court reach?

Before we consider our findings, we must first define our terms. In consultation with

into three categories. They were: **(1) Fully adjudicated** category which included dispositions of guilty and not guilty; **(2) Other adjudicated** category which included the nolle prosequi (NOLP), transfer, dismissal and amended dispositions; **(3) Unreported adjudications** in which the disposition of the case was not reported. As we saw, the dispositions from the pre to post populations were very different because the majority of cases

Table 5: Dispositions of Domestic Violence Offenses, Pre-Population

Domestic Violence Offenses (N=3753)	% Fully Adjud.*	% Other Adjud.**	% Unreported Adjud.***	Total
Offensive Touch (n=1279)	7.4	30.0	62.6	100
Assault 3 rd (n=1227)	6.5	34.7	58.8	100
Terror Threat (n=560)	3.8	34.5	61.7	100
Harassment (n=250)	3.2	26.8	70.0	100
Menace (n=189)	5.3	38.1	56.6	100
Endanger Child (n=147)	15.0	12.2	72.8	100
Aggr. Harassment (n=75)	9.3	16.0	74.7	100
Interfere w/ custody of child (n=26)	0	46.1	53.9	100

*Fully Adjudicated=Guilty or Not Guilty disposition.

**Other Adjudication=Dismissed, NOLP, Amended and Transfer dispositions.

***Unreported Adjudication=Dispositions not reported.

the staff of Family Court, we placed the dispositions that were reported by Family Court

of the pre-population did **not** have a reported disposition (Table 5). In fact, in every

offense category, the majority of unreported adjudications ranged from almost seventy-five percent (aggravated harassment) to about fifty-four percent (interfere with custody of a child). The disposition that was the least frequently reported was fully adjudicated, ranging from zero percent (interfere with custody of a child) to fifteen percent (endangering a child). However, the most important feature of the table is the dispositions that were achieved for the three most prominent offenses, offensive touching, assault 3rd and terroristic threatening. These cases accounted for over eighty

percent of the offenses and their disposition pattern was relatively consistent. About six out of ten cases had unreported dispositions, about three out of ten cases reached an adjudication other than guilty or not guilty and fewer than one in ten cases achieved a full adjudication.

The dispositions that were reported for the post-population were very different from those of the pre-population, mainly due to change in the unreported category. The most dramatic feature of the change is clear in the finding that unreported adjudications accounted for

Table 6: Dispositions of Domestic Violence Offense, Post-Population

Domestic Violence Offenses (N=5272)	% Fully Adjud.*	% Other Adjud.**	% Unreported Adjud.***	Total
Offensive Touch (2094)	43.4	55.2	1.4	100
Assault 3rd (1528)	25.2	72.1	2.7	100
Terror Threat (755)	18.2	78.4	3.4	100
Menace (329)	27.7	69.9	2.4	100
Endanger Child (263)	29.7	70.3	0	100
Harassment (212)	31.6	67.4	1.0	100
Aggr. Harassment (67)	32.8	62.6	4.6	100
Interfere w/ Custody of Child (24)	12.5	83.3	4.2	100

*Fully Adjudicated=Guilty or Not Guilty disposition.

**Other Adjudication=Dismissed, NOLP, Amended and Transfer dispositions.

***Unreported Adjudication=Dispositions not reported.

less than five percent of the dispositions for any offense. The dispositions reported for the post-population more clearly reflect the functioning of the court.

For our first analysis, let's look at the big three offenses (offensive touching, assault 3rd and terroristic threatening) that accounted for over eighty percent of the cases. Although, in each offense, the majority of dispositions fell into the *other adjudicated* category, the proportions were quite varied. For example, offensive touching reported the highest proportion of fully adjudicated cases (43.4%) across all offenses. That is significant because that offense, by itself, accounted for almost forty percent of the domestic violence cases that came before the court in that time period (see Table 1). Consequently, it is reasonable to suggest that the court's administrative practices emphasizing disposition have had an effect on case processing.

While offensive touching boasted the highest proportion of fully adjudicated cases, another offense in the big three, terroristic threatening, had the second lowest

proportion of cases so adjudicated (18.2%). Almost eight out of ten (78.4%) of these offenses reached the other adjudicated disposition. Assault 3rd fell between its big three neighbors. Just over one-quarter (25.2%) of these cases reached a full adjudication.

The remaining offenses that constituted the bulk of the rest of the domestic violence filings hovered around three out of ten cases for the fully adjudicated disposition (menace, 27.7%; endanger child, 29.7%; harassment, 31.6%; aggravated harassment, 32.8%). Likewise, for those offenses, the overwhelming majority of cases reached adjudications that were other than guilty or not guilty.

Our investigation revealed very different dispositions for the pre and post populations. However, it was unclear whether the differences were due to the actual operation of the court or to the information management capacities that were extant in both time periods. Whatever the reason, we could still argue that the court knew very much more about its own performance for the post-population and that was an improvement.

Outcomes by County: Pre

To this point, we looked at the outcomes of the domestic violence cases

statewide. But, how did the counties compare in their disposition of these cases? In this section, we present those findings.

Table 7: Dispositions of Domestic Violence Offenses by County, Pre-Population

Domestic Violence Offenses (N=3753)	Kent	New Castle	Sussex
Offensive Touch (n=1279)			
% Fully Adjud.*	17.9	3.9	13.5
% Other Adjud.**	43.0	27.9	24.1
% Unreported Adjud.***	39.1	68.2	62.4
Total	100	100	100
Assault 3rd (n=1227)			
% Fully Adjud.*	10.4	4.9	12.8
% Other Adjud.**	39.3	33.0	41.3
% Unreported Adjud.***	50.3	62.1	45.9
Total	100	100	100
Terror Threat (n=560)			
% Fully Adjud.*	10.8	2.0	7.1
% Other Adjud.**	44.6	31.6	40.0
% Unreported Adjud.***	44.6	66.4	52.9
Total	100	100	100
Harassment (n=250)			
% Fully Adjud.*	0	2.6	8.2
% Other Adjud.**	32.7	27.0	20.4
% Unreported Adjud.***	67.3	70.4	71.4
Total	100	100	100

*Fully Adjudicated=Guilty or Not Guilty disposition.

**Other Adjudication=Dismissed, NOLP, Amended and Transfer dispositions.

***Unreported Adjudication=Dispositions not reported.

For purposes of our discussion, we will focus on the comparison of the disposition of the big three offenses, offensive touching, assault 3rd and terroristic threatening.

For all three offenses, Kent County seemed to have performed better than its counterparts. Judging by the proportion of the cases that reached full adjudication, Kent County was more successful in processing the cases (Table 7). For offensive touching offenses, 17.9 percent were fully adjudicated compared to 3.9 percent and 13.5 percent of such cases in New Castle and Sussex counties, respectively. That pattern was repeated for assault 3rd (10.4% compared to 4.9% in New Castle and 12.8% in Sussex) and terroristic threatening (10.8% compared to 2% in New Castle and 7.1% in Sussex).

On the other side of the performance coin, New Castle County consistently had the smallest proportion of the big three offenses that reached full adjudication. Further, the county also had the highest proportion of unreported adjudications (68.2% for offensive touching, 62.1% for assault 3rd and 66.4% for

terroristic threatening). The pattern of Kent County performance was somewhat broken for the harassment offenses. In this instance, Sussex County assumed the disposition standard as it registered 8.2 percent of cases that reached full adjudication. In Kent County no cases were so disposed, while 2.6 percent of New Castle County's cases were fully adjudicated.

Sussex County also put on the disposition mantle for the menacing offense (Table 7a). Almost one out of five (17.2%) of such cases were fully adjudicated in Sussex County compared to just under one in ten (8.7%) in Kent and under one in twenty (4.7%) in New Castle.

A cautionary note. The findings for the dispositions of the interfere with the custody of a child offense should be viewed with extreme care because the number of these cases was very small statewide (n=26). Therefore, any findings could not be considered reliable.

Table 7a: Dispositions of Domestic Violence Offense by County: Pre-Population (cont.)

Domestic Violence Offenses (N=3753)	Kent	New Castle	Sussex
Menace (n=189)			
% Fully Adjud.*	8.7	4.7	17.2
% Other Adjud.**	30.4	36.7	41.4
% Unreported Adjud.***	60.9	58.6	41.4
<i>Total</i>	100	100	100
Endanger Child (n=147)			
% Fully Adjud.*	15.2	11.0	13.1
% Other Adjud.**	6.6	2.8	15.8
% Unreported Adjud.***	78.2	86.2	71.1
<i>Total</i>	100	100	100
Aggr. Harassment (n=75)			
% Fully Adjud.*	27.8	1.9	13.0
% Other Adjud.**	16.7	22.7	21.6
% Unreported Adjud.***	55.5	75.4	65.4
<i>Total</i>	100	100	100
Interfere w/ custody of child (n=26)****			
% Fully Adjud.*	0	0	0
% Other Adjud.**	0	32.2	75.0
% Unreported Adjud.***	100	67.8	25.0
<i>Total</i>	100	100	100

*Fully Adjudicated=Guilty or Not Guilty disposition.

**Other Adjudication=Dismissed, NOLP, Amended and Transfer dispositions.

***Unreported Adjudication=Dispositions not reported.

****These cases reflect a very small number of cases (n=26) and should be viewed with caution.

Outcomes by County: Post

Just as we did with the pre-population, we will focus on

the performance of the counties for the big three offenses, offensive touching, assault 3rd and terroristic threatening.

Table 8: Disposition of Domestic Violence Offenses by County, Post-Population

Domestic Violence Offenses (N=5272)	Kent	New Castle	Sussex
Offensive Touch (n=2094)			
% Fully Adjud.*	65.0	35.5	45.2
% Other Adjud.**	34.8	62.7	53.2
% Unreported Adjud.***	0.2	1.8	1.6
Total	100	100	100
Assault 3rd (n=1528)			
% Fully Adjud.*	31.6	19.9	37.7
% Other Adjud.**	67.5	76.5	61.3
% Unreported Adjud.***	0.9	3.6	1.0
Total	100	100	100
Terror Threat (n=755)			
% Fully Adjud.*	22.3	18.1	15.5
% Other Adjud.**	75.9	77.6	83.7
% Unreported Adjud.***	1.8	4.3	0.8
Total	100	100	100
Menace (n=329)			
% Fully Adjud.*	50.0	21.7	30.4
% Other Adjud.**	50.0	74.3	69.6
% Unreported Adjud.***	0	4.0	0
Total	100	100	100

*Fully Adjudicated=Guilty or Not Guilty disposition.

**Other Adjudication=Dismissed, NOLP, Amended and Transfer dispositions.

***Unreported Adjudication=Dispositions not reported.

As we saw in the dispositions of the pre-population, Kent County set the performance standard (Table 8). In two of the big three offenses, the county had the highest proportion of fully adjudicated cases (65% for offensive touching and 22.3% for terroristic threatening). For the assault 3rd cases, Sussex County fully adjudicated the highest proportion of cases (37.7%).

It is important to note, however, that for the offense that accounted for forty percent of cases, offensive touching, all three counties had relatively high proportions of fully adjudicated cases (65%, 35.5% and 45.2% in Kent, New Castle and Sussex counties, respectively). Further, the fully adjudicated proportions were significantly lower in all three counties for assault 3rd (31.6%, 19.9% and 37.7% for Kent, New Castle and Sussex counties, respectively) and terroristic threatening (22.3%, 18.1% and 15.5% for Kent, New Castle and Sussex counties, respectively). This seemed to be further evidence that the court responded to the case processing tasks of its most numerous offenses.

For the menacing offense, half of Kent County's cases were fully adjudicated compared to one out of five (21.7%) in New Castle County and just under one-third (30.4%) in Sussex. However, it should be noted that in both southern counties, none of the menacing cases had an unreported adjudication.

The reduction in unreported adjudications was carried further for the endangering a child offense. In none of the counties were there unreported adjudications for this offense (Table 8a). Further, Sussex County reported the highest proportion of fully adjudicated cases (25.4%) for menacing.

Table 8a: Dispositions of Domestic Violence Offenses by County, Post-Population (cont.)

Domestic Violence Offenses (N=5272)	Kent	New Castle	Sussex
Endanger Child (n=263)			
% Fully Adjud.*	22.0	33.8	25.4
% Other Adjud.**	78.0	66.2	74.6
% Unreported Adjud.***	0	0	0
<i>Total</i>	100	100	100
Harassment (n=212)			
% Fully Adjud.*	26.3	35.4	17.1
% Other Adjud.**	68.4	63.9	82.9
% Unreported Adjud.***	5.3	0.7	0
<i>Total</i>	100	100	100
Aggr. Harassment**** (n=67)			
% Fully Adjud.*	40.0	41.3	6.3
% Other Adjud.**	60.0	52.2	93.7
% Unreported Adjud.***	0	6.5	0
<i>Total</i>	100	100	100
Interfere w/ custody of child***** (n=24)			
% Fully Adjud.*	16.6	7.7	20.0
% Other Adjud.**	66.7	92.3	80.0
% Unreported Adjud.***	16.7	0	0
<i>Total</i>	100	100	100

*Fully Adjudicated=Guilty or Not Guilty disposition.

**Other Adjudication=Dismissed, NOLP, Amended and Transfer dispositions.

***Unreported Adjudication=Dispositions not reported.

****These offense categories reflect a small number of cases and should be viewed with caution.

Case Processing Times

A fundamental attribute of any case processing is the pace at which the cases go through the system. The axiom that justice delayed is justice denied holds powerful appeal. Accordingly, we examined how long it took for the domestic violence cases to move through Family Court.

We looked at three time periods for each of the cases. They essentially comprised the total processing time and two phases of case processing. The time periods were:

(1) Case process time, defined as the period from arrest to disposition, represented the total amount of time the case was in the Family Court system.

(2) Arrest to arraignment time, the period from arrest to arraignment, constituted the first phase of case processing.

(3) Arraignment to disposition time, the period from arraignment to disposition, constituted the second phase of case processing.

The most striking feature of the comparison of case process times from the pre to post populations is the significant decrease in process time in Kent and New Castle counties and the increase in process

process time. Likewise, the same examination for New Castle County revealed a reduction of forty-three percent (from a pre-population median of 152 days to a median of 86 days for the post-population).

Table 9: Case Process Time* by County, Pre and Post-Populations

Domestic Violence Offenses	Kent		New Castle		Sussex	
	Pre	Post	Pre	Post	Pre	Post
Offensive Touch	143	55	140	79	88	155
Assault 3 rd	142	68	162	89	100	158
Terror Threat	114	74	156	87	109	162
Harassment	162	71	180	88	118	101
Menace	129	74	144	89	139	183
Endanger Child	83	66	151	108	118	150
Aggr. Harassment	176	167	142	111	108	130
Interfere w/ custody of child**	179	331	156	102	141	112
All offenses	141	63	152	86	102	154

*Case Process Time=Median number of days from arrest date to disposition date and was calculated for all cases that had valid arrest and disposition dates and reported a county location.

**These process times reflect a very small number of cases (n=26, Pre and n=24, Post) and should be viewed with caution.

time in Sussex County (Table 9). Taking all offenses into account, the case process time in Kent County dropped from a median of 141 days for the pre-population to a median of 63 days for the post-population. That represented a sixty-two percent reduction in case

Significantly, the case process time in Sussex County for all cases increased from a pre-population median of 102 days to a 154-day median. This pattern of decreases in the northern counties and increases in Sussex County was consistent across offenses.

Arrest to Arraignment Time

The period from arrest to arraignment was defined as the first phase in the case processing procedure. The patterns of increases and

cases, the decrease in Kent County moved from a median of 87 days for the pre-population to a post-population median of 34 days (a 61% reduction). In New Castle County the decrease was even more dramatic from a pre-

Table 10: Time from Arrest to Arraignment* by County, Pre and Post-Populations

Domestic Violence Offenses	Kent		New Castle		Sussex	
	Pre	Post	Pre	Post	Pre	Post
Offensive Touch	91	33	113	27	80	135
Assault 3 rd	91	32	113	29	81	133
Terror Threat	77	36	115	29	72	134
Harassment	86	37	119	31	82	123
Menace	72	36	113	30	126	118
Endanger Child	74	41	111	37	82	133
Aggr. Harassment	88	17	123	36	98	134
Interfere w/ custody of child**	111	89	103	44	84	85
All offenses	87	34	113	29	82	133

*Time from arrest to arraignment=Median number of days from arrest date to arraignment date. The phase time was calculated for all cases that had valid arrest and arraignment dates and reported a county location.

**These process times reflect a very small number of cases (n=26, Pre and n=24, Post) and should be viewed with caution.

decreases that were revealed in the case process times were also present in the arrest to arraignment period. Kent and New Castle counties experienced reductions in this phase while Sussex County had an increase in this phase time (Table 10). Specifically, for all

population median of 113 days to a post-population median of 29 days (a 74% reduction). The phase time in Sussex County for all offenses moved from a pre-population median of 82 days to a post-population median of 133 days (an increase of 62%).

Arraignment to Disposition Time

The second phase of the case process time that we considered was the period from arraignment to disposition. The county pattern that we saw

decreases were substantial (Table 11). In Kent County the pre-population median was 64 days. For the post-population, that median was 21 days a reduction of 67 percent. Substantial reductions also occurred in New Castle County

Table 11: Time from Arraignment to Disposition* by County, Pre and Post-Populations

Domestic Violence Offenses	Kent		New Castle		Sussex	
	Pre	Post	Pre	Post	Pre	Post
Offensive Touch	63	7	110	52	56	28
Assault 3 rd	63	29	121	54	59	34
Terror Threat	63	29	112	59	58	18
Harassment	93	14	110	56	57	27
Menace	71	11	124	53	78	43
Endanger Child	65	71	96	124	58	78
Aggr. Harassment	53	89	89	65	51	10
Interfere w/ custody of child**	63	**	131	49	62	27
All offenses	64	21	117	53	58	34

*Time from arraignment to disposition=Median number of days from arraignment date to disposition date. The phase time was calculated for all cases that had valid arraignment and disposition dates and reported a county location.

**These process times reflect a very small number of cases (n=26, Pre and n=24, Post) and should be viewed with caution.

regarding increases and decreases in time periods for case process time and the first phase did not occur for this second phase. There were significant reductions in the time from arraignment to disposition in all three counties. Specifically, for all offenses, the

(median of 117 days to a median of 53 days for the pre and post populations, respectively a 55% decrease) and Sussex County (a pre-population median of 58 days to a post-population median of 34 days a 41% decrease).

Summary

Our purpose in this examination was to compare the case processing of domestic violence cases of Family Court before and after the court implemented programs designed to deal with such offenses. In doing so, we looked at the case filing activity of the court, the mix of cases that arrived at the court, the outcomes of the cases and the time required to move the cases through the system. We summarize our findings below for each of the areas of examination.

Cases Filed

The period that was examined as the pre stage for this analysis was two calendar years, January 1, 1989 through December 31, 1990. During that two-year period 3,753 domestic violence cases were filed in Family Court. That level of activity was compared to the number of cases filed in the post period for this research January 1, 1995 through December 31, 1996 another span of two calendar years. During the

post period, 5,272 domestic violence cases were filed in Family Court, representing a substantial increase of forty percent statewide. That statewide rise in domestic violence cases was compared to an increase in non-domestic violence cases of only thirty percent. Clearly, domestic violence cases were ahead of the filing curve from the pre to the post filing periods.

The increases in case filings, however, affected the counties differently. In New Castle County, the rise in domestic offense filings was substantial at thirty percent. Kent County's increase was forty-nine percent, a significant proportion. However, in Sussex County the climb in domestic violence filings was most dramatic at eighty-five percent.

Case Mix

When comparing the activity of the court from one period to another, a crucial consideration is the mix of cases that the court had to process during each span. We found that the case mix of domestic violence offenses in Family Court for the pre and post populations was remarkably similar. In fact, the

top three offenses (accounting for over eighty percent of the cases in both time periods) were congruent for both populations. They were, in order of magnitude, offensive touching, assault 3rd and terroristic threatening. Further, there was no substantial difference in the order in which the other domestic violence offenses occurred across both populations. As a result, we concluded that the case mix in Family Court for the pre and post populations was virtually the same.

Case Outcomes

The outcomes of the cases that were processed by Family Court were very different across the pre and post populations. That was mainly due to the fact that the outcome of the significant majority of cases in the pre-population were unreported. However, the outcomes were reported more completely for the post-population. For those cases, the court's disposition policies that were instituted in 1992 seemed to have had their intended effect. For example, over four out of ten offensive touching offenses were fully adjudicated. Although the majority of the

dispositions fell into the *other adjudications* category, across all offenses, there was a dramatic reduction in the cases in which the disposition was unreported (less than 5%).

We do not know whether the differences in the outcomes achieved by the court for the pre and post-populations was due to the actual case processing of the court or information management. In all likelihood, the differences were a combination of both improved case processing and information management. However, it was clear that the court knew much more about its performance regarding the post-population than it knew for population that was processed before the domestic violence programs were initiated.

Case Process Times

The movement of a case through the Family Court system was a significant attribute of case processing that we examined. We looked at three time periods, case process time (the period from arrest to disposition), arrest to arraignment time (phase one) and arraignment to disposition time (phase two).

In general, we found two consistent trends in the time periods across the pre and post-populations. The first trend was a dramatic reduction in those time periods for Kent and New Castle counties. For example, the case process time for all domestic violence offenses touching cases in Kent County fell from a median of 141 days to a median of 63 days. Similarly, New Castle County experienced a decrease from a median of 152 days to a median of 86 days. There were corresponding decreases for all of the domestic violence offenses.

The second trend that we found regarding case process times was the consistent increase in those periods for Sussex County. For example, the case process time in the county rose from a median of 102 days for the pre-population to a median of 154 days for the post-population. That said, it is important to note, however, that the phase two time (arraignment to disposition) was generally significantly lower for the Sussex County cases compared to the cases in New Castle County.

The explanation for these findings may come from the

dramatically increased caseload in domestic violence offenses (85%) that occurred in Sussex County between the time periods. That percentage was a substantially greater increase in such cases than either of its northern neighbors.

In conclusion, our analysis brings us to the position that the Family Court's performance, in general, improved from the pre to post time periods.

Conclusion

Our examination revealed important differences in the operation of the Family Court regarding domestic violence offenses between the pre and post time periods. We found that the court was dealing with the same mix of cases for both populations. Yet, significant differences in outcome and case processing time occurred. While we can not say with statistical certainty that the implementation of the domestic violence programs caused the improvements that were realized, we can say that the court's performance in treating domestic violence cases was consistent with what we might expect from the functioning of those programs. Of course, the performance of Sussex County with respect to process times must be considered. However, its dramatic increase in domestic violence cases across the time periods must be taken into account.

Endnotes

- 1 . The Commonwealth Fund. *First Comprehensive National Health Survey of American Women*. New York: July 1993.
- 2 . U.S. Department of Justice. *A National Crime Victimization Survey Report*. Washington, D.C. , January 1994.
- 3 . The Commonwealth Fund. *First Comprehensive National Health Survey of American Women*. New York: July 1993.
- 4 . Family Violence Prevention Fund. *Men Beating Women: Ending Domestic Violence, A Qualitative and Quantitative Study of Public Attitudes on Violence Against Women*. New York: Conducted by EDK Associates, 1993.
- 5 . *Ibid.*
- 6 . Delaware Administrative Office of the Courts. *Annual Report of the Delaware Judiciary 1995*. Wilmington, DE: February 1996.