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Models of Community Coordination in Partner Violence Cases:
A Multi-Site Comparative Analysis

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Chapter 1: Introduction

Coordinated community intervention is widely heralded as the key to achieving better outcomes in cases involving violence within families, particularly violence between partners. On the surface at least, the appeal of coordination is intuitive: people working together from different (and sometimes competing) bases of power and with different kinds of resources are more likely to improve the prospects for victims than are criminal justice agents or victim service providers working in isolation. However, although researchers and practitioners nearly unanimously recommend greater investment in community coordination strategies, there has been very little systematic observation of the process, problems, and products of local coordination efforts. The purpose of this project is to explore the dimensionality of community responses to domestic violence, and, through comparative case studies of five communities, to develop and begin to test hypotheses about the efficacy of different coordination experiences.

This study began with some simple but important observations. First, single-site studies of community coordination efforts are typically designed to document progress over time toward particular objectives, which may have been defined at the outset of the project by participants. However, a comparative study of coordination offers a somewhat different research opportunity, the opportunity to observe multiple dimensions along which communities vary, and assess those variables' relationships with outcome measures.

Second, preliminary research for this project suggested that practitioners are willing to describe, often with considerable confidence, the nature of their communities' responses to domestic violence, although they do not always describe it in similar terms; but they express

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little awareness of, or interest in, the diversity of approaches that exist in other communities. Criminal justice remains a very localized set of structures and processes, and practitioners do not tend naturally to look beyond their city limits for ideas about how to do things differently. Further, they do not often think of their attempts to change or improve their practices as efforts to conform more successfully to outsiders' expectations about progressive or effective responses, and sometimes appear bewildered that such expectations exist, or that anyone pays much attention to them. While they may be more influenced by external recommendations or mandates more than they know, they see their strategies and policies, as well as their perceived successes and setbacks, as the business of their own communities.

Third, current enthusiasm for integrated and coordinated responses may have distracted researchers as well as policy makers from thinking scientifically about the ways that community responses may be shaped, changed, or enhanced, as well as about the relationships between structures and programs, and desired outcomes. An understandable sense of urgency about improving local responses may have contributed to an environment in which any innovation that can be characterized as a coordinated response is embraced, and tangible evidence of success is impatiently sought. Perhaps as a result, we still do not know very much about the local political, social, and economic conditions that are associated with responses to domestic violence, we have limited understanding of the dimensionality of those responses, and we know even less about the associations among particular combinations of structures, programs, and policies, and the impacts and outcomes that result. Finally, and perhaps most importantly, researchers and policy makers are not always in agreement with local practitioners about what those desired impacts and outcomes might be. It is unrealistic to hope to achieve change in these outcome measures across

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diverse localities without a better understanding of the complex linkages among these community variables.

This project was undertaken in an attempt to fill some of these research gaps, at least in a preliminary fashion, through a comparative study of community responses to partner violence. It is not a study of model cities, or of communities that have purposefully attempted to adopt model policies or blueprints for successful coordination, although all five cities that are the primary focus of this research have in place at least one domestic violence task force that engages both criminal justice and community agencies. It is not a study of the effectiveness of particular programs or program types; instead, it is an exploratory effort to identify some of the conditions that give rise to more rather than less comprehensive and coordinated community responses, and a cautious attempt to assess how various approaches create (or fail to create) real differences in communites' responses to the problem of partner violence.

At this point it is necessary to clarify the content of the term "coordinated response" as it will be used in this report. As the following brief review of the research literature indicates, the term is often used to refer loosely to policies, protocols, and programs intended to alter the nature of relationships among agencies. Broadly conceived in this way, coordination might include something as simple as a short-term partnership between a police department and a battered women's shelter that facilitates transportation and referral of victims, as well as something as expansive as a multi-agency task force whose mission is to reassess all aspects of community reactions to offenders and victims. Because the term is used so casually and inclusively, it is important to define the meanings adopted for this project.

For the purposes of this project, coordination has two meanings. First, coordination

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implies the existence of an active interorganizational structure (that transcends criminal justice agencies, but that must include at least some of them) aimed at collaboratively improving the local response to domestic violence, usually (but not always) with a strong focus on changing the criminal justice response. Coordination, therefore, can be thought of as a collaborative *project*, the shared undertaking of community agents. This project can take many forms, involve many sets of actors (and sometimes only a few), and can be aimed at diverse goals. Second, coordination, or coordinated responses, may be the desired *product* of such collaborations; coordination of responses is the desired outcome of most such efforts. From a community change perspective, this product is the creation and maintenance of wider, stronger, more densely woven community nets of victim assistance, offender accountability, or both. In this sense, coordination is an attribute of a community's social and political life, also variable, and also multidimensional. A community with greater coordination is one in which fewer victims remain unnoticed, unanswered, and unassisted; more offenders are apprehended, monitored, and sanctioned; or both.

Thought of in this sense, coordination is a characteristic of communities' social and legal systems. Taken to its logical conclusion, greater coordination around the issue of offender accountability might be characterized both by stronger formal social controls (criminal justice policies and practices) as well as stronger informal controls (perhaps in the form of prevention education, outreach, and public awareness). Greater coordination around the issue of victim safety might include some of the same features, as well as more resources devoted to services, greater engagement of family courts and child protective services in helping adult victims of violence, and innovative programs that recognize the complexity of victims' needs (such as legal

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assistance programs). The result, in theory, would be community norms that supported, not stigmatized, victims.

Therefore, coordination is both a project, and a product.[1] Coordination as a *process or project* directs researchers' attention toward implementation, and toward interorganizational relationships, policies, protocols, and programs, as well as to informal practices, and in particular to low-visibility discretionary decisions (such as bail-setting, warrant execution, and the like). Coordination as the *existence of a community response network* directs our attention toward aggregate outcome measures, with particular attention to measurements made at the community level. It is sensible to assume that more coordinated policies, programs, and practices will yield measurably stronger and more tightly woven social and legal networks. However, the causal connection between the process of coordination and the outcome of a coordinated response is more often presumed than tested; so the primary objective of this project was to begin to map the relationships between these variables at the community level.

This task is more complex than it first appeared. While some communities, most famously Duluth, Minnesota, have constructed highly coordinated protocols for criminal justice, social service, advocacy, and health workers, and have demonstrated that such protocols can be

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[1] It is important to note that the first definition of coordination is a relatively objective and empirically measurable one; the second is frankly normative. It is the opinion of the author, and probably of most readers, that given the historical indifference of legal systems and society to domestic violence, greater community responsibility for such violence is appropriate and desirable, although people will reasonably disagree over the exact forms of responsiveness that are most valuable. However, it must be acknowledged that not all would agree with this assumption, including a number of practitioners interviewed for this study, some of whom believed that domestic violence simply did not merit significant resources or energy compared with other crime problems, and others of whom sharply disagreed with view that the most common forms of violence (misdemeanors) should be treated as crimes at all.

sustained over time, the small number of "success stories" offer little purchase for generalization and, maybe more importantly, replication in different types of communities. Meanwhile, with a few interesting exceptions, coordination efforts that have failed to improve the processing of family violence cases, and those that have simply dissolved, are very seldom recorded in either academic literature or professional reports. Hence the proliferation of local initiatives remains unexamined. Given the high level of commitment among victim advocates, some criminal justice agents, legislators, and funding agencies to the promise of coordination, it is imperative that we better understand the process and products of these diverse innovations.[2]

It would be simplistic to expect that the results of this study would provide conclusions with immediate policy relevance. The criminal justice system has proven remarkably resistant to externally imposed reforms (Feeley, 1983), so it is more realistic to expect studies such as this to contribute to a long-term investment in community change, an investment that can, perhaps, be better informed by empirical knowledge. Therefore, the results of this study are of greatest value to two audiences: researchers, who might derive from this study hypotheses and concepts that can be further refined and examined in other sites; and equally or more importantly, practitioners, who might derive practical lessons about the limitations of coordination efforts as well as their potential, and about the conditioning effects of local circumstances on the prospects

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[2] Of course, attempts to coordinate parts of the criminal justice system are not new; indeed, planning groups and coordinating councils have been around for a long time at the local level, but most of these efforts aimed at problems defined as primarily or exclusively the bailiwick of criminal justice. Efforts to coordinate the diverse approaches of criminal justice, victims' services, offender services, social and health services, and sometimes others as well (such as women's groups, law school clinics, and churches) are more properly defined as community efforts, and entail greater complexity and competition.

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for actual changes in criminal justice practices.

Dimensions of Coordinated Community Intervention:

What We Know About Process and Outcomes

Intervention in Domestic Violence: Changes in Process, Practice and Policy

Defining the dimensions of coordination involves identifying activities at the agency, interagency, and community levels; identifying both formal policies and informal practices; and assessing the character and quality of relationships of key actors and groups within communities. At a minimum, coordination simply means a departure in some direction from the fragmentation inherent in the criminal justice system, and from the lack of communication that typically characterizes case processing in the criminal justice system as well as exchange of information among criminal justice and other community agents. However, most recent innovations in responses to domestic violence constitute efforts to make criminal justice processes more inclusive and less resistant to treating these cases as crimes, and therefore are likely to be featured in some communities' efforts to coordinate responses.

Chapter 2 outlines the dimensions of agency and interagency practice and policy across which vary communities' responses to domestic violence; the following paragraphs very briefly summarize these dimensions. What we have learned about the prevalence of practices and policies can be summarized in a simple but frustrating observation: communities have adopted a remarkable array of innovations and policy changes, in a wide variety of combinations, but very few of them have been systematically evaluated. Although recent federal efforts have

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resulted in the availability of several kinds of programmatic funding to encourage community-based criminal justice innovations, the availability of specially targeted resources is only one element of such innovation, and perhaps not the most important one. The discrete policies and practices of individual criminal justice agencies vary greatly – this category of elements includes the dimensions of police report-writing and arrest policies, prosecutors' arraignment and charging practices, judges' decisions about pretrial detention, disposition, and post-adjudication sanctions. The linkages among these agencies vary as well, as manifested in expectations about victims' roles in the legal process, coordination of case-tracking and information access across agencies, use of resources for victim advocacy and assistance, whether or not legal proceedings take on an adversarial or consensual tone, and the timeliness with which complaints are processed.

This study focuses primarily on the criminal justice process and its potential contributions to safer communities. Most believe that community change is unlikely without the active participation of programs that focus on victims, however, and although they were studied in much less depth for this project, their attributes are likely to be important variables in establishing stronger nets of safety. Such agencies may be dedicated specifically to victims of domestic violence, or to women victims, or to a more general population; they may be staffed largely by volunteers, or may have professional paid staff, or some combination; they may be well-established, or relative newcomers to serving domestic violence victims. They almost always provide specific services to victims, but the array of services varies (probably in proportion to resources and perceived needs). Some, but not all, provide services to offenders in the form of batterer intervention programs.

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Coordination within the criminal process is important, but it may be equally or even more important for criminal justice agencies to develop working relationships with other agencies in the community, particularly victim services providers. The nature of these relationships varies greatly. They vary in terms of the mechanism through which change efforts are undertaken; for instance, some communities have task forces or coordinating councils that perform diverse functions and, in principle at least, monitor, guide, and sometimes even create the protocols followed by social service and criminal justice agents. In communities lacking such formal structures, or where they are slow or even resistant to seek changes, informal networks built on trust and common understandings may operate.

The impetus behind these task forces or councils varies as well: some are created in response to a particularly shocking case or to a civil lawsuit, others begin as an effort to thwart the practices or policies of an unsympathetic judge or prosecutor, still others may reflect the particularly skillful coalition building of advocates working in a local policy vacuum. Sometimes funding opportunities require the existence of a council. Task force participants do not always share a definition of the problem of domestic violence, nor a vision of appropriate or desired changes. The membership, leadership, degree of decision-making power, and activity levels of such groups varies as well; some are dominated by criminal justice professionals while others are led by victim advocates. Finally, and importantly, the activities undertaken by such groups ranges from direct provision of services to victims, oversight of batterers' intervention programs, public education campaigns, legislative advocacy -- and, of course, activities that involve challenging tasks such as negotiation across agencies: trouble-shooting, cross-training agency workers, and oversight of policy implementation across organizations.

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Evaluation of Intervention Strategies: What We Know

The preceding paragraphs summarize the complex dimensions on which community responses vary, with emphasis on criminal justice responses. It is not difficult to abstract these dimensions, nor to find cities that illustrate specific elements. More challenging, however, is figuring out what combinations of attributes are associated with desired outcomes. Most criminal justice research has consisted of single-site evaluations designed to assess the impact of specific innovations on specific outcomes, and these studies, taken as a whole, argue for caution in adopting specific programs or policies, patience in expecting tangible results, and greater attention (on the part of both practitioners and researchers) to the structure and implementation of interagency policies and practices.

The stated or implied hypothesis in much of the research is that agency-specific changes in policy or practice are less likely to favorably affect outcomes than are synthesized efforts, and there is some evidence that this may be true. Coordinated intervention efforts are associated with increased rates of arrests, convictions, and the numbers of offenders mandated to batterers' treatment program (Syers and Edleson, 1992; Gelles, 1993), although there is limited reason to believe that arrest, conviction,[3] or treatment measurably reduces recidivism.[4] Some of the most

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[3] A lively theoretical and empirical debate attends these issues. Despite initial enthusiasm about experimental findings supporting the hypothesis that arrest is more likely to deter than less formal police responses (Sherman and Berk, 1984), replications have cast doubt on this conclusion; arrest may reduce recidivism only in the short run (Sherman et al., 1992), while arrest followed by very brief custody may actually increase the odds of repeat violence (Sherman et al., 1992; Sherman et al., 1991). Another study indicated that arrest without temporary detention was actually associated with higher recidivism rates (Hirschel and Hutchinson, 1992). Moreover, the deterrent effect of arrest may be contingent upon offender characteristics, particularly socioeconomic status (Berk, et al., 1992; Sherman, 1992; Fagan, 1989). Less research has been conducted on the impacts of prosecutors' and judges' decisions; one of the very

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carefully crafted evaluation research claims increases in criminal justice system outputs

following coordination of efforts by police, prosecutors, and the courts in conjunction with

victim services agencies in communities such as Lincoln, Nebraska (Steinman, 1991), Seattle

(Ferguson, 1987; Goolkasian, 1986), Duluth (Pence, 1983), and London, Ontario (Burris and

Jaffe, 1983). However, it is important to note that these improvements occurred in small to

medium sized cities with manageable crime problems, where slack resources may have made

case tracking and referral networks affordable (see Hirschel and Hutchinson, 1991).

Although these evaluations are cause for optimism, other studies reveal little if any

change in outcomes following changes in policy or practice (or uncover only short-term

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few studies of court decisions found that recidivism rates are somewhat lower when prosecution
is attempted, and lower still among cases in which convictions are obtained, but that these
effects, like those of arrest, may be conditioned by offenders' characteristics (Fagan, et al., 1984,
cited in Elliott, 1989; Fagan, 1989). More recent research in a pro-arrest jurisdiction found that
recidivism was associated less with legal interventions than with victim decisions to withdraw
(Worden and Wallis, 1995).

[4] There is a large literature on batterers' intervention programs, which vary both in terms of
how they define the problem underlying violence (lack of control, patriarachal value systems,
low self-esteem) and how they approach changing offenders' behavior (through anger control
techniques, joint therapy with victims, improved communication, and resocialization toward
more egalitarian gender roles)(see Gondolf, 1990; Adams, 1987; Edleson and Syers, 1991;
Treuhart, 1993). Many evaluations of these programs suffer from lack of random assignment,
lack of control groups, and inadequate measures of success; problematically, these studies
frequently lack controls for degree of entanglement with the criminal justice system (see Gelles,
1993; Fagan, 1989). There is little evidence that such programs in general have a significant
effect on recidivism; while participants often report satisfaction with or educational benefits from
these programs, recidivism rates remain high (Harrell, 1991; Shepard, 1992; Hamberger and
Hastings, 1990). While some studies indicate that program completion predicts lower recidivism
(Chen et al, 1989; Edleson and Gruznski, 1989; Shepard, 1992), the profile of the drop-out has
proven elusive (DeMaris, 1989). It is likely that carefully crafted and customized treatment can
have some beneficial effects, but specifying the program type, the most likely candidates, and the
conditions that might be necessary to ensure completion (such as probation) has proven very
difficult so far.

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differences; cf. Berk and Newton 1982); some researchers uncover unintended and possibly undesirable consequences (eg, Martin, 1997); still others cannot confidently attribute any change to the intervention. Furthermore, among criminal justice agents and victims' service providers, success is sometimes estimated not in terms of outcomes (which are difficult to measure) but rather, in terms of the implementation of coordination efforts themselves; once communication channels are open and meetings are underway, people understandably feel a sense of accomplishment that is prematurely translated into an assessment of the product rather than the process. In short, there are few true evaluations of coordinated community responses to domestic violence; in fact, a recent National Academy of Sciences panel found no such research study that met its criteria for scientific rigor (Chalk and King, 1998).

Studies of specific programmatic changes and policies, which may or may not follow cooperative reform efforts, have focused largely on recidivism as the dependent variable.[5] Beyond the on-scene arrest studies, research has found that issuance of arrest warrants in the many cases in which offenders are absent have a measurable association with lower recidivism (Dunford, 1990). Post-arrest "overnight" detention may reduce the likelihood of revictimization, at least in the short run (Sherman, 1992), while very brief contact with detention facilities (two hours or less) may exacerbate the risk of recidivism (Sherman, 1991; Sherman et al., 1992).

Many experts have advocated specific changes in post-arrest criminal proceedings,

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[5] While recidivism is unquestionably an important concern, it remains difficult to measure (see Fagan, 1989; Lerman, 1992). Invariably, victim reports of recidivism are higher than official reports, while offender reports are almost always lower. Moreover, recidivism is sometimes measured only as repeat assaults, overlooking the frequent instances in which offenders commit property or menacing crimes that are of equal or greater concern to victims.

changes that would make the system more accessible to victims. For example, Cahn and Lerman argue for a simplified complaint procedure that makes prosecutors rather than victims responsible for initiating and sustaining cases (Cahn and Lerman, 1991; Mickish and Schoen, 1988); Goolkasian (1986) argued that victim advocates, operating in collaboration with, but independent of, prosecutors may help overcome victims' lack of understanding about the process. Current interest in evidence-based prosecution stems from a desire to reduce the impact of victims' ambivalence on prosecutors' capacity to pursue and secure convictions, without adopting the potentially punitive response to victims represented in some "no drop" policies.

In jurisdictions that route significant numbers of domestic violence cases to the courts, interim and final disposition decisions offer potentially important opportunities to influence the probability of recidivism. Orders of protection, for example, have been advocated as an important albeit underutilized tool when conscientiously imposed and enforced (Finn and Colson, 1990), although some research suggests that such orders, particularly temporary orders, lull victims into a false sense of security (Zorza, 1992; Grau, Fagan, and Wexler, 1984; and see Harrell, et al., 1993; Schollenberg and Gibbons, 1992). As an example of a mechanism that highlights the need for coordination, protection orders appear to be most effective when they are very specific, comprehensive, and concerned primarily with victim safety (especially when issued from family or other civil courts)(Keilitz, 1994; Finn and Colson, 1991)); it seems likely that they will prove most effective in jurisdictions where police have ready access to information on their existence, dates, and terms.

These evaluation efforts suggest something of a menu of practices and policies that are often recommended as elements of coordinated community intervention. To them one might add

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the mandated use of standard booking procedures rather than appearance tickets in misdemeanor cases, prosecutorial "no drop" policies that reinforce the state's role in prosecuting domestic violence by foreclosing victims' withdrawal options,[6] sentencing options other than BIP, such as intensive probation supervision and incarceration, and innovative efforts to enhance victims' safety such as the use of electronic monitoring devices to detect the presence of offenders in victims' homes (see Frisch, 1995). It is easy to understand how the number and complexity of strategies suggests the imperative for coordinating efforts. Still unknown, however, is the degree to which the use of such innovations makes a meaningful difference in case outcomes or victim experiences, much less community-level measures of accountability and safety. Moreover, while the examples mentioned above were primarily concerned with reduction of recidivism, coordinated community efforts frequently take on different and more ambitious objectives, and hence their effectiveness must be judged, in part, against the scope of their objectives.

Problem Definition: Understanding Diverse Community Intervention Strategies

Part of the difficulty in measuring effects of coordination efforts stem from the lack of consensus on exactly what communities should seek to achieve in these cases. There are at least three perspectives on the problems and solutions that coordination efforts might address -- perspectives that carry important implications for the direction of the coordination effort.

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[6] David Ford's (1991) research addresses this topic from the perspective of one interested in victims' strategic uses of the criminal justice system; he concludes that family violence victims' decisions to proceed or withdraw are based not on stereotypical motivations to reconcile, but rather on rational judgements about the long-term costs and benefits of the likely outcomes of that process. This research, which unfortunately and surprisingly has not been replicated, casts doubt on the merits of "no drop" policies, which restrict victims' choices and may thereby discourage knowledgeable victims from accessing the system.

One perspective identifies the problem as a failure of institutions – specifically, the failure of the legal system to appropriately criminalize family violence. This perspective attributes victims' limited involvement with the criminal justice system to the system's historically indifferent response to partner abuse. Where police seldom arrest suspects, and where prosecutors frequently drop charges, a victim quickly comes to understand that her victimization is not considered a real crime; if her friends, relatives, or neighbors have found criminal justice agents unconcerned or uninterested, a victim may never call the police in the first place, or may initiate action only to find that her abuser, like her, quickly learns that the courts do not punish family violence. If this perspective is correct, the problem and, to some extent, the solution lies within the system. The concrete objectives of coordination, then, should be to increase rates of arrest, prosecution, and conviction, as well as sanctioning, building consensus among police, prosecutors, and the courts on the importance of responding to family violence, and making these actors accountable for the outcomes of cases. Strong pro-arrest and pro-prosecution policies, development of effective sentencing programs for the convicted, accompanied by training for police, prosecutors, judges, and probation officers, would be pursued through coordination mechanisms designed to iron out differences in practices, priorities, and understandings that might stand in the way of a comprehensive law enforcement response.

A somewhat different point of view -- one often expressed by practitioners -- holds that the criminal justice process is stymied by the reluctance of victims, who are reasonably fearful, uncertain, or dependent on their abusers, to enlist the aid of police and the courts, and to persevere once their cases have entered the legal system. If the objective is to minimize attrition

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(thereby increasing offender accountability), the solution may lie in the creation of a safer, more supportive, and more affirmative environment for victims, toward the ends of increasing their independence from violent partners and encouraging them to report violent incidents, follow through on charges, and maintain legal and safety barriers from abusers. Coordination efforts should be victim-centered, emphasizing advocacy, victim autonomy, economic and social support, and a responsive, "user friendly" criminal justice system. From this point of view, the problem is not so much the inadequate performance of criminal justice agents, but rather, the inappropriate or insufficient structure of the legal system itself.

A third and more complex perspective attributes the difficulties of handling family violence cases to a mismatch between the complex needs of victims and offenders, and the diverse and sometimes contradictory norms and missions of responding organizations and institutions. Encouraged by a shelter counselor to exit her abusive relationship, referred by a social worker to couples' counseling, reminded by a family court judge of her husband's right to joint custody of her children, urged by a police officer to sign a complaint, warned by a prosecutor that even conviction is unlikely to result in an end to violence, cajoled by a defense lawyer to "remember the good times," and mindful of the economic hardships of single motherhood, a victim may begin to realize that she is viewed as a very different kind of social and legal entity by different authorities -- as a battered woman, as a parent, as a wife, as a crime victim, as a provider. It is difficult to manage all these roles under the best of circumstances, but it may be impossible to manage them, and to be held accountable to them, in the context of an abusive relationship. To the extent that the official response -- the response that emerges almost unbidden from a community's criminal justice and social services agencies -- makes this more,

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rather than less, difficult, it is in need of realignment. Ideally, this realignment would prioritize these institutions' claims on victims, would reconcile or at least candidly address the contradictions among them, and by achieving cooperative agreements across agencies, would streamline access to both tangible and intangible resources. The form such a coordination effort might take involves something greater than enhanced victim services or increased involvement by criminal justice agencies: it requires that key actors in criminal court, family court, social and health agencies, and victim services agencies acknowledge the consequences of their inherent fragmentation, perhaps compromise their protocols or set aside their priorities in collective pursuit of a more systemic response, and, importantly, reach consensus on a working definition of victim needs. Such a coordination effort would require ongoing oversight, trouble-shooting, and communication.

To summarize, these three perspectives on the nature of the domestic violence problem imply different prescriptions for effective community intervention. The first sees the primary problem as one largely internal to the criminal justice system, and therefore directs attention toward reorienting policies and practices within the system, usually in the direction of greater enforcement. The second calls for a model of coordination that emphasizes victim services and that yields greater control and resources to advocates who often take primary responsibility for attending to victims' needs. The third highlights the fragmentation of criminal justice, as well as the many cracks that lie between and across many community agencies that have a hand in identifying, helping, and protecting victims. Bridging these cracks requires true coordination, not just the announcement of new policies and programs, and can lead to fractious dialogue about who should (and shouldn't) be doing what.

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This third problem definition is consistent with the conceptualization of coordination as community nets of victim safety and offender accountability; it is also closest conceptually to the vision of many advocates and reformers. However, adopting it as a guide to action is problematic. To the extent that there is consensus about the goals of coordination, it is usually general rather than specific, and generalizations provide uncertain purchase for progress. Coordination, thought of in this way, aims to increase the consistency and intensity of responses to both victims and offenders -- objectives that are easier to agree upon in the abstract than in specifics. People are likely to disagree over what these changes will mean to individuals — will they give victims more time and opportunity to reconsider their involvement in violent relationships? Will they provide victims with support necessary to establish violence-free lives? Will they deter offenders who would otherwise recidivate, or will they provide a necessary system of rehabilitation for at least some offenders? However, most advocates of coordination efforts would probably agree that intensifying and broadening the safety and accountability nets is the first step toward pursuing and assessing those more specific objectives.

Goals and Objectives of the Study

The first objective of this research was to develop a clearer understanding of the range of variation, and the dimensions of variation, in community responses to domestic violence, with particular attention to dimensions of coordination efforts undertaken by criminal justice and other community agents. Building upon this description, the study produced an etiology of key dimensions on which communities actually vary, with a particular focus on dimensions that appear to bear close relationships to the development of safety and accountability nets. Through

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comparative case studies of five communities, the project generated qualitative descriptions of

five sites that vary on these dimensions, as well as hypotheses about the political and social

conditions that affect the character of community responses. Finally, the project involved

collection of a sample of case data in each jurisdiction, which were analyzed to permit

comparisons of the breadth and strength of these nets against the backdrop of the

characterizations of their community coordination efforts.[7]

The site selected for this project was upstate New York. A single state was studied in

order to ensure that all communities were operating under the same statutory conditions. New

York is home to several large cities, many medium-sized towns, and large tracts of rural and

mountainous terrain that are sparsely populated. This project focused on medium-sized cities

(populations between 25,000 and 150,000), ensuring that all included communities had their own

police departments and a large enough population base to justify at least minimal resources

invested in victim services. The urban area of New York City was excluded, inasmuch as the

size, complexity, and structure of the police and court systems in that area are not typical of the

rest of the state (and indeed, may not be very typical of most other highly urbanized areas).

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[7]These were ambitious objectives, in part because so little systematic knowledge of these
issues exists to be used as a foundation. These objectives were feasible inasmuch as this study
drew upon the PI's involvement in a legislatively mandated evaluation of statutory reforms that
began in 1994, and will be completed by 2001. The purpose of that research, primarily an
evaluation of the state's mandatory arrest law, was to assess the impact of new arrest laws (which
"mandated" arrest in misdemeanor cases under specified circumstances) on recidivism. The first
step in that project, which is a collaborative effort between the NYS Office for Prevention of
Domestic Violence, the NY Division of Criminal Justice Service, and the University at Albany,
was to collect background information on policies and practices existing prior to the new law.
However, envisioning the potential to learn more about community (rather than just criminal
justice) responses, the surveys were tailored to anticipate the study proposed here.

This selection strategy has both strengths and weaknesses: the communities selected are probably much more typical of middle-sized American cities than are those represented in many studies, but the unique characteristics of highly urbanized and very rural areas are not captured in this research. Furthermore, because most upstate New York communities have quite small minority populations, this study does not address interesting and important questions about the challenges of responding to domestic violence in multicultural communities.[8]

Research Strategy

The objectives described above involved four phases of work:

1. Surveying criminal justice agents (police and prosecutors) from across the state, in order to gather baseline information on the diversity of local practices, policies, and problems in responding to domestic violence complaints. These data provided information necessary for (1) conducting descriptive analyses of criminal justice practices at the community level, (2) preliminary selection of sites that would be candidates for inclusion in the study, and (3) facilitating informed telephone (and in some cases, in-person)

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[8] A brief note on the definition of community is in order. The unit of analysis selected for this study is the incorporated city. In New York, as in most states, law enforcement is organized at the level of, and accountable to, cities and towns, with the exception of county sheriffs who typically respond to citizens in unincorporated rural areas, while prosecution is a county function. Coordination of efforts therefore faces the same obstacle of fragmentation that confounds many attempts to provide efficient but comprehensive responses to criminal justice problems. This fragmentation is further compounded in New York by a complex judicial system that relies on city, village, and township courts to handle many misdemeanor complaints, while felonies are referred to county courts. By restricting the study to cities, the data collected from each site could be confidently attributed to the work of a specific police department, and a specific prosecutor's office – which would not be the case had rural areas (or NYC, served by a mix of law enforcement agencies and courts) been included.

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interviews with criminal justice and victim advocacy agents in those sites to gather more detailed information. This work is reported in the first sections of Chapter 2 (see Appendix A for survey instruments).

2. Developing a list of dimensions on which community responses vary, and from among these, identifying key dimensions that appear to (1) vary across jurisdictions and (2) appear proximate to the goals of establishing strong safety and accountability nets in domestic violence cases; based on these key dimensions, selecting five sites for study. This work is reported in the second section of Chapter 2.

3. Interviewing and observing key agents and organizations, including police chiefs and administrators, criminal and family court judges, district attorneys, probation office directors, specialized domestic violence staff in those organizations, task force or coordinating council chairs and key members, domestic violence program directors, and leaders in other community-based organizations. The results of this information collection effort are reported in Chapter 3, as descriptions of each community's response to domestic violence. This descriptive and comparative work generated predictions about the associations between characteristics of the local criminal justice and community response, and performance measures of the criminal justice system that reflect the strength of accountability and safety networks.

4. Developing community-level measures of criminal justice system performance that reflect the strength of accountability and safety networks, and collecting and analyzing case data from police and court records in each site to illustrate the hypotheses about the relationships between community coordination *as a set of processes and practices* and

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community coordination *as the existence of a set of safety and accountability nets* using these data from five sites. These findings are reported in Chapter 4 (see Appendix B for sample data collection instruments).

Summary

Among practitioners as well as researchers, interest in coordinating criminal justice and other community agents has developed at a much more rapid pace than has research on the process and outcomes of coordination efforts. This study is an attempt to begin to backfill our empirical understanding of community responses to domestic violence in a climate of heightened expectations about what criminal justice agencies can and ought to do. It proceeds on two premises: first, that while all communities have responses to domestic violence, those responses vary across several dimensions; second, a reasonable objective of any community response to domestic violence is the creation of stronger and broader nets of offender accountability and victim safety (and while such nets are the products of many forces in a community, the criminal justice system plays a key facilitating role in their creation). Previous research offers tantalizing but incomplete information about "what works" in reducing domestic violence, but often is focused on specific programmatic elements and on individual-level outcome measures (such as recidivism) that are not as inclusive as the objectives envisioned by most advocates of coordinated responses.

This project documents the multidimensional nature of community responses to domestic violence, and based on qualitative information collection in five upstate New York cities, develops and illustrates hypotheses about the relationships among key dimensions of coordinated

responses and performance of the criminal justice system in maintaining accountability and safety nets. The project is primarily descriptive and hypothesis-generating; many of the concepts that were explored for this research are already quite familiar in policy debates and local practitioner discussions, but have very seldom been subjected to comparative analysis. The primary contributions of this project, therefore, are to a more systematic understanding of how communities respond to domestic violence, and to future research aimed at more sophisticated analysis of the role of community agents in creating change.

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Chapter 2:

Introduction:

The Dimensionality of Local Criminal Justice Practices and Policies[9]

Coordination is often conceptualized as an aggregation of progressive practices and policies that protect victim safety and hold offenders accountable; and the implementation and efficacy of such practices is thought by many to be contingent upon the quality of the interactions, communication, and collaboration of actors in different agencies. Reformers and advocates often speak simultaneously of both the building blocks of a coordinated response — model policies and practices — and the mortar that keeps them together — task forces, coordinating councils, or more formalized intervention projects. From the point of view of many people, successful communities are those that have both adopted a wide range of recommended policies and practices, and that have initiated a group process for implementing and overseeing these changes.

However, we have limited knowledge about how local criminal justice systems stack up to these high expectations. Domestic violence has been on the public agenda for over a decade, and has been the subject of research, litigation, and policy leadership for even longer, so it is reasonable to take a look at the "state of nature" in typical communities, to better understand the dimensions of, and prospects for, the sorts of community responses that many advocate. Drawing

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[9] The analyses reported in this chapter were originally reported in a conference paper ("Coordination of Domestic Violence Interventions: An Exploratory Study of Local Criminal Justice Practices and Policies") presented at the 1996 American Society of Criminology meeting, authored by Alissa Pollitz Worden and Jennifer A. Wallis. That paper also provided the analyses reported in the Report to the Legislature on the Evaluation of the 1994 Family Protection and Domestic Violence Intervention Act, 1997.

upon survey data from New York state prosecutors and law enforcement officials, this chapter

reports on the variation and dimensionality of criminal justice policies and practices in

responding to domestic incidents, and examines the relationship between criminal justice

agencies' participation in domestic violence task force, and adoption of progressive policies for

dealing with those case. The descriptive data reported here include two important findings: first,

the adoption of progressive and inclusive policies by police departments and prosecutors is

multidimensional, not unidimensional. These results suggest that criminal justice agents sample

from an array of innovations, but the adoption of a particular practice does not signal the

adoption of others. Second, participation in domestic violence task forces is neither ubiquitous,

nor is it associated with adoption of progressive policies and practices in domestic violence

cases.

Departing from this exploratory analysis, and drawing upon interviews conducted during

the preliminary phase of this project, the second part of this chapter expands this description of

the variation in community responses to domestic violence. The result is a set of system and

community characteristics that emerged as variables in discussions with officials and advocates

across communities. In the following chapter, key dimensions are extracted to form the basis for

selecting the five sites that became the focus of systematic data collection.

Intervention Strategies at the Community Level:

Criminal Justice Policies and Practices

The descriptive information reported here is derived from surveys of law enforcement

agencies and district attorneys in all jurisdictions of New York State, commencing at the

beginning of the study. These survey results are supplemented by the author's and project staff's interviews with police officials, prosecutors, judges, and victim services providers in nine communities during 1996-97 (five communities that ultimately were selected as study sites, and four others). The purpose of these surveys was to gather comprehensive information on local practices and policies in responding to domestic incidents, with the objective of assessing the prevalence of -- and ultimately, the conditions that might contribute to -- coordinated community responses. These surveys were designed to serve two purposes: to provide information about dimensions of practice and policy that could be used to inform an understanding of community coordination; and to provide baseline information on the diversity of practices, especially arrest practices, across jurisdictions as legislative reforms were enacted around mandatory arrest provisions.

All police departments (n=525) and District Attorney offices (n=62) in New York State were surveyed in late 1995 and 1996. Response rates on the surveys were strong. Of the 525 law enforcement agencies surveyed, 51% (268) returned useable responses. Not surprisingly, response rates were stronger from communities with more substantial populations.[10] Of the 62 county district attorneys surveyed, 68% responded. Again, more rural areas produced fewer responses.

Law Enforcement Practices and Policies

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[10] Because law enforcement has not been regionalized in New York state to any appreciable degree, these police departments and sheriff's departments include villages, townships, and cities and counties. Half of departments surveyed served populations of under 5000; the response rate for these departments (many of which employ only part-time officers) was 40%. The reponse rate from communities with at least 30,000 residents was 64%.

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The first issue to be addressed is the character of law enforcement policies and practices in domestic cases. A great deal of attention has been paid to arrest, as communities and states have adopted pro-arrest and mandatory arrest policies in response to civil litigation concerns and victim advocacy. The New York state legislature passed into law a limited mandatory arrest provision in summer of 1994 (which went into effect in January 1996). This law mandated that police arrest suspects in a specified range of misdmeanor "family offenses" -- a designation that legally refers to specific acts between parties who are blood relatives, relatives by marriage or divorce, or couples with children in common -- when the officer had reason to believe the misdemeanor had taken place. Officially, the only justification for not making an arrest under these circumstances was the (unsolicited) request of the victim that no arrest be made, and such a request was not to be considered by police as determinative.

Law enforcement agencies were surveyed after passage, but prior to implementation, of this law. Without doubt the legislation inspired changes in local policies even prior to implementation, although only a handful of departments that had changed their policies during the year preceding the survey reported current policies that mirrored exactly the state statute. Hence the survey probably yields a fairly accurate picture of the array of policies in place before the statute (and perhaps of practices still current after its implementation).

Most police departments (77%) reported having written policies governing handling of domestic cases. Regardless of whether the respondent claimed a written policy or not, most responded to questions that asked about two dimensions of arrest policy or practice: (1) the degree of discretion officers exercised in making arrests in domestic cases; and (2) the scope or range of interpersonal relationships that were deemed "domestic" for the purposes of applying

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any policy, program, or practice in place. Table 2.1 reports the responses for the 207 departments that provided full answers to these questions.

About one in three departments reported that they had either no policy, or a policy that left arrest up to officer discretion, victims' decisions to sign complaints, or a small miscellany of circumstances that would guide arrest. An additional 35% of departments indicated that their policy was to mandate arrest unless the victim requested otherwise -- a close approximation of the state's new statutory requirements. At the other extreme, 33% reported policies that mandate arrest in misdemeanor domestic cases regardless of victim preference. In the face of legislative action that had already dictated mandatory arrest in at least some circumstances, it is interesting to observe that a significant percentage of police departments still held to practices that made arrest discretionary.

Arrest policies vary not only in whether or not they direct officers to make arrests, but also in the range of circumstances to which such directives apply. Respondents were asked to identify the range of relationships that their policies considered as domestic for purposes of implementing their arrest policy. While all departments included the state's "family offense" (parties related by blood, marriage, or children in common) categories, 20% of departments (42) limited the application of their policies to those relationships. An additional 19% (40) included cohabiting couples; an additional 18% (38) included both cohabiting couples and same-sex relationships; and a plurality of all departments (42%, or 87) included all these relationships as well as dating partners in the scope of their domestic intervention policy. Importantly, at the time of the study the legislature had prescribed mandatory arrest only for family offense cases, remaining silent (and presumably, willing to accept local discretion) on incidents involving

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parties in other sorts of relationships, even though many argue that formal legal relationships such as marriage by no means encompass all or even most of domestic violence, and law enforcement officers themselves frequently allude to the difficulty of discerning the nature of relationships among parties in incidents.

It is important to note that these two dimensions of arrest policy -- degree of officer discretion and inclusiveness of relationships among parties -- do not appear to be empirically related. Over half the departments that have taken the strongest stand on mandatory arrest tend to apply that stand to the broadest array of relationships; however, departments adopting a conditional mandatory arrest policy (allowing victims some control over the decision in the form of a veto) are more conservative in their scope, while those departments that leave affirmative arrest decisions up to officers or victims define domestic cases broadly. In other words, these two very important dimensions of arrest policies — range of relationships covered and degree of discretion in arrest — do not appear to be empirically related.

The survey collected information on several additional dimensions of police policy in domestic cases, including two aspects of arrest policies: prescribed practice when offenders had left the scene, and post-arrest release policy (see Table 2.2). As many as half of all offenders are absent when police arrive at a domestic call, but importantly, at the time of this research neither state law nor most departmental policies dictate what officers should do under these circumstances. Surveys indicate that 78% of policies directed officers to pursue the suspect off-scene, a figure that probably overrepresents actual practice. The remainder dictate that responding officers should inform victims about warrant procedures, take reports, and the like, but do not create a responsibility to follow the suspect.

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Policies vary as well regarding what to do with offenders once arrested. Two out of three departments state that they routinely detain suspects overnight (or until the next opportunity for a judicial hearing within twenty-four hours); the remainder offer desk bail or, in a few jurisdictions, make a practice of issuing appearance tickets in misdemeanor domestic complaints. These matters are particularly important from the perspective of those concerned about victim safety. Victims whose offenders flee the scene face the risk they will return once police leave; those whose offenders are set free face the same (or perhaps a greater) risk.

Departments varied as well on other practices listed in Table 2.2: the overwhelming majority of departments (90%) claim to require officers to write reports in all domestic incidents (consistent with legislative requirements), and most of those provide for supervisory review of reports. Only one in four, however, routinely refer domestic cases to detectives for follow-up investigations.

Beyond arrest policies, police departments vary in their reported practices in dealing with victims (see Table 2.3). Most departments report that routine practice is to provide information on warrants and social services, and to transport victims to safety if appropriate; these forms of assistance require few if any resources or commitments beyond the immediate scene. However, regarding practices that are more labor-intensive, far fewer provide for systematic follow-up in the form of assignments of cases to specialized units or assignment of a victim advocate; very few have a formally designated liaison with victim services agencies. Importantly, only one in four police departments participates in a local task force or domestic violence coalition.

These data permit exploration of two interesting questions. First, are departments that participate in community task forces or coalitions more likely to have progressive domestic

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violence policies? Second, more generally, beyond arrest practices, are other dimensions of intervention practices associated with each other, or are they independent? The first question produces only an inconclusive answer. Approximately one in four agencies participates on a task force, and agencies that do are somewhat more likely to define the scope of family relationships more broadly and to provide for assignment of victim advocates. However, participation on task forces is unrelated to strength of arrest policies (mandatory versus discretionary), pursuit and detention practices, and assignment to a follow-up unit; participation is also unrelated to the comprehensiveness of training (measured as the inclusiveness of training requirements by rank, ranging from rookies to managerial personnel).

The second question is addressed in Table 2.4, which reports factor analysis results for eleven items measuring a range of practices, policies, and services. The analysis produced five factors with eigenvalues greater than 1.0, preliminary evidence that progressiveness in domestic violence intervention is not unidimensional in police departments. The first and strongest factor appears to capture *responsiveness to victims* -- loading high on this factor are variables indicating broader definitions of domestic relationships, assignment of victim advocates, establishment of liaisons with victim services organizations, and provision of information about warrant-seeking in offender-absent cases. The second factor captures *pursuit and detention practices.* The third factor is driven by two variables -- one that indicates the provision of follow-up contacts with victims and a second that indicates the comprehensiveness of training. A fourth factor is driven by variables associated with *arrest policies*: mandatory arrest policies and inclusion of

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provisions regarding dual arrests (and/or cross-complaints).[11] Finally, a weak fifth factor is driven by the *task force participation* variable. This descriptive analysis seems to support the view that there is little patterning in the adoption of police practices. No single dimension of progressive policy adoption emerged from this analysis; departments that reach out to victims do not necessarily aggressively pursue offenders; departments that devote special resources to domestic violence in the form of training and specialized units may or may not have addressed dual arrest problems; participating in a task force is not strongly associated with any of these dimensions.

The results of these preliminary analyses can be summarized as follows: although most law enforcement agencies have adopted written policies for handling domestics, and a slight majority of departments prescribe strongly presumptive arrest practices, there is considerable variation still in the ranges of relationships covered by such policies, with a significant number of departments still limiting coverage to marital and blood relationships. Further, the zeal with which arrest is prescribed is unrelated to the degree of effort prescribed in apprehending suspects off-scene and ensuring their detention following arrest. In other words, perhaps the most important empirical observation to be derived from these data is that with the exception of a

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[11] Of responding departments, 37% report that their policies address the issue of dual arrest -- whether or not both parties should be arrested in cases involving cross-complaints, or whether police should attempt to identify a primary physical aggressor or initiator. In New York, the mandatory arrest legislation did not explicitly address this issue, which has produced concern in some quarters that officers would interpret the mandate to require arrest of both parties if both alleged misdemeanors, a practice that would of course be at odds with the intent of the legislation in protecting victims. However, addressing the issue is not the same as expressly discouraging dual arrests; and of the 148 departments that returned copies of their policies (which were subsequently content-coded), only 15 included language that explicitly discouraged this outcome.

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modest relationship between pursuit and detention practices, these four dimensions of arrest policy seem to be independent. Given that contemporary police department policies and practices emerged from common historical prescriptions for mediation and informal intervention, one might have expected that departures -- in the forms of broader definitions of families, more liberal use of arrest power, and more aggressive treatment of offenders -- would occur together, so that departments could be arrayed along a single dimension of progressiveness or reform. While a very small handful of departments have in fact adopted strong practices on all these elements, there is little evidence to suggest that a department that adopts one reform is likely to adopt others.

Aside from arrest practices, departments vary as well in their ability or willingness to link victims to support networks; while most provide referrals and information, rather few provide follow-up contacts or direct connections with victim advocates. Finally, but importantly, there is little empirical evidence that these dimensions of proactivity are related to each other, or to structured efforts to coordinate responses within communities through participation in task forces and coalitions.[12]

Prosecutorial Policies and Practices

Prosecutorial behavior in domestic cases has been subjected to far less scrutiny than has law enforcement behavior, in part because the spotlight of policy reform has been trained on

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[12] A possible explanation for the independence of these dimensions might be size of department: small departments may have a harder time achieving the resources, or the economies of scale, necessary to implement some reforms (such as specialized units, or assignments of liaisons). However, the survey data suggest that none of the key dimensions of arrest policy — scope, degree of discretion, off-scene pursuit, or post-arrest detention — were related to community size.

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police arrest decisions since the publication of the Minneapolis arrest experiment and its replications, in part because police behavior is in some ways more readily observed and assessed then prosecutorial decision making, and in part, no doubt, because early studies suggested that prosecutors rarely take any action on domestic cases. It is also the case that prosecutorial discretion, generally less subject to scrutiny than police discretion, is typically exercised in the absence of formal written policies and procedures. The survey of prosecutors inquired not only about formal policies but also about unwritten practices and guidelines.

Not surprisingly, only a small proportion of prosecutors' offices have written policies governing the handling of domestic cases (18% of responding offices). However, 62% of respondents indicated that they had office policies or guidelines, albeit not necessarily written ones, that governed domestic cases. As was the case with law enforcement agencies, the scope of these policies varied; while almost all prosecutors reported that cases involving married or divorced partners, and those involving partners with children in common, would be considered as domestic, only four out of five treated cohabiting partners similarly, and only half included dating couples within the scope of their domestic policies.

Prosecutors were asked as well about routine practices in responding to domestic incident victims and suspects. The first column in Table 2.5 reports the percentage of prosecutors' offices that routinely engage in a variety of practices. These matters can be broadly classified as responses to victims, treatment of suspects, expectations about victim participation, specialization in domestic matters, and record-keeping. Most (but not all) prosecutors' offices refer victims to shelters and social services as a routine matter; however, only 14% have ready

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access to specially trained victim advocates.[13]

Suspects in domestic cases reportedly encounter tough treatment in many prosecutors' offices. Only 5% of respondents indicated that they routinely recommended pretrial release in misdemeanor cases; 83% reported routinely recommending jail terms for recidivists. One in three routinely refers cases to batterers' intervention programs as a pretrial diversion, as much a reflection of the availability of such programs as of prosecutors' interest in utilizing them. About half of prosecutors recommend probation following adjudication.

A topic that recurs in discussions about prosecutorial practices is the role that the victim is expected, allowed, or required to play. While conventional wisdom holds that cases are more easily prosecuted with an active complaining witness, victims of domestic cases confront barriers of fear and sometimes emotional entanglement with their offenders; therefore, policies that allow for, but do not require, victim participation in prosecution may better serve victim needs. While it is now uncommon for prosecutors to make a policy of *requiring* victims' appearance at arraignment, it is also true that very few prosecutors rely on victim depositions in lieu of testimony. It is important to observe in these responses the persistence of practices that focus on victim's action and inaction as the impetus for legal decisions: almost half require that victims sign a complaint in order to file charges, and almost two thirds require victims to sign affidavits to confirm their interest in having charges withdrawn.

Two final dimensions of prosecutorial commitment to domestic cases are the use of specialized units or bureaus for handling these cases (sometimes grouped together with sexual

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[13] Overall, 43% of prosecutors were unaware of any victim advocacy services in their county, either for domestic violence victims specifically or all types of crime victims.

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assault cases) and the management of information generated from police reports and investigations. One in three prosecutors reports having a specialized unit for handling domestic cases; not surprisingly, this is most common in larger jurisdictions. Even less common, however, are institutionalized efforts to track domestic cases for purposes of this sort of specialized prosecution (29%), to inform charging in cases involving recidivists (36%), or to inform sentencing recommendations (31%).

Importantly, only one in four offices routinely receives copies of police reports on domestic incidents, and only slightly more than half of offices receive police reports when arrests are made in such cases. In a category of crime that entails high levels of recidivism and often escalating danger to victims, maintenance of records is a potentially valuable way of identifying high-risk offenders at an early stage in prosecution, at the point at which pretrial release decisions are made or later, when decisions about diversion or charge reduction take place. However, it is clear that prosecutors' management of information about misdemeanor cases varies broadly, and it is reasonable to predict that the way this sort of information is accessed and used has important implications for the outcomes of complaints.

Two examples illustrate this point. An assistant district attorney in a populous jurisdiction, addressing the issue of reluctant victims, noted that it was common practice to summon alleged offenders into the office even in the absence of victim complaints, to make a strong statement about the seriousness of prosecution, and to open a case file (or, in some cases, add to one) even without an arrest or signed complaint. These files were routinely consulted when new complaints and arrests were made, and formed the basis for prosecutors' charging decisions as well as recommendations regarding bail and sentencing. In a quite different

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jurisdiction, the deputy district attorney, while expressing strong concern about domestic

violence victims, nonetheless observed that all records for misdemeanor cases were located in an

inconvenient area of the courthouse, and were seldom if ever accessed by prosecutors as they

began new cases.

Table 2.5 also provides descriptive information about prosecution practices across diverse

jurisdictions.[14] One might expect that prosecutors in more urbanized jurisdictions are more likely

to adopt innovative strategies, in part because of economies of scale (for example, a staff and

caseload large enough to justify specialization), in part because of the availability of supportive

resources in the community (such as shelters and victim services), and in part because more

diverse urban environments are more likely to foster coordination with other change agents.

Rural jurisdictions, on the other hand, are often characterized as traditional, lacking not only the

resources and opportunities to adopt intervention strategies but also the interest in investing in

what may still be deemed by many residents as mere family problems. These data offers some

support for these predictions: prosecutors whose counties include at least one sizeable

community are somewhat more likely to take an active role in responding to victims' needs,

perhaps because those needs can be more readily met with community resources. However, they

do not differ from others in their responses to offenders, and there are only modest differences

among these three groups of counties in terms of expectations for victim involvement in

prosecution and willingness to go forward without victim participation. Not surprisingly, more

urban jurisdictions are more likely to have specialized bureaus and to make efforts to track

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[14] Rural counties were those with no communities of greater than 20,000 population; medium counties were those whose largest community had a population between 20,000 and 50,000; and urban counties were those with at least one community with a population in excess of 50,000.

information. Finally, more urbanized county prosecutors are twice as likely to participate on task forces than are rural district attorneys.

Table 2.6 reports the percentages of offices that engage in these practices, separated by the variable of task force participation. With only two exceptions (and uncommon ones, requiring victims to appear at arraignment and utilization of victim depositions in lieu of appearances) members of task forces engage in somewhat more progressive practices. Further, these patterns hold across types of activities that do and do not require resources; in general, task force participants not only are more likely to make referrals and track cases, but also are more likely to engage in a presumption of prosecution regardless of victim participation.

Finally, Table 2.7 reports the results of factor analysis of prosecutorial practices. The results (which must be interpreted cautiously given the small n) suggest that proactivity is not unidimensional. The analysis produced one strong and five weak factors; the strong first factor is strongly driven by variables indicating attentiveness to victim needs and safety.

The picture that emerges from this preliminary analysis of prosecutorial practices is similar in some ways to that which emerged from examination of police department practices. First, there are multiple dimensions to policies and procedures; for prosecutors, these dimensions include responsiveness to victims, treatment of suspects, expectations for victim participation in prosecution, specialization, and information utilization. Predictably, prosecutors vary considerably in their adoption of practices and procedures across these areas; somewhat more surprisingly, however, adoption of more progressive practices does not covary among these areas. While rural counties are less likely to engage in more progressive policies than are more urbanized jurisdictions, they are also less likely to participate in task forces aimed at prompting

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more progressive practices.

Summary and Discussion

This chapter examines the dimensionality of police and prosecutorial policy, as a first step in mapping the diversity of practices and protocols that characterize communities and their efforts to respond to domestic violence. Although the survey data are limited insofar as they constitute self-reports of practices, under state political conditions that highlighted the salience of domestic violence, they nonetheless constitute a rare statewide picture of local criminal justice policies. The significance of these analyses can be summarized in a few key points.

First, despite strong policy interest in arrest, and numerous reforms at the state and local level that move in the direction of less discretionary arrest policy, the mandatory or discretionary nature of the arrest decision is only one, and arguably not the most important, dimension of law enforcement practice in domestic cases. Interviews support the implications of the survey data, that definitions of the scope of "domestic" matters, directives about how to handle offender-absent incidents, and post-arrest decisions have the potential to greatly expand or contract police responsibility for these cases, and policies and practices reflect very different levels of investment across these dimensions. A parallel exists in prosecutorial policies that define in different terms the nature of domestic cases, as well as the expectations for victims' involvement and directives about how to handle cases with victims who prefer not to actively participate in the legal process.

Second, these dimensions appear to be empirically independent; strong arrest policies are not predictably accompanied by attentiveness to victim needs, and aggressive prosecution policies in individual cases is seemingly unrelated to systematic efforts to track recidivism for

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future prosecution purposes. Third, and importantly, the connections between official participation in local task forces and coalitions -- the most common model of coordination or at least the most visible and formalized one -- are tenuous at best among law enforcement agents, and these relationships are confounded by population size at the county level for prosecutors. In sum, what we can learn from these community-level data indicates that while elements of progressive policies are not uncommon, the sorts of comprehensive policy packages that are often recommended by advocates are not in place in most communities.

Informal interviews with officials across the state tended to confirm these findings: police and court officials frequently expressed commitment to one or two specific strategies, without expressing awareness or interest of companion strategies. For example, a deputy chief who was convinced of the wisdom of pursuing offenders who had fled the scene was reluctant to invest resources in post-arrest investigation or follow-up; seemingly he compartmentalized his responsibility for the case to the apprehension and arrest stage. On the other hand, officials were more likely to identify the problems that result from slippages across (rather than within) agencies, and often expressed the belief that fragmentation, lack of communication, and dissensus about appropriate and effective responses to domestic incidents across agencies accounts for many of the problems associated with processing these cases. Most commonly, law enforcement officials complained that prosecutors were unenthusiastic about carrying forward cases, especially without an actively involved victim, while prosecutors, for their part, pointed to the lax adjudication and sentencing practices of both rural justice and city judges, practices that made them reluctant to press such cases ahead. Some prosecutors claimed as well that law enforcement practices were remiss in collection of evidence and documentation, necessary to

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sustain charges in court. When asked about the efficacy of systematic attempts to bring these officials to agreement on practices and desired outcomes, interviewees expressed a range of views, from ignorance about task forces and coalitions operating in their own backyards to sophisticated understandings of the workings as well as the history of coordination efforts in their communities.

Cataloguing System and Community Variables

The next phase of the project involved building upon the survey results regarding police and prosecutorial practices, to develop a more comprehensive catalog of dimensions on which criminal justice and community responses to domestic violence vary. These dimensions were derived inductively, from open-ended survey responses and from interviews with community agents in the ten sites that were potential candidates for more intensive study. Some, and perhaps most, of them could have been catalogued by any practitioner or researcher knowledgeable about this topic, but they are discussed here in some detail for the following reasons.

First, practitioners sometimes perceive as a constant that which is really a variable; they assume that the ways things are done in their town are the way they are done everywhere. This parochialism often goes unnoticed by researchers, especially when they are studying single sites. Practitioners at the local level may justify or explain local customs in terms of local history: they do what they do because it has always been done that way, and presumably, someone had a good reason for establishing that practice in the past. Information about alternative practices in other communities is seldom discussed.

Second, although many policy discussions center on key points in the legal process, such as arrest, conviction, and sentencing, interviews revealed that low-visibility, interstitial practices,

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such as post-arrest bail-setting and the conventions adopted for filing warrants, varied at least as much. Interviews also suggested that, at the practitioner level, the work of coordination sometimes revolves more around these practices, which may significantly affect the way agencies exchange information, gather evidence, and respond to victims.

Third, although practitioners are keenly aware of the intangible obstacles to cooperation, researchers are seldom in a position to observe them as variables; for example, the character of relationships among agencies is probably critical to the collaborative products of those agencies, but there are few opportunities to document variation in those interorganizational relationships. This is true both among agencies in local criminal justice systems, and across agencies in different domains within communities. Single-site studies have occasionally identified specific experiences or individuals as explanations for the failure of initiatives (eg, Berk et al, 1982) but seldom get the opportunity to test the more general hypotheses that emerge from these observations.

Fourth, what practitioners describe to outsiders as "standard practice" or policy may in fact be routine only in a limited subset of cases: felonies, cases involving frequent recidivists, or cases involving particularly determined victims, for example. Cases that do not fit local actors' profile of "meritorious" or deserving victims, or particularly dangerous offenders, fall off their radar screen.

Finally, these variables are discussed in the context of their likely relationship to the outcome of safety and accountability nets. These relationships appear obvious in many instances, but are more subtle or uncertain in others.

Interviews were conducted over a period ranging from late 1994 (as the proposal for this

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study was being conceived) through 1998, when the last data were being coded from criminal court files for finally-disposed cases. Interviews were typically unstructured or semi-structured, were conducted with police chiefs, deputy chiefs, and supervisors (eg, special unit supervisors, sergeants); City Court judges (who, in all communities, presided over arraignments and virtually all dispositions of domestic cases); Family Court judges (who have shared jurisdiction in statutorily defined "family offense" cases if the victim prefers); prosecutors, including specialized d.v. prosecutors in one site; court clerks; and victim services staff.[15] In addition, this project benefited greatly from ongoing conversations with researchers and staff at the NYS Office for Prevention of Domestic Violence and the state's Division of Criminal Justice Services, who were simultaneously involved in the evaluation of the mandatory arrest provision of the 1994 reforms, and in regular communication with local officials from across the state.

Table 2.8 outlines attributes of criminal justice and other community agencies and agency relationships, as a guide for discussion of the variation across communities.

Criminal Justice Agencies' Policies and Practices

As discussed in the preceding paragraphs, police department policies vary across several key dimensions: the inclusiveness with which they define "domestic" cases for the purposes of applying arrest policies, the mandatory or discretionary nature of those policies, and expectations

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[15] Interviews were conducted by the P.I. and graduate students in the School of Criminal Justice, primarily Jennifer Wallis and Sarah McLean. Most interviews were conducted in person, although some were completed over the telephone. Interviews were not audiotaped, and all respondents were promised confidentiality. Cooperation with requests for interviews was excellent, perhaps because they were conducted informally and opportunistically, often when the researchers happened to be in the courthouse for data-coding purposes.

about what actions should be taken when offenders flee the scene before police arrive.

Departments vary as well in their rules about writing incident reports for domestic in some

departments officers are instructed to complete reports on all incidents, but in others reports are

written only when officers feel an offense has been committed, or when an arrest is indicated.

These practices have obvious and important implications for both victim safety and

offender accountability: when incidents are neither recorded nor investigated fully -- perhaps

because they fall outside narrow definitions of "family" or do not provide compelling physical

evidence of violence -- victims may lose faith in the legal, and offenders are likely to conclude

that in the eyes of the law, their behavior was not a crime. In addition, when officers do not

document incidents, or document them incompletely, no legal trace is left of the call or the

incident for future reference by authorities. In one jurisdiction studied, a judge insisted that he

very rarely saw repeat offenders, and that almost all domestic cases involved first offenders; it

turned out that from the perspective of the bench that was correct, since police in that community

only arrested offenders who had committed violent acts that resulted in injuries and medical

treatment, leaving lesser offenses undocumented and unprocessed.

The content of arrest policies themselves varies as well. Departments vary in whether,

and how, they dealt with cross-complaints, and whether they have attempted to craft policies that

directed officers to identify "primary aggressors" in these situations. In some jurisdictions,

police authorities expressed the opinion that so many cases involved "mutual combat" that

officers could not fairly be expected to determine who was most culpable; other departments

strongly discouraged officers from ever arresting two parties in a domestic case. Practices about

post-arrest treatment of suspects varies too: some departments utilize appearance tickets rather

than custodial arrest for domestic offenses. Among departments that transport suspects to the station for booking, there is great variation in booking procedures and post-arrest release practices. Some departments fingerprint when booking misdemeanor arrestees, but some delay fingerprinting until conviction -- by which time charges may have been reduced to non-printable violations.

When offenders are not present at the scene when police arrive, most departments do not believe that the "mandatory arrest" law is applicable, but nonetheless they adopt different policies: some require immediate follow-up, others activate warrants or summonses (depending on what the local courts deem appropriate); while still others leave the decision to activate the legal system in the hands of victims, who must choose whether or not to "go downtown" to file a complaint in the morning. Again, choices among these seemingly minor practices may have significant implications for victims' immediate safety and their estimates of the likely helpfulness of the legal system; likewise, offenders may estimate the repercussions of their own behavior based on these immediate responses.

The initiation of prosecution in arrest cases varies across communities: booking and arraignment may be conducted informally --- sometimes, in rural areas, in a magistrate's living room; or alternatively, this phase of the case may involve fingerprinting, temporary detention, and a formal court appearance attended by prosecutor and public defender. Prosecutors may draw directly upon police reports for charges, or may modify charges downwards in anticipation of plea agreements or resistant judges. Court practices vary as well: when interviewed, most judges identified routine or standard practices regarding warrants, bail-setting, issuing orders of protection, conviction, disposition, and sentencing; and these practices differed across courts.

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Routine practices were frequently justified by judges' opinions about the dynamics of domestic violence, and characterizations of typical parties; in other words, it appears that judges' practices conform to their own attitudes and beliefs.

While officials in most communities rely on arrest warrants when suspects are not arrested, in a few places the courts do not issue warrants in misdemeanors, but instead rely on summonses. The distinction, while seemingly technical, is potentially significant. A warrant is served directly on the suspect and typically results in custody once he is apprehended (although the alacrity with which courts issue, and police execute, warrants varies greatly). A summons is mailed to the suspect's address (which may be the same as the victim's in domestic violence cases), and stipulates only that he must appear on a date, typically a few weeks later; no information is provided on the nature of the charge. Court reactions to no-shows range from dismissal, simple continuance, to the issuance of another summons, to issuance of a bench warrant.

Likewise orders of protection issued by criminal courts[16] are supposed to provide a measure of safety to victims, but practitioners recount many problems in issuing and enforcing orders: victims do not want them, victims place too much faith in them, offenders disregard them, and the terms and conditions attached to them must be tailored to individual circumstances, often complicated by child custody and visitation arrangements. Some police and

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[16] Most research on orders of protection has focused on civil court orders. While Family Courts are authorized to issue orders in some types of cases in New York, in the process of conducting this research there was very little evidence that criminal justice practitioners encountered, much less enforced, such orders very often. However, in all jurisdictions criminal court actors were quite aware of their own preorogatives in issuing criminal court orders, although they varied greatly in how frequently and enthusiastically they utilized this power.

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prosecutors expressed the view that the chief value of orders was that they sometimes provided unambiguous grounds for rearrest. Some judges interviewed indicated that they routinely issued protection orders, at least temporary ones; while other judges seldom used them because they saw them as unenforceable, unfair to defendants who had not yet been convicted of crimes, or incompatible with what they believed were victims' wishes.

Judges may hold up high standards for conviction, sometimes requiring physical evidence and victim testimony, particularly those judges who hold strong due process. Alternatively, some judges are reported to regularly rubber-stamp prosecutors' recommendations. While in some jurisdictions, guilty pleas are the modal disposition, in others cases are reportedly most typically ended in adjournment in contemplation of dismissal, which consists of a six- to twelve-month suspension of the case, during which time the defendant may be instructed to fulfill conditions (such as counseling or drug rehabilitation, or refrain from further violence, or honor the terms of an order of protection), under widely varying levels of supervision or oversight. By law, if a defendant's case is not reopened during the period of the adjournment, the case is closed and sealed, and all potentially public records (fingerprints, police reports, arraignment cards) are rendered inaccessible.[17]

Court sanctioning practices vary as well. Incarceration, time served, probation supervision, mandatory counseling (of many forms), community service, and fines are all utilized although the menu of choices that any particular court adopts varies. Judges most commonly

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[17] In practice, however, sealing a case may consist of nothing more formal than placing it into another file cabinet; the author learned that one City Court simply refiled all sealed cases alphabetically (rather than by docket number). In other words, actual case information is not necessarily unavailable to interested insiders in the courthouse.

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reported that they thought defendants in domestic violence incidents should receive counseling, although they differed greatly in their views about the efficacy of different treatments and interventions; judges interviewed for this project expressed the widest possible range of opinions on this matter, from feeling that marriage counseling should be mandated in all domestic violence cases, to the view that batterers' intervention should be reserved for first offenders while all others should be incarcerated.

Characteristics of Local Criminal Justice Systems

Beyond the practices and policies of specific criminal justice agencies, the criminal justice process has qualities that can be characterized and observed at the community level as well. One of the most important, but most difficult to measure, is its treatment of victims and complainants, and the consistency of the messages sent about their role in the legal process. What the criminal process teaches victims about their roles may make a significant difference, not just in case outcomes but in less easily measured (but perhaps more important) outcomes, such as victims' sense of efficacy, trust in the legal process, and ability to secure personal safety without making unacceptable compromises. This can begin as early as the initial encounter with police, certainly varies at the arrest stage, and becomes an even more complex matter in adjudication. Victims may be treated as if they were civil plaintiffs, and expected to act affirmatively in order to start and sustain prosecution; they may be treated as parties to the problem, now subject to authority figures who may criticize their behavior as well as that of their partners; they may be treated dispassionately, as witnesses to a crime. While it might appear that this is largely an area of prosecutorial discretion (and indeed, that may be the case in very

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urbanized, bureaucratized courts), judges and court clerks played at least as important a role in defining victims' place and responsibilities.

Police, prosecutors, and courts are frequently encouraged to invest resources in two elements of a coordinated strategy: (1) improving case tracking and information collection, especially important given the high reoffending rate in these cases; and (2) providing a victim advocate in the courthouse. In theory, both might be relatively low-cost innovations, requiring modification of routines in the first instance, and accommodation of victim services staff (including volunteers) in the second. Receptivity to both ideas varies, however, since they require changes in routines, and access to agency and court records and space by "outsiders". Both ideas potentially provide greater information exchange (about the case, about victim needs and vulnerability, and the legal system itself); both potentially provide more sustained victim involvement in the case, as well as increasing the probability that the system will leave an accessible and factually accurate record of the offender's behavior.

In addition, communities vary in the norms of case processing — whether proceedings tend to be adversarial, or consensual, or characterized by case-by-case negotiation; and also whether they are characterized by predictable lengthy delays. Where procedures take on an adversarial tone – where defense motions to dismiss are routine, where defense lawyers' clients are advised to file cross-complaints, and the like – judges may impose higher standards for proof for conviction or any other disposition that involves sanctions or supervision; the defense bar may discourage the use of long-term counseling as a condition, or resist permanent protection orders. Where case processing norms are tolerant of lengthy delays between steps – between the issuing and execution of a warrant, or between arraignment and disposition – defendants may

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benefit.

Victim services: policies and practices

This project was focused primarily on the "criminal justice side" of community coordination. However, social services agencies, particularly domestic violence programs, most typically initiate coordination strategies. Agencies and programs vary in their missions and scope of responsibility. A general victims' services agency, or a broad community agency (such as Catholic Charities or the YWCA) that has initiated services for a particular clientele may have a strong resource base, but must balance its investment in domestic violence issues with competing demands; such agencies might be more politically sensitive when conflicts with criminal justice agencies develop. An independent and exclusively-focused domestic violence program, on the other hand, while likely to be a small and low-budget operation (with few resources to spare, heavy reliance on volunteers) may pursue a more aggressive agenda for local change. While many programs serving victims run shelters and safe houses, the mix of other services for non-residents varies. Likewise, domestic violence programs may initiate or oversee batterers' intervention programs, which may exist alone, or side-by-side, or even in competition with other community agencies that receive social services and court referrals for violent men.

Interagency relationships: coordination across domains

The character and quality of relationships between these agencies and criminal justice practitioners may significantly affect the success of any efforts toward more coordinated responses. Coordination efforts may take the form of task forces or coordinating councils, or

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may be based on unilateral relationships among agency leaders or activists; more rarely, a central non-profit agency coordinates, oversees, trouble-shoots, and assesses the activities of these groups (the Duluth model). Leadership of the initiative, whatever form it takes, historically has come from the victim advocacy organizations, although this may be changing as criminal justice agencies seek to take advantage of federal and state resources dedicated to violence against women, including domestic violence. The relationships of staff across these organizations may be close and informal, or more distant. Distrust and adversariness characterizes some coordination efforts (which would seem to make them destined to fail), but even when relationships are cordial and constructive they may not be symmetrical. When they are asymmetrical, it seems likely that power rests in one of the criminal justice agents' hands.

The style of information exchange and communication, as well as the character of collective products, also characterize variation in interorganizational relationships. Communication may be informal and frequent, or may take place almost exclusively in scheduled meetings; work may be accomplished largely through a handful of active individuals, or through committees. Likewise, outcomes of the collaborative process may be formalized into written protocols, or may be quietly-adopted policies and practices that are unnoticed by outsiders.

Importantly, the official mission of any structured coordination effort might include problem assessment — a typical initial activity — but might also extend to policy planning and recommendations, policy development and implementation (which requires more energy, lobbying, and cooperation). Coordination initiatives may actively seek outside resources (grants, contributions, personnel), and some may have been invented solely to create eligibility for such

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resources. Coordination efforts sometimes include the task of problem solving in specific cases, usually those involving high reoffending rates.

Participants in coordination efforts do not necessarily hold the same objectives or priorities, although that may not always be an impediment to changes in local practices. This is in part because practitioners' decisions to participate vary — they may be protecting agency interests, attempting to appear "politically correct," or interested in funding prospects. Practitioners may simply define the nature of the problem in different ways, and may assess the feasibility or value of particular interventions differently. Real differences of opinion on these matters may confine the scope of changes.

Aside from the interorganizational characteristics that constitute coordination — structure, communication, the balance of contributions and power among participants, task orientation, and priorities — another component of community coordination is the exchange and rate of referrals across criminal justice and domestic violence agencies. More tightly coordinated settings are those in which police officers, prosecutors, judges, and victim advocates frequently send clients to each other: officers are quick to recommend and transport victims to shelters, advocates encourage victims to learn more about and perhaps seek orders of protection, prosecutors recommend strong protections for victims built into dispositions, and judges send offenders to domestic violence counseling programs. Hence coordination exists not just at the level of planning and policy — at the level of leadership — but also at the level of practice.

The role of "community" in community coordination

Finally, community initiatives vary in their connection to their own communities. The

term "community" is frequently used to describe any enterprise that involves agencies outside criminal justice, but the more important distinction is between initiatives that are focused predominantly on victims and offenders who come to officials' attention, typically under crisis conditions, and those that reach out into the community for participation, legitimacy, resources, and change through education and prevention efforts. Task forces themselves often exclude members of the defense bar, for example; but others seek the involvement of lawyers, clergy, and educators. More diverse and inclusive initiatives welcome spokespeople for gay and lesbian organizations, and they might also acknowledge the benefits of ethnically diverse membership. Outreach, especially in the form of prevention and education efforts (in schools, churches, and public health settings) and in the form of identifying unknown victims and offenders (for example, in probation caseloads, women's health centers, and universities) requires levels of resources and legitimacy that are difficult to achieve. Those that succeed in these efforts may do so only by establishing ties to local media, political leaders, and even local businesses that support their efforts.

Summary

The purpose of this chapter was to examine the ways in which community responses to domestic violence vary, focusing particularly on criminal justice agencies' contributions to those responses. The first part of this chapter presented data from surveys of law enforcement and prosecutors across New York state, conducted at the outset of the study. Those data suggest that police departments and prosecutors' offices vary on a number of dimensions, but that there is not single dimension of progressive policy adoption that characterizes either sort of agency. The

second part of this chapter draws upon interviews in several jurisdictions, conducted during the early phase of this project, to report additional dimensions on which local practice and policy vary, and to outline dimensions that contribute to the characterization of local responses as coordinated or fragmented.

The following chapter reports the results of a qualitative study of five communities, selected on the basis of a parsimonious and pragmatic subset of these criteria, but analyzed in depth on all of them. The findings of the survey research results reported here highlight the importance of reporting on this extensive set of dimensions, inasmuch as neither the surveys nor previous research has provided sufficient guidance in identifying elements of policy or practice that are associated with effective responses, or community-level outcome variables.

Chapter 3

Toward a Characterization of Five Communities[18]

Introduction

The preceding chapter provided some exploratory information on the state of local

criminal justice policies about domestic violence. The most important observation to come out

of these analyses is that, despite the fact that coordination is frequently conceptualized as an

aggregation of progressive policies, aimed at both holding offenders accountable and maximizing

victim safety, in reality police departments and prosecutors report having policies and practices

that are a mix of recommended ideas. Perhaps equally importantly, the degree to which these

criminal justice agents adopt recommended practices is seemingly unrelated to community size

or urbanization, and is also unrelated to police and prosecutor participation in local task forces or

coalitions -- the most common structure around which coordination efforts are organized.

Finally, it appears that the high level of interest and concern devoted to reforming arrest policies

may have diverted attention away from other significant, but low-visibility, police and

prosecutorial practices that vary greatly from place to place.

These observations are drawn from surveys and interviews conducted during a discrete

time period, and therefore should not be interpreted to mean that task forces and other

coordinating mechanisms do not facilitate policy development over time. Longitudinal studies

are needed to document the emergence, routinization, and success of different varieties of

coordination approaches. However, these findings do suggest the possibility that at the local

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[18]This chapter benefited from the research contributions of Kim Nawyn, who contributed to
the sections on demographic and crime profiles of the sites.

level, comprehensive models or templates for community coordination may be of limited use to practitioners, who are more attuned to preserving interagency relationships, making incremental changes, and assessing the costs of even small alterations in existing practices and protocols. Comprehensive reforms are not common. Yet, because researchers and practitioners have tended to focus on "success stories" and on describing the conditions that appeared to foster success, we have little knowledge, and few hypotheses, about the more general conditions that generate coordination efforts, much less the relationship between those conditions, the resulting structure and policies, and achievement of desired outcomes for victims and offenders.

The work reported in this chapter includes (1) identification of an economical set of dimensions on which to base site selection, (2) description of the five communities selected for the study, and (3) detailed profiles of the qualitative information gathered about each community's domestic violence response. These profiles are based on observation and interviews with actors in multiple domains in each site, conducted throughout the course of the study period.

Key Dimensions

The preceding chapter described dimensions of variation that characterize communities' responses to domestic violence, toward the objective of constructing a more economical set of criteria, or yardsticks, by which a preliminary assessment of coordination approaches could be attempted. The premise that underlies this inquiry is that the quality of community coordination is best measured by the strength, density, and comprehensiveness of nets that provide victim access, safety, information, and resources, as well as nets that reliably apprehend and control

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offenders. The next step in the research was to identify sites that, on the basis of survey information and preliminary inquiry, illustrated variation on key elements of such social and legal nets.

The information available for making these selections included the surveys reported in the previous chapter, supplemented by surveys of task forces and domestic violence programs, and telephone interviews with local officials and domestic violence program staff. Selection criteria were adopted on practical, policy-relevant, and theoretically significant grounds. Some of the dimensions uncovered in the preliminary research simply could not be assessed across potential sites prior to site selection; for example, very little information was available regarding court dispositions of these predominantly misdemeanor cases. Some dimensions appeared, on the surface, to be constants rather than variables; for example, preliminary research suggested that almost all jurisdictions claimed to adopt a broad definition of "domestic violence" (although subsequent research revealed more selective definitions were used in practice).

Table 3.1 summarizes the dimensions that were used for initial site selection. First among these was the nature of police department policy, including but not limited to arrest. Departments that had adopted strong pro-arrest or mandatory arrest policies, that mandated report writing in all domestic incidents regardless of arrest, that had made provisions for pursuing off-scene suspects, and that followed arrest with thorough booking and bail procedures were considered high on this dimension. The second dimension reflects dedication of resources by criminal justice agencies in domestic violence case processing: retention of victim advocates, specialized practitioner training, dedicated units or officers, and development and maintenance of case tracking processes. A third dimension is the strength and stability of community domestic

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violence programs. The remaining three dimensions gauge the character of relationships across communities. First, communities varied in the degree to which they had adopted formal and comprehensive protocols for domestic violence responses; some communities had adopted nearly contractual agreements across agencies, coordinated through a task force or council, that were designed to keep all parties accountable. Second, communities varied in the inclusiveness of criminal justice participation in coordinated response planning and efforts. Finally, community responses varied in their efforts to engage and address community prevention and education efforts; some communities' energies were almost completely directed toward improving responses to cases that came to the attention of criminal justice and victim services agencies, while others adopted a more proactive approach.

The common requirement for all five sites was the existence of a task force with some criminal justice representation. Beyond this, based on preliminary information sites were identified that varied from rating high on most dimensions, to quite low. Lakeport, Stocktown, and Morton represent communities that had adopted strong arrest policies. Among these, Morton evidenced a strong domestic violence program, an inclusive and well-established task force, and a visible commitment by criminal justice agencies to specialized treatment of domestic violence incidents; further, the domestic violence program played a visible role in the community. Lakeport was characterized by a seemingly broadly inclusive, active, and productive task force, with unusually high levels of participation in collaborative policy setting – but a more modest level of resources invested both in domestic violence programming by the community, and in specialized responses to domestic violence within criminal justice agencies. Stocktown resembled Lakeport, with two important differences: the task force operated on a more informal,

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and less inclusive, basis – significantly, judges in Stocktown kept some distance between the courts and domestic violence innovations. The two remaining sites were selected from among the many communities that reported more traditional police arrest practices, but for the purposes of studying community responses they are distinctive in important ways. In Helena, the domestic violence task force engages the prosecutor, but little else in the criminal justice system; however, the local domestic violence program is independent, resourceful, and highly involved in community work, and its leadership is outspoken. Carthage evidences little development of formal policies, domestic violence program activities, and criminal justice innovations; but it is unusual insofar as its task force is very inclusive, meets often, and has full participation by local judges.

As the table indicates, while the first three sites clearly are more invested in a coordinated response, at least as measured by these limited criteria, they vary amongst themselves. Moreover, the two communities that evidence less progress toward creating legal and social nets of safety, services, and accountability are different on two very important variables: criminal justice representation in the task force, and the viability of the local domestic violence program. The following sections provide demographic and economic descriptions of these communities, followed by the results of the field research that explored in more detail the location of these sites on the broader set of dimensions of coordination, and discussion of what was learned about the political and social conditions that account for the state of coordinated responses in each community.

Characteristics of the Study Sites: A Closer Look

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The five sites examined in this research were upstate cities, not part of or immediately adjacent to the New York City metropolitan area. They are typical communities of typical sizes, with populations ranging from about 20,000 to 150,000. Outside New York City, New York state has a predominantly white population, and that homogeneity is reflected in most of these communities.[19] The following sections profile the demographic characteristics of each community (see Table 3.2), followed by a more detailed report of the community response to domestic violence as it existed during the study period.

Demographic Profiles

Lakeport is the smallest of the three sites, with an estimated 1996 population of slightly less than 25,000. Lakeport is a free-standing city, and the county seat, but many residents work in a larger metropolitan area located about twenty miles away. Lakeport is the least racially diverse and the most affluent of the five sites. Over 90% of the residents are white; 98% of the residents are native to the United States. Both the median household income and the median family income, each over $32,000 per year, are markedly higher than incomes in each of the other sites. Lakeport has the lowest percentage of households on public assistance. The unemployment for male residents over 16 years of age is comparable with the other sites at 6%.

Stocktown is a small city, with a population of about 60,000. It is the county seat and encompasses much of the county's population. Although the region in which Stocktown is located houses a number of state and local government agencies as well as numerous colleges

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[19] Much of New York state is rural, including the extensive, multi-county Adirondack Park; some of these counties have no communities larger than villages, and rely almost exclusively on county sheriffs, state police, and lay magistrates to process criminal justice matters. New York has several Native American reservations, which were not included in this study.

and universities, the city's economic history is largely industrial. In the past few years the city has gone through an economic decline due to the relocation of a major industry. Currently, the city is working to rebuilt the economy and revitalize the downtown area. The population in Stocktown is predominantly white. The median household income is lower than that found in Lakeport, but higher than the other communities.

Morton is the most populous city in this study with over 150,000 residents. It is by far the largest community and the county seat in its county, although it is surrounded by old and well-established, as well as newly developed, suburban villages, to which it has lost a significant percentage of its population (5%) in the first half of the 1990s. The economic history of the city is diverse, but predominantly blue-collar and industrial. Morton is working hard to create new jobs and attract commercial businesses to the downtown area in an attempt to revitalize the economy. Morton has also implemented a number of programs to take a stand against violence in the schools and on the streets of the city. With a 25% minority (20% African American) population, Morton is the most racially diverse site. The median household income and the median family income are at the lower end of the spectrum. Nearly 15% of the households in Morton receive public assistance.

Helena is a small city with a population of about 50,000. It too is a county seat, in a small rural county that is rapidly becoming suburbanized, although the city's population has been comparatively stable during this decade. Helena is similar to Stocktown in terms of income statistics. However, at 10%, the percentage of households on public assistance is slightly lower than that in Stocktown. Only Lakeport has a lower percentage of people on public assistance. Unemployment for males over the age of sixteen in the labor force is on par with that of most of

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the other sites.

Carthage is a small city with a population of about 60,000; it lost over 10% of its

population during the first half of the 1990s. Carthage is not the county seat, but it is

demographically very similar to that community. Significantly, therefore, it is the only site that

is not home to the District Attorney's main office or the Family Court judges. Carthage is the

most economically depressed of the five sites. The median household income (below $20,000)

and the median family income are markedly lower than that found in Lakeport, Stocktown,

Morton, and Helena. More households receive public assistance and unemployment of males

over 16 years of age in the labor force is higher than in the other areas. This site contains the

lowest percentage of people with reports of at least some college education. While Carthage has

a colorful and lively history as a center of vice and crime during the early part of this century,

there is little evidence of that now, and the city has suffered from a significant decline in its

downtown area, public housing units, and industry.

Crime Profiles

Table 3.2 also presents crime profile information for the five communities. The overall

index crime rates for these communities are generally consistent with what one might project

from demographic data. Although the smallest and most affluent city, Lakeport, reports the

highest crime rates -- a seeming anomaly -- otherwise, Morton, the largest city, has the highest

rate and also the highest violent crime rate, followed by Helena and Stocktown (two cities that

are demographically quite similar). Carthage appears to have the lowest crime rates, somewhat

at odds with its high poverty and low education rates. It is not clear how useful these data are in

capturing actual crime patterns, however. Carthage has a slightly older population than some of

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the other communities, which contributes to low income rates but might also account for lower crime rates.

Based on interviewing and observations in these communities, however, it appears that a more plausible explanation for this seeming variation is police reporting and data collection practices. Morton -- and more importantly, Lakeport -- have invested heavily in computer equipment and technology training, which may result in more complete recording and reporting to UCR. The other communities, especially Carthage, have very limited data collection and computerization capacity, and few personnel trained to maintain or analyze data, as well as seemingly casual approaches to booking, fingerprinting, and reporting cases to the state's Division of Criminal Justice Services.

Interestingly, criminal justice agents in all communities except Morton seemed convinced that their towns suffered from serious and growing crime problems, mostly generated by "outsiders," who were often characterized as New York City drug dealers. Morton respondents, on the other hand, seemed satisfied with their long-standing reputation for having a low crime rate for a city of its size. Stocktown and Morton have significantly better-staffed police departments as measured by the ratio of personnel to population.

Summary

These five sites were selected because they represented diverse adaptations to state and national trends toward criminalizing domestic violence, and all exhibit some level of interest in coordinating responses to domestic violence among criminal justice and social services agencies. Demographically, they are more similar than different, although they represent a range of population sizes. There is little about their historical, economic, or social characteristics to

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suggest different community orientations to a problem like domestic violence, yet preliminary surveys and interviews indicated divergent responses both within the criminal justice system, and across agency domains within communities. Three sites had police departments that had adopted policies and practices aimed at aggressive enforcement; one of these had the resources to create dedicated domestic violence units, reportedly had a task force that involved not only all criminal justice sectors but also many other groups in the community. The two smaller communities had, respectively, fewer resources but more visible and broad-based collaborative agreements, and more limited participation by a key set of actors, local criminal court judges. The two communities characterized by less aggressive police policies were distinctive in their own right; one of them had a high and inclusive level of task force participation and activity, while the other had a highly visible, successful, community-based domestic violence program.

Community Responses to Domestic Violence:

Findings from Qualitative Research in the Study Sites

The remainder of this chapter summarizes the comparisons and conclusions drawn from interviews, observations, and attendance at task force and committee meetings over the approximately two years of the project's information-collection run. That information was supplemented when possible with newpaper reports on domestic violence or responses to it, newsletters distributed by domestic violence programs, and internal police department reports. Tables 3.3 through 3.7 summarize these observations for each site. They are reported in more detail below, organized around several broad themes:

- Typical case processing: all respondents were asked to explain how a typical case

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would be processed, from 911 call to final disposition and sentencing (if any).

- The role of victims in the criminal process

- Local actors' perspectives on the nature and appropriate prioritization of domestic violence

- Participants' views on the challenges and problems they had confronted in responding to domestic violence – including both responses to cases, and experiences in working collaboratively with agents in other domains.

Community Responses to Domestic Violence:

Findings from Qualitative Study

Lakeport[20]

The Lakeport Domestic Violence Task Force was initiated in 1993, and in a short time successfully constructed a comprehensive protocol document that they have disseminated widely; their products have been considered exemplary by the state's Office for Prevention of Domestic Violence. The task force adopted a broad definition of family violence, so the protocol as it applies to all agencies includes all forms of partner violence as well as violence among

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[20] Officials interviewed in Lakeport included the Criminal Court clerk, the city's police chief, the Assistant District Attorney assigned to City Court, and a public defender assigned to the Lakeport City Court, the director of victim services at the local YWCA, which ran the domestic violence program, and an advocate who conducted training sessions with the local police department; as well as telephone interviews with the Director of Probation for the county, the City Court judge who handled criminal cases at the time, and a Family Court judge who did most of her business in the city.

people in other family or household relationships.

The first major change involved, not surprisingly, revising the arrest policy, at the initiative of the District Attorney but with the cooperation of the police chief. Police officers are encouraged to adopt a legalistic style on domestic violence calls, and are sensitive to the possibilities of lawsuits if they do not. The department's arrest policy predated the legislative reforms, and was more comprehensive; therefore it was not affected by these legal changes. The chief adopts a "visible bruising or injury" standard for mandating arrest. While officers are encouraged to identify "primary aggressors" when there are cross-complaints, the chief believes that officers are uneasy with this responsibility and would be more comfortable making dual arrests. Arrested suspects are detained overnight, and weekends, pending arraignment. Suspects who flee the scene present problems for the police -- when there is sufficient evidence for a misdemeanor charge and the victim has signed a complaint, the officers arrest suspects if they are found. If they are not found, however, and a misdemeanor charge is pending, the officer takes the case to the court clerk to seek a warrant.

Police officers are trained to look for sufficient evidence to support a misdemeanor charge, against the risk that the victim will later become reluctant to testify, so they try to secure written statements at the scene, look for property damage, take note of the possible use of household objects as weapons, and take photos of injuries and damage at the scene. The policy directs them to charge high, and take every opportunity to build a case that is not dependent on the victim's later participation. Cases are routinely booked, including photographs and fingerprinting for misdemeanors. The chief exercises close supervision over the officers, requiring that reports be filed on all domestic incident calls and reviewing many of those reports

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himself (all are reviewed by a lieutenant or sergeant). The reports pass through many hands in this jurisdiction: beyond the police station, they are also disseminated to the court clerk and the District Attorney.

There is dissensus over the issue of pretrial detention: the District Attorney's office opposes the use of release on recognizance for misdemeanor cases, but is frequently not present at arraignment, where the judge typically releases defendants who commit to beginning counseling. Defense lawyers encourage clients to contact counseling agencies very quickly, to improve their standing with the local judge at all points in the process. However, few cases are dismissed at early stages. Orders of protection are routinely issued by the judge at this point.

Most respondents seemed in agreement that while the victim's active participation certainly helped make a case, prosecutors do not rely on it to pursue legal action. The prosecutor's "no drop" policy was not enforced to the point of subpoenaing victims. Neither are victims coaxed or pressured into testifying or appearing; it appears that they have relatively limited contact with criminal justice actors.

Cases are typically settled by guilty plea, according to all interviewees, and a significant minority of cases are adjourned in contemplation of dismissal (ACD). However, despite this seemingly common acquiescence to guilt, proceedings can be implicitly adversarial. The public defender's office is quite critical of the judge's reliance on counseling and the district attorneys' tough charging stance, and they see the court as overly responsive to the DA; they are also aware of (and take advantage of) long delays as clients seek to begin counseling programs with waitlists. The DA's concern with physical evidence is reasonable in light of the defense bar's frequently expressed willingness to take cases to jury trials. The DA's policy is to accept pleas

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to reduced charges for first offenders and for repeat offenders, but to stick to higher charges if the evidence and the victim's testimony seem likely to support them. With most plea agreements come conditions, often counseling programs including (but not limited to) the local batterers' intervention program. Offenders' compliance is monitored by the court (through required reappearances, sometimes through probation).

The domestic violence program is part of the city's YWCA, which runs a variety of other social and community programs as well. The program is dedicated to domestic violence (rather than including other forms of violence, such as sexual assault), and serves women in the villages and rural areas surrounding Lakeport. The program is not large -- three staff members at the Y itself, others at the shelter -- but the director has been involved in the program since before the task force was organized. The program provides a typical array of services for victims, mostly social services. Its identity appears to be strongly linked to the Y's standing in the community.

All parties interviewed were quick to point out that Lakeport has created and formalized a coordinated community response protocol in remarkably short order, with a high level of participation from many sectors. The task force, initiated by the District Attorney, is inclusive; it appears that the District Attorney's office provides much of the initiative and leadership, with quite cooperative and supportive judges and police. At the time of the study, the role of the domestic violence program seemed supportive but not assertive; when interviewed, staff members were positive about the activity level in criminal justice sectors, but did not seem to feel that they had played a central role in developing the new policies and protocols. While several respondents characterized the state of the coordination effort as "exploratory", in reality the criminal justice agencies seemed to be well on their way to adopting formal policies, had

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already collaborated on some grant proposals, and were planning more. Indeed, the entire enterprise seemed characterized by an unusually high level of formality, in the form of written procedures and explicit statements about proper practice, somewhat surprising given the small-town setting.

Hence, there is a bit of a paradox in Lakeport: highly formalized procedures have been created in an setting that looked, on the surface, informal and neighborly. The police department and City Court are in the same building, only a block from the YWCA; the atmosphere in both places was friendly and open; the police chief is known to answer his own phone.[21] Because both the police department and the court have enthusiastically embraced computerization of records, retrieving information from either one is quite easy, and police officers freely wander in to check on the status of court cases. Beyond this, there seems to be a strong sense among all actors that full access to and exchange of information is important -- so, for example, the District Attorney requested, and got, judicial permission to have BIP and probation records of offender compliance sent directly to his office. In a similar vein, the police chief reported that routine in-service training by an advocate and an ADA had opened communication lines, so that police officers now routinely call the ADA directly for advice on new cases. More generally, with the exception of the public defender, all actors took pride in the community's innovation, and were optimistic about its future development.

There are some differences in opinion on court practices, especially practices of relying

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[21] So open, in fact, that when the PI and a team of graduate students arrived after a long drive from Albany for two days of data coding, the court clerk assisted her staff in clearing out offices for us to work in, including the judge's chambers, and made sure lunch was brought in for us; she also held an impromptu training session on the court's computer system.

on counseling programs and willingness to ACD offenders. The police chief was unhappy with the requirement that his department expunge records when an ACD is completed, feeling that officers and prosecutors should be able to find out how often a suspect has been involved in violent incidents in the past. Few seem to share the judge's optimism about counseling. Most importantly, perhaps, the domestic violence program's role seems limited, and this may account for the observation that the task force is more squarely focused on offender accountability than on victims' needs.

Stocktown[22]

Like Lakeport's, Stocktown's domestic violence initiative is of fairly recent vintage. It was initiated by the District Attorney, with the cooperation of the police department, but with more active involvement of victim advocates from the YWCA than was the case in Lakeport. Interviews revealed that respondents were positively oriented toward recent changes, but quite willing to acknowledge that the changes were fairly new, not yet routinized, and that there was work yet to be done.

Like Lakeport, the police department had a strong pro-arrest policy on the books well before the 1994 legislation (since 1988); they used the new legislation to refine their policy, but aimed to change as little as possible. Strongly motivated by liability concerns, police department administrators welcomed the new laws insofar as they reduced discretion and clarified police

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[22] Interviews in Stocktown include the police chief, the deputy chief (on several occasions), the special prosecutor assigned to domestic violence cases, a county court judge who handles criminal matters, and several staff members at the YWCA domestic violence program.

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responsibilities, even if that meant more work for officers (in fact, their main complaint about the legislation was that it left too many questions still unanswered). However, the police department and prosecutor defined domestic violence more broadly than the state's "family offense" categories in their own policies and agreements. Somewhat to their disappointment and chagrin, city court judges did not adopt the same view, and continued to apply some provisions of the new law exclusively to "family offense" relationship categories.

Consistent with this broad definition, police train and supervise officers to file detailed reports in all domestic incidents, regardless of whether or not they conclude that a crime has occurred or an arrest is in order. They are trained to identify primary aggressors in cross-complaint situations. However, seemingly in anticipation of stringent standards in the local court, officers feel obliged to exhaustively document details in support of misdemeanor and felony charges, and fully expect cases to be dismissed by judges if they fail to do so. It appeared from interviews that Stocktown police take domestic violence offenders quite seriously if they commit offenses deemed worthy of arrest: routine practice is to detain arrestees overnight, and to file the next morning for warrants in cases where offenders fled before police arrived. The police department also has adopted a priority policy for domestic violence warrants: once one is issued, it is assigned to the next available officer for execution. Overall, police policy is to charge high, collect the maximum amount of evidence, and alert victims to the dangers of not pursuing legal action, or remaining at home if the suspect is at large.

One of the challenged faced by Stocktown law enforcement is articulating statutory legal interpretations that serve both the interests of the domestic violence initiative, and the requirements of the courts. For example, police believe that they cannot fingerprint

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misdemeanor suspects unless the officer has signed the complaint (which, of course, requires that s/he witnessed the offense) -- an arguable legal position but one that is endorsed by some in that legal community. With the help of the District Attorney, the police department reached an agreement with the city court that applications for warrants for domestic violence incidents would receive top priority -- but judges then elected to prioritize only those that fit the narrow statutory "family offense" relationship and offense categories.

Tension between law enforcement and the courts is also manifested in pre-trial detention decisions. While the District Attorney opposes ROR for most domestic violence cases, police and prosecutors believe that judges more or less routinely grant it, or set bail at $500. Further, judges are reported to have high expectations for victim involvement in the process: victims are expected to appear at arraignment, or to apply for a warrant; further, they are required to appear before the court in order to be granted a temporary order of protection (although judges are reportedly quite willing to issue such orders to victims who make that appearance). While the police department strives to build cases that do not require the victim to participate or even sign the complaint, and the prosecutor pushes for investigations that produce enough evidence for conviction without need of the victim's testimony, defense attorneys are said to frequently move to dismiss the case at a very early stage, and judges interpret the law at that juncture as requiring that the complaining witness -- who, they believe, must have actually witnessed the crime -- appear to sustain the charges. It is an effective ploy to derail prosecutions, but one that requires a judge with fairly strong due process orientations. In Stocktown, prosecutors need victims to make cases, and find little support from judges when they cannot produce them.

Among police, prosecutors, and the local domestic violence program, however,

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relationships appear to be mutually supportive and constructive. As in Lakeport, the district attorney's office began ongoing training programs, and reportedly has developed such strong relationships with police that patrol officers do not hesitate to pick up the phone to ask for specific case advice. The police and victim advocates are quite open about previously negative, even hostile relationships, but both claim that they now work toward common goals. The police department has established an on-site victim advocacy office that draws upon the expertise and personnel of the domestic violence program; and victims are contacted a few days after the incident (at least in the case of serious assaults) in order to provide them with more information and another opportunity to contact an advocate, as well as to glean further evidence. The domestic violence program's staff report high levels of cooperation from both administrators and patrol officers; for example, a victim advocate noted that officers have been known to violate (with impunity) department policy about transporting non-suspect civilians in order to get victims to the shelter or another safe location. At the time of this study, the police department was considering a plan to assign victim advocates to accompany officers into the field and speak with victims in their homes, although concerns about liability, risk, and citizens' privacy remain unsettled.

Clearly, prosecutors are working in a fairly adversarial setting when processing misdemeanor cases. Standards for conviction (even for probable cause) are high: at least one judge was willing to claim that "serious injury" was necessary to support a misdmeanor conviction, and relied heavily on indicators such as provision of emergency medical services to entertain such claims. Defense lawyers are routinely appointed for defendants, even in violation-level cases; and as noted previously, they have developed some successful strategies for inducing

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dismissals. While clearly frustrated with victims who do not participate in cases, prosecutors and certainly police reserve much of their frustration for city court judges.

Despite their due process orientation, however (or perhaps because of it), judges are reputedly tough sentencers. Police and prosecutors feel that judges underutilize some counseling alternatives (reportedly because the BIP is run by the domestic violence program, and judges prefer that punishment not be administered by agencies with a stake in the outcomes of these cases and a strong view of the offender's failings). However, judges reportedly are not unwilling to send domestic violence misdemeanants to jail. Interestingly, this retributive outlook is not fully shared by law enforcement; police administrators expressed little faith in such sanctions, and more optimism about individual-level interventions.

The domestic violence program in Stocktown, as in Lakeport, is run out of the YWCA, in a tranquil, campus-like setting just a few blocks from the urban police station and city court building. However, the YWCA's domestic violence program is seemingly more extensive than that in Lakeport. Its staff includes victim advocates and administrators who have been working in that setting for a decade, and have good institutional memories. The program is seemingly adequately funded, provides a range of services for victims both within and outside the shelter, and hopes to expand its activities with more resources and criminal justice agencies' support.

The task force that binds these actors together is an informal one, but not a flimsy one. Active participants include police, prosecutor, probation department, family courts, and of course the domestic violence program advocates; city court judges do not play a visible role. While the district attorney seems to have taken the lead in crafting new policies, including establishing cross-agency training, getting support for a specialized prosecutor, and the like, it appears that

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criminal justice actors are attentive to the advocates' voice, and welcome their proposals.

Compared with Lakeport, prosecutors and police acknowledge an interdependency with victim

advocates, and perhaps as a result have made greater investments in projects aimed explicitly at

victim safety (such as a proposal to create a special response team that would include both an

advocate and an investigator, and participation in the AWARE electronic alarm system for

victims who are at very high risk).

Perhaps as a result of this interdependency, relationships among practitioners appear to be

informal, pragmatic, and project-focused. Like many communities, Stocktown is pursuing

federal grant money for domestic violence-related initiatives, and has been moderately

successful. Advocates expressed some concern that their organization's current viability might

be in jeopardy if violence against women fell off the national funding agenda. At the present,

however, it is clear that the police and prosecutor readily provide access to resources that

streamline advocates' work (such as a small office in the department, a spare computer); while

one program administrator chalked up such concessions to "personalities and networking," she

later explained that she believed police administrators really believed in a common cause, and

were working in good faith.

Significantly, all respondents interviewed concurred that the practical priorities of the

community should be balanced between offender accountability and victim safety, and were

candid about the tensions that these goals sometimes present in practice. Perhaps because they

see the court as a problem that they share, participants expressed little tension or dissatisfaction

with each other, and revealed little evidence of turf protection, competition, or ideologically-

based disagreements. It is likely that not all respondents shared a theory about the causes of

domestic violence; but they spoke with one voice in agreeing that it was the result of offender attitudes, behavior, or problems -- not rooted in victims' characters, or in relationships, nor in overarching patriarchal conditions in society.

Perhaps because it is relatively new, the task force's work remains largely focused on victims who come to the attention of criminal justice or social services agencies. While the domestic violence program gets referrals from many agencies outside criminal justice, staff indicated that most members of support groups and shelter residents had fairly extensive contacts with criminal justice. Criminal justice agents, especially police, complain that the prioritization of domestic violence cases (for investigations and warrants in particular) is time-consuming, albeit worthwhile; they feel that new policies, however valuable, stretch their resources quite thin. Therefore, task force members have little time or energy at this point for extending their mission further into the community. Perhaps because of the rather high levels of cooperation among them, participants have not sought media attention or community sponsorship for their activities.

Morton[23]

Morton is unique among these communities insofar as its domestic violence program initiated collaborative efforts with local law enforcement almost twenty years before this

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[23] Interviews were conducted with the police chief and deputy chief, DV Unit staff, the district attorney, the deputy DA in charge of domestic violence prosecutions, two intake prosecutors, a city court judge, and several staff members of the domestic violence program. These interviews were supplemented by both "ride-alongs" with police, as well as "follow-alongs" with the district attorney as well as the DV program staff.

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research began. The history of those collaborations it not one of swift (and swiftly successful) organization and success, but rather, one of patience, compromise, and cooperation.

Like the cities already discussed, well before the 1994 statutory reforms Morton's police department adopted a broad and inclusive definition of domestic violence; this definition was embraced by the District Attorney as well. Morton respondents seemed indifferent, almost defiantly so, of the legislature's decisions. Many of them were dismissive of the capital's symbolic politics and the lobbying stratagems of key agencies and interest groups involved in those reforms. In fact, one of the changes that cause the greatest controversy, and that generated the most discussion and concern among police in other sites, was the state's requirement that all police departments use a special domestic incident report form (the DIR) rather than the variety of forms already used; Morton police blithely bypassed this problem by simply refusing to use the new form at all.[24]

The Morton Police Department incorporated some other innovative law enforcement strategies by adopting mandatory arrest, as well as identification of primary aggressors, well before anyone suggested statutory requirements to that effect. The department has invested a great deal of effort in fine-tuning policy and practice: officers are trained to pursue offenders off-scene, take depositions from witnesses (including victims) on the scene to support warrant

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[24]Morton officers echoed the concerns of others across the state during the late 1990s: the new form did not include all the information that they felt was necessary to successfully present a case to a prosecutor, and filling out both the old and new forms was needlessly time-consuming. This concern was credible in Morton, insofar as project data collection revealed that officers frequently used supplemental report forms, completed witness depositions in the field, and made multiple copies of each report, clearly not minimizing their paperwork requirements for domestic incidents.

requests if necessary, and detain arrestees overnight. Arrestees are treated legalistically and bureaucratically, seemingly indistinguishably from other offenders in a busy, bureaucratized urban courthouse.

Considerable resources are invested in domestic violence cases by both police and prosecutors. A special unit was established in the police department, not long before this research was initiated; a special prosecutor is dedicated to these cases. A victim advocacy program is located in the police department, easily accessible by newcomers; further, follow-up investigators call victims a few days after incidents, and repeatedly provide information on domestic violence programs. There is not much perceived need for legal advocacy for victims, at least in criminal court; criminal justice officials, at least, seem to believe that their own actions are well designed to anticipate and serve victims' needs (although domestic violence program staff note that many of victims' legal concerns involve family court issues, outside the purely criminal process).

One of the most remarkable aspects of the coordinated response effort -- and one which cannot be fully credited to concern about domestic violence -- is the simple but important fact that police, prosecutors, and the City Court use a standard case-numbering system, based on the incident number assigned when police first respond to a call. This same number is the key for the prosecutors' filing system, and is linked as well as the court's docket system. The implications of this simple innovation are significant, which researchers would swiftly realize. Getting information about a case -- from the police file, or the prosecutor's file, or the court's warrant file, or even cross-referencing names in order to search for other incidents involving the same suspect -- is almost effortless. By way of contrast, in most other jurisdictions this would be

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a painstaking and, ultimately, frustrating and incomplete effort, stymied by inconsistency in recording, the necessity of finding each agency's identifying code, the frequent absence of files matching a specific number, and of course, lack of access to paper files stored in unlikely places all serve as deterrents to even trying. Research project staff, after experiencing the complex and confusing docket systems in other communities, frequently noted how difficult and uninviting this sort of information search would be to busy practitioners in the majority of our sites, and by comparison, how simple it was in Morton. We had no way of measuring how much this system contributed to fruitful information exchange, but the fact that the District Attorney had an "intake prosecutor" stationed near the main police department office, and that both offices, despite appearing busy and bureaucratic, were quite open to outsiders, suggested that a curious prosecutor or inquiring judge would have no difficulty getting access to full information about incidents and suspects.

Perhaps as a result of the long-term influence of the domestic violence program staff, Morton's offender-oriented approach -- mandatory arrest, no-drop policies, required report-writing, full case documentation -- appears tempered by protocols aimed at serving victims' needs. Victims are informed by the DV Unit when suspects are released on bail; victim advocates are routinely posted in the public safety building housing both police and the court. Orders of protection were reported to be routinely provided. At the time of the study, advocates were developing a computer program that would permit victims to directly contribute information (from the program's office) to the prosecutor's electronic records of the case; for example, victims could draft a brief explanation for their desire to see charges dropped, or not participate in prosecution. While the focus of criminal justice efforts remained squarely on

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offenders, few respondents would question the legitimacy or priority of victims' claims on the process.

Prosecutors reported that they seek convictions at the misdmeanor level, even in the absence of visible injuries; prosecutors stated that when police document property damage, threats, and especially violations of protective orders, they have a fair chance of securing conviction even without an involved victim/witness. However, prosecutors ran into controversy when seeking sentencing to the standard 26-week batterers' intervention program, since judges reportedly found this unduly burdensome for misdemeanor offenders and defense lawyers argued that it was excessive punishment.

A quick sketch of the Morton domestic violence program would reveal a long-standing organization that began as a Catholic charitable enterprise, but quickly became a more secular and independent advocacy organization. The program's staff includes some members who have been involved since its inception; the organization itself preserves and respects memories of its founder, after which it is named. The program is almost exclusively dedicated to domestic violence, but adopts a very broad perspective on what that might include. The organization is a community institution; a close look reveals careful use of resources, an extraordinarily committed staff (many of whom began as volunteers), and a reputation as an established, respected, and visible community agency.

Consistent with this image, the domestic violence program appears to be the soul of the community coalition. It is very broadly inclusive, openly values the participation of survivors but also reaches out to established community institutions (churches, businesses, the media) for support; it publishes a newsletter with a wide circulation, and actively solicits the involvement of

the gay and lesbian communities, as well as Hispanic and African-American organizations. In short, it is a community institution with broad-based participation that not only provides an array of services and support to victims, but also has become actively engaged in community education and prevention efforts.

The relationships among criminal justice and domestic violence program staff appear to be informal, practical, cordial, and task-oriented. Members of the coalition come are drawn from various levels in participating organizations; they convene frequently to talk through protocols or problems; and members include a representative from the public defender's office, as well as staff from alternative sentencing organizations. The domestic violence program cannot (and does not try to) unilaterally force decisions upon the group; instead, they appear to trade on their reliability, strong trust relationships with key personnel throughout criminal justice, and perseverance to achieve change. There is little doubt in anyone's mind, however, that they are one of the key catalysts for change.

The coalition is mature enough, and large enough, to have established committees for doing some work, but one gets the sense that the D.V. program staff are constantly aware of proposals, changes, and problems, while criminal justice participants are (not surprisingly) more reactive. Policy changes, other than the police department's arrest policy, tend to remain informal and unwritten, and prosecutors as well as d.v. program staff are quick to warn outsiders of the risks of formal and written policies in an adversarial legal atmosphere. Communication is informal, and takes place largely at the mid-level administrative level; one advocate candidly observed that it was the coalition's receptivity to "outsiders" (including researchers) that defused many potential problems, adding that the coalition members who did most of the work all had

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each other's home phone numbers.

The coalitions' task orientation is diverse, and broad. Aside from policy development, community outreach, a growing interest in individual-level casework (targeting high-recidivism households for special attention and problem-solving), the coalition has been active in seeking external funding to support existing projects (and new innovations). While all sites in this study were surprisingly open to researchers, Morton was the only one in which both the criminal justice and victim advocacy practitioners enthusiastically welcomed the idea of research, evaluation, and self-study.

It would appear that the coalition itself is built upon a foundation of good will and cooperation, a foundation that predates most criminal justice practitioners now involved in its efforts. While the police department and prosecutor maintain fairly conventional objectives -- managing the incidence of cases, getting offenders out of homes --- their efforts are influenced by the broader concerns of the domestic violence agency. That agency seems to have the experience and perspective that permit taking a long view of the problem, and the investments necessary for solutions.

Helena[25]

Helena differs from the other four sites insofar as the police department has never played

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[25] In Helena, interviewees included the police chief, the police commissioner, the sergeant responsible for reviewing incident reports, the city court judge who handles all criminal cases, the city court clerk, the domestic violence liaison stationed in the district attorney's office, the Family Court judge, a staff member in the Probation Department; and telephone interviews with the District Attorney.

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a role in local coordination efforts undertaken by the prosecutor and victim advocates.[26] Further, although the department's formal written policies do not look much different from those of many other departments, their interpretation and practice is described quite differently by those who administer them. In interviews with police department leaders, it became clear that they held traditional viewpoints about domestic violence as a criminal justice priority, about the merits of legislative reform efforts, and about the accountability of officers to victims or others in the criminal process. For example, like Morton, Helena resisted the imposition of new standardized domestic incident reports, but adapted to the change not by ignoring them, but by completing them as well as the standard incident reports. However, this increase in paperwork reportedly was the source of much complaint among officers, who were reluctant to complete written reports for domestic cases in any incident that did not result in an arrest.

Police officers were reported to hold to a high standard -- the presence of visible injuries -- for the purposes of arrest on misdemeanor charges; one respondent indicated that weapons as well as injuries were required to support an off-scene arrest warrant. Police interviewees, as well as the criminal court judge, strongly opposed "primary aggressor" provisions, and instructed officers to arrest both parties in cases of cross-complaints. They pointed to resource limitations, frequently backed-up calls, and frivolous complaints as explanations for these limited responses. Virtually all suspects were released on desk-bail (about $200) following arrest; the chief and commissioner maintained that it is unfair to hold defendants overnight pending arraignment in

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[26] The commissioner and police chief are both members of a Mayor's Task Force that addresses family violence, but neither reported much activity within this group, and it is not inclusive of most of the other key actors.

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these cases. Several police officials indicated that when it was not clear that a suspect would be able to raise bail immediately, he was transported to a rural magistrate in the outskirts of the county, who was willing to summarily arraign him on the spot, therefore justifying release on recognizance.

Prosecutors reportedly file the charges police recommend, and the city judge typically arraigns on those charges. Interestingly, the judge prefers to set high bail at misdemeanor arraignments, but frequently releases on recognizance a few days later. The victim's role in this process is important: not only do police expect her to sign the incident report, but the judge is reluctant to convict without a complaining witness, despite the prosecutor's attempt to implement a no-drop policy. In fact, victims in Helena were described, by several interviewees, with open skepticism, even derision; domestic violence was characterized by some as a matter of personality conflict and victim provocation, and legal interventions (such as protection orders) were described as unfair weapons in the hands of manipulative women.

Perhaps because of this orientation, and police practices consistent with it, there is little information exchange among police, prosecutors, and the courts. The domestic violence liaison, who works out of the prosecutor's office, tracks arrests and repeat offenders, but there are few opportunities to make use of this information and police officials speculated that the purpose of this activity was to build evidence for future lawsuits against the department. Data are not recorded electronically in a way that facilitates retrieval or use, in either the police department or the court. Criminal justice practitioners appear to rely almost completely on paper copies and files, not all of which are readily accessible.

Likewise, there are few resources devoted to victim assistance; there are no specialized

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units or training, and the police department is disinclined to pursue such options, or to pursue grant partnerships. Victim advocates, stationed at the prosecutor's office, correspond by letter with victims in arrest cases. The local domestic violence program appears to be more integrally involved with Family court, where advocates are routinely on hand to assist victims in seeking orders of protection (however, although no figures are available, several respondents believed that Family Court serves predominantly the non-city population, while most domestic violence cases that originate within Helena are processed through criminal court).

On the other hands, the criminal court judge routinely issued orders of protection in criminal court, even when victims do not request them or object to them. Although police are very skeptical of protection orders, especially those that do not mandate separate residences, the judge sees them as a minimal level of security for the victim.

Proceedings in misdemeanor prosecutions are sometimes adversarial. Most defendants have counsel, who advise against quick guilty pleas. Cases are often postponed several times, sometimes because victims do not appear; the judge explained that he takes advantage of this to encourage the defendant to go ahead, plead guilty to reduced charges, and end the case. Perhaps it is the court's tacit reluctance to convict at the misdemeanor level without victim participation that leads the judge to enthusiastically seek conviction on (or incarceration for) charges pending in other non-domestic cases, when the opportunity presents itself; court files frequently indicated that diverse incidents were combined into single cases, with an ultimate conviction for the non-domestic charge.

Interestingly, sometimes plea negotiations revolve around treatment programs. Although the probation department (which routinely makes both pre-trial release and sentencing

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recommendations in serious misdemeanor cases) frequently recommends counseling, as does the prosecutor, these recommendations tend to be non-specific, and the judge, while aware of the local BIP, seldom recommends it. Meanwhile, defense attorneys do not see much value in having their clients sent to counseling, and counsel them against agreeing to it in pretrial proceedings.

In this unsettled and somewhat contentious criminal justice context, the local domestic violence program operates as a well-established, quite visible, diverse, and well-staffed organization. It runs a number of programs for victims of family violence, embraces a broad definition of the term, has non-sectarian origins, and is politically active. It is quite similar in many respects to the domestic violence program in Morton, with one important exception: the Helena program is openly critical of the local criminal justice process, especially of the police, and relationships between those agencies are quite strained.

Therefore, it is hardly surprising that the police, as well as the criminal court, while aware of the domestic violence agency and of its ties to the district attorney's office, have little knowledge about its activities, nor much interest in them. The district attorney and domestic violence program coordinate strategy for some purposes, and are in agreement on priorities -- both place a strong emphasis on victim safety, and getting offenders into treatment while under supervision.

Further, communication and cooperation across these agencies seems unlikely given the current leadership of the police department and entrenched attitudes toward victims and advocates. It is clear that police leaders see domestic violence as an overly dramatized problem, and question the credibility of victims. The department is very concerned with liability and

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workload, but sees the domestic violence program as an antagonist on both issues.

As a result, despite the efforts of the District Attorney and domestic violence program, Helena is a long way from achieving a coordinated response. An energetic prosecutor's approach can make only limited headway with a suspicious police force and a judge who strives to handle domestic cases no differently from any other misdemeanors. Therefore, while the domestic violence program reaches out to the community, and is a recognized presence in the surrounding county, it has had a very limited impact on criminal case processing in the city itself.

Carthage[27]

Unlike Helena, Carthage has for several years had a task force that is exclusively devoted to domestic violence, and that has broad membership from both criminal justice and victim advocacy agencies. Like Helena, however, many key actors, including task force members, hold very traditional attitudes toward domestic violence victims and offenders. As a result, the community coordination effort is characterized by small forays into policy change, but is somewhat limited by the fact that the key actors with the greatest investment in the effort -- the district attorney's office and the victim services program -- are based in the county seat, about sixty miles away.

Unique among these communities, the Carthage Police Department holds to a narrow

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[27]Interviews were conducted in Carthage with a police captain who played an active role in the task force; several police officers including the sergeant who kept track of reports, files, and records; two of the three city court judges who rotated criminal court duty; the deputy district attorney responsible for felony domestic violence cases; the court clerk; the deputy court clerk; the director of the small forensic evaluation unit, to which judges sometimes referred defendants for assessment for counseling; and staff from the YWCA victim services program.

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definition of domestic violence for the purposes of interpreting the state's mandatory arrest law:

only cases that involve "family offense" relationships are subject to presumptive arrest. A high

standard for misdemeanor assault is also imposed: the victim must have suffered "visible

injuries". Incidents in which the suspect had fled the scene and that produced visible injuries

(and a victim who wanted arrest) typically ended in an application for a summons, not a warrant;

summonses were issued at the court's discretion, were typically mailed to suspects, and provided

little information about charges or penalties for non-appearance. (Not surprisingly, summonses

often resulted in non-appearances, which then resulted in arraignment postponements, or

issuance of a new summons).

Outside of the statutory mandate (which, despite its narrowly drawn parameters, or

perhaps because of them, was believed by many to be fully enforced by officers), arrests and

indeed, any form of legal action appear rare. Carthage was the only jurisdiction that

acknowledged using appearance tickets rather than standard custody arrest for violations and

occasionally, misdemeanors. Police officials explained that suspects who were brought to the

police station were quickly booked, but were not fingerprinted, and routinely released on

nominal bail. Fingerprinting occurred in misdemeanor cases only if the suspect followed the

instructions of the judge on his way out of the arraignment hearing, and stopped by the booking

office voluntarily for the procedure.

Judges rely heavily on victims to sustain cases, at many stages. This is in part due to the

judges' philosophy (discussed below), and in part due to the fact that the assistant district

attorney assigned to the courtroom rarely has access to the police report when he walks into

arraignments, and police officers do not routinely attend court for that purpose, so the victim and

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the defendant are the only sources of information about probable cause. The judges are strongly inclined to release on recognizance; both judges interviewed explained that they thought this practice not only was fair (allowing both sides to state their case) but also maximized the chances of the couple reconciling. In a similar vein, they expressed the view that ACD was the most appropriate disposition for most cases, since convictions were likely to aggravate tense marital relations, and that orders of protection were inappropriate in most cases, for the same reason.[28]

The ADA's lack of case information at arraignment is part of a more general pattern of minimal communication and data sharing, one about which some task force members were quite concerned. The reasons were in part simply geographic: ADAs maintained no case files in their home office in the county seat, and seemed to rely on local court files for information; court files were sometimes incomplete and difficult to access; and police files and reports, although located in the same building, were awkward to access as well. While Carthage's criminal justice practitioners seemed quite welcome in each others' quarters, the fact remained that tracking down any particular piece of information about a case or a suspect (his prior arrest record, his appearance or non-appearance on a summons, whether an order of protection had been issued) was often a frustrating mission.

While this lack of information flow clearly frustrated some police, the court clerk, and the district attorney, it was not problematic for the judges in most cases. The three judges appeared to share goals in misdemeanor domestic violence cases: they prioritized preserving marital

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[28] Another interviewee, in a separate interview, accurately forecast these judges' perspectives, and interpreted them as a sustained attempt to rebalance the power relationship between partners which had been knocked askew by the arrest of the man.

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relationships, and the violence that brought defendants to their courts was less problematic as a legal issue, in their minds, than as evidence of family dysfunction. Detailed information about evidence or testimony was not a priority in cases where the most appropriate disposition was one that restored the relationship to a better state. Both judges interviewed expressed support for counseling programs, particularly counseling programs that involved both partners.

Not surprisingly, there is little evidence of victim advocacy in the courthouse. However, the judges concurred that victims would benefit from legal advice, and one judge expressed dismay with victims who, in his view, looked to him for legal information, indicating that any responses on his part compromised his impartiality. Perhaps because of the court's non-punitive stance, legal proceedings were characterized as almost uniformly non-adversarial: cases were dismissed when victims failed to appear, defendants were routinely ROR'd, judges planned on ACD with a recommendation for counseling, and explained that they often advised the couple together on how to get along better. Both judges opposed sending defendants to the batterers' intervention program in the next city, citing not just the geographic distance but also the belief that the BIP, and the program with which it was associated, was likely to motivate the victim to end the relationship. They much favored marital counseling, and one judge claimed to routinely instruct both parties to meet with the court's forensic evaluator, to be assessed for the most appropriate counseling program. The deputy district attorney expressed dismay at this practice, but faced structural and attitudinal barriers to changing it, even within her own task force.

While representatives of the YWCA domestic violence program participated in task force meetings, they had only recently established a victims' program in Carthage. Most program resources remained in the county seat, and it appeared that their work was focused on

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Family Court in that community. However, the staff who participated in the Carthage task force seemed pragmatic but optimistic about improving victim services in Carthage, and establishing an advocacy program within the criminal court. It appeared that they were not very involved, at the time of this study, in providing direct services to victims, and certainly not offenders, in Carthage.

As the foregoing description suggests, relationships among task force participants appear to be cordial, but the task force is not all of one mind about the most appropriate community responses to partner violence. Meetings are well-attended, by a diverse group of practitioners, and outsiders are welcomed. The task force appears to be largely driven the the deputy district attorney, who sees the energetic court clerk, domestic violence service providers and a few key police officers as allies. It is not quite clear what motivates these participants; there is little discussion of plans for seeking outside funding or resources, nor, one would suppose, much political gain in sponsoring this particular cause. A police captain described himself as a "liberal" on the subject, contrasting himself not only with his community and department, but also with the task force's general membership[29].

Not surprisingly, initiatives that are discussed and pursued by the group tend to be small, interstitial changes, although potentially important ones. For example, a key issue for over a year

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[29]   Some of the motivation for the group comes from an unlikely source, the county sheriff, who presides over a very large geographic area filled with villages and farms, and of course shares that jurisdiction with the district attorney. This particular sheriff has been aggressive in pursuing support for new computers, software, and equipment to improve rural service delivery, and has included domestic violence in that agenda. It is possible that the Carthage city officials are attempting to follow in his seemingly successful footsteps.

was whether or not to routinely have police officers make an extra copy of their incident reports in time for the court clerk to hand them off to ADAs before arraignments — seemingly a non-controversial issue, but nonetheless one that required considerable discussion and debate. The philosophical opposition of the judges, and the lukewarm participation of higher police administrators, creates few open avenues for change in the direction of more attention to victims, or more accountability for offenders.

Against this backdrop, it is not surprising that the scope and scale of the task force is limited to assessing and improving criminal justice responses to known incidents, rather than a broader focus on the community, prevention, or education. Given the police department's refusal to embrace a broad definition of family relationships for the purposes of arrest, expansion of task force attention to diverse groups seems unlikely.

Summary

These community profiles reveal a diversity of circumstances in local responses to domestic violence, and in their efforts to work cooperatively toward more coordinated responses. The five sites selected for this research have in common the simple fact that someone in their community had initiated an effort to work across agency and political lines in order to change the way domestic violence was handled, especially by criminal justice agents. In this respect, they are not necessarily typical of communities of similar size and demographics; it was not the purpose of this research to generate generalizable statistical data about coordination activities. Rather, the purpose of this research was to observe and document what happened, and with what effects, when coordination efforts were undertaken under varying conditions. Those conditions

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include differences in police department arrest policy, differences in the levels of criminal justice resources and energy dedicated to domestic cases, differences in the stability and visibility of domestic violence programs, and the character and quality of interagency relationships that developed around the issue.

The observations made in the field reveal some simple truths that would come as no surprise to researchers or many practitioners. First, case processing practices vary tremendously across sites. Communities adopt different standards for writing up incidents, arrest, for misdemeanor charging, for pretrial detention, arraignment, issuing warrants, issuing protective orders, conviction, and sentencing. Second, and relatedly, expectations about victims' roles in the process vary as well: in some places cases move forward only if victims remain fully engaged and available; in other places genuine efforts are made to facilitate evidence-based prosecution; prosecutors' "no drop" policies seldom extend to the point of subpoenaing or sanctioning victims, but may send messages to ADAs and others regarding the value of cases that do not involve active victims; finally, in some communities it appears that victims are expected to participate in resolving the case by cooperating in the offender's rehabilitation through couples therapy.

These very diverse perspectives on what, exactly, victims are expected to do after incidents are reported may reflect the core attitudes and beliefs of those doing the expecting. Where key actors at least publicly express the view that official responses to domestic violence should revolve around increasing offender accountability, expectations for victim engagement in the legal process are restrained. Where, on the other hand, key actors hold to the view that most domestic violence is a symptom of a problematic relationship – as was the case with judges in

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Carthage – or where they were openly skeptical of women victims' veracity – as were police officials in Helena – key officials have little stake in reforming practices toward the goal of increasing offender accountability or even, sometimes, victim safety. The same holds true for the question of how to prioritize domestic violence on the local criminal justice agenda. Where violence is seen as a family dispute, where misdemeanor-level physical assault or other violent behavior is seen as "normal" there is little reason to reallocate scarce resources toward the problem. Where officials arrive at the conclusion that low-level violence is a precursor to serious attacks, and that the core cause of violence resides within offenders, not victims or relationships, they may be motivated to invest more effort in interventions.

Further, the people interviewed for this study expressed varying perspectives on the promises and limits of coordination efforts themselves. While one might assume that such perspectives would be grounded in personal experience, instead there was greater optimism among actors in Carthage – a community where significant changes in practice were not favored by local judges (and therefore, perhaps effectively blocked); meanwhile, in Morton, respondents were measured in their optimism about the likely impacts of their efforts, even though they clearly felt justified in adopting them. It may be that greater experience with collaboration leads to greater realism, and more restrained expectations. With the exception of Helena, criminal justice officials spoke positively of their experiences working together and with domestic violence program staff; they seemed to feel they were doing good work, even if they could not predict the outcomes very confidently.

Finally, it appears that criminal justice agents' perspectives on the constraints and possibilities surrounding their work are bounded by their own local experience; and this limited

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perspective may affect how open they are to recommendations to change practices or policies based on the reported experiences of other communities. On numerous occasions practitioners expressed frustration with particular elements of law, seemingly unaware that the same statute was interpreted quite differently a few counties away. For example, police in Carthage assumed that all communities relied on summonses rather than warrants in domestic violence misdemeanors, even though in fact that practice was extremely uncommon. Likewise, practitioners tended to define the scope of domestic violence in terms of the caseload that reached their own desks, with little sense of the size or diversity of the problem in the population; importantly, these beliefs seemed grounded in the assumption that practitioners at earlier points in the legal process were executing their enforcement roles with little or no discretion. For example, several judges expressed wonderment at the national and state attention given to domestic violence, given that they saw relatively few such cases in their courtrooms, and clearly assumed that most victims reported, most offenders were arrested and brought before them.

Table 3.8 summarizes the field observations made during the course of this study, revisiting the original and exhaustive list of dimensions on which communities vary, and providing a somewhat more parsimonious set of variables on which these five communities varied: police department practices and policies, prosecution and court practices and policies, characteristics of the coordination efforts themselves, strength of the local domestic violence advocacy and services program, and the nature of community outreach and involvement in responding to domestic violence. These are imperfect categories, to be sure, and the assessments made in the field are not only subjective, they are comparative. Moreover, that communities

exhibit or adopt particular attributes, policies, or styles of collaboration does not necessarily imply that they perform in predictable ways, and that question will be addressed in the next chapter. However, these attributes arguably have implications for the outcomes identified as important for this study: the strength of community nets of offender accountability and victim safety. Therefore, a brief summary of each community is an appropriate prelude to analyses of the impacts of community coordination behavior on outcomes.

Morton emerges from the field research as advanced on most of the dimensions identified in the research. Police department practices are progressive and sophisticated, calling for high levels of report-writing, arrest, pursuits, and case documentation. Notwithstanding a "no drop" policy in the District Attorney's office, prosecution and adjudication practices were aimed at protecting victims, increasing the probability of convictions, and expediting case processing (despite an assertive public defender and private defense bar). Judges not only participated in the local task force, but also expressed concern for victims. A well-established domestic violence program provided motivation and focus for the task force, which was active and included diverse participants. Morton emerges from this description as an example of rather well-established, pragmatic, and comprehensive coordination.

Stocktown shares some key attributes with Morton: a progressive police department concerned about improving the quality and thoroughness of officers' response to domestic incidents, and contributing to prosecutors' efforts to "make cases" in the courts. While local criminal court judges are protective of defendants' rights, they are not indifferent to victims' safety and the importance of accountability; hence police and prosecutors see some payoff in their efforts to document criminal behavior. The staff of Stocktown's domestic violence

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program is energetic, sincere, and cooperative, appreciative of the efforts of the local police and prosecutor; despite the program's limited resources its members seem optimistic about future progress. The focus of Stocktown coordination efforts is on respecting victims' wishes, and keeping cases in the system if those objectives are consistent, so attention is devoted to scrutinizing and adjusting low-visibility discretionary decisions (such as warrant-filing processes) that might discourage victims from seeking help. Stocktown appears to be a community with an emerging, pragmatic coordination strategy, operating in a legalistic and sometimes adversarial context.

Lakeport shares some attributes with Stocktown: a willing police department, an enthusiastic prosecutor; but differs in several ways. Lakeport's criminal court appears to stress victim safety more than accountability, and Lakeport's judges are more involved in the task force than is true in Stocktown. On the other hand, the domestic violence program, while seemingly grateful for the criminal justice agencies' interest, does not appear to play a central role in the task force, despite the impressive formal interagency protocols that the community has developed and disseminated. Lakeport represents an example of coordination that is dominated by criminal justice agents, with an acquiescent domestic violence program.

Helena represents the obverse of Lakeport. Not only do police refuse to participate in the local task force, but criminal court personnel seemed completely unaware of it; the District Attorney alone had adopted domestic violence as a reform issue. A strong, well-established domestic violence program maintained adversarial relationships with the local police and courts: there was little conversation, much less agreement, on either the prioritization or the appropriate response to domestic violence. Helena appears to be an example of a highly polarized

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community.

Finally, Carthage exhibits few progressive policies, against the backdrop of a set of judges who expressed strong resistance to the contemporary trend toward criminalizing domestic violence. Police and prosecutors alike attributed specific case outcomes as well as more general policies to anticipated judicial responses, and judges confirmed their complaints. Interestingly, the local task force had the active participation of staff from all sectors, including a relatively new domestic violence program that was struggling to get established in the community. If Stocktown is to be classified as an emergent community, Carthage might be appropriately characterized as pre-emergent: it is not at all clear that a critical mass of interest, energy, and collaborative will exist in the community to either assess or change the criminal justice system's seemingly indifferent response.

The dimensions on which these communities vary might be thought of as variables that are plausibly related to important outcomes: the strength of community nets of victim safety and offender accountability. In general, Table 3.8 identifies practices that in theory, at least, contribute to or detract from such nets. More inclusive definitions give local officials responsibility and control over a larger proportion of offenders; better case documentation and information exchange contribute to tighter cases and therefore greater odds of conviction. Better case documentation reduces the need for victim involvement, and may contribute both to victims' safety and case retention. Higher prioritization of domestic violence cases (in terms of scheduling, resources, and responsiveness to victim needs) may contribute to higher rates of case retention,

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Chapter 4

Comparison of Community Criminal Justice Responses to Domestic Incidents

The foregoing discussion characterizes five communities that share a common feature, a domestic violence task force, but that were selected because they varied on a set of policy relevant dimensions on which information was available -- dimensions that had particular salience for the construction of community nets of victim access, services, and safety, and offender accountability and control. Subsequent, more intensive assessment of these communities' coordination efforts by and large corroborated the sketches obtained at the early, selection phase of the research, but also offered insight into the activities of these task forces, and, importantly, revealed local factors that, in the opinion of community agents, added to, detracted from, or blocked attempts to change responses to domestic violence.

The portraits that emerge are probably a fairly typical sample of middle-sized cities' investments in responses to domestic violence. The findings reported in this chapter offer some empirical information about the way criminal justice agencies in these communities report, record, process, and conclude partner violence incidents. These decisions and practices would appear to have important implications for victims' well-being and safety as well as offenders' accountability.

This chapter reports the final phase of this research: comparing the performance of local criminal justice systems' responses to domestic violence, against the backdrop of our understanding of agencies' practices, policies, and collaborative undertakings. The analyses are guided by the general hypothesis that *greater coordination activities and more progressive*

policies and practices will result in higher levels of offender accountability (and, possibly, victim safety and support). This hypothesis is simple, but it is also so resistant to conventional research strategies that it remains virtually untested. Numerous process evaluations have documented the implementation of new practices; a handful of outcome evaluations have compared rates of specific activities before and after implementation; some studies have assessed, at the individual offender level, differences in probabilities of recidivism across groups exposed to different criminal justice interventions. These are all important issues, but they differ from the questions addressed here. These questions are as follows: First, do communities with more coordination at the agency and policy level have tighter accountability nets? – in other words, do perpetrators in such communities face higher probabilities of detection, apprehension, supervision, and conviction? Second, to the extent that these probabilities differ, are they associated with particular combinations of practices, histories of collaboration, or other elements of coordination? These questions are addressed in an exploratory fashion, with full recognition of the limited comparisons that can be made in only five communities, and understanding that confident attributions of causes for variation cannot be made. The most important objectives here are, then, to pilot a strategy for addressing this research question, to illustrate the sorts of inferences that might be drawn, and to generate more parsimonious hypotheses for tests in future research.

The analyses reported here use "official data""-- police and court records of domestic incidents -- as indicators of the performance of the criminal justice process. From the perspective of one concerned about offender accountability and victim safety, more successful communities are those in which violent behavior has higher probabilities of being detected,

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reported, and processed; where practices make it more rather than less likely that a paper trail will follow an incident; where defendants face greater prospects for post-arrest supervision – in short, where more offenders are controlled, more often, at more points in the system. The analyses reported here examine outcomes in two ways.

The first analysis examines the characteristics of samples of cases on which police completed written incident reports during the study period (1996), and compares these samples in terms of the characteristics of cases themselves (eg, frequency with which weapons were possessed on the scene, frequency of injuries), as well as official actions in response to these matters (rates of arrests; proportion of arrests that lead to arraignments, and the like). These sorts of statistics are the stuff of which many evaluations are made, especially pre-post evaluations of new programs or policies. These data tell us something about the consistency of police and court behavior across communities. However, they are limited, inasmuch as they include only the subset of incidents for which police write reports, and report-writing practices may vary greatly.

The second set of analyses compares the incidence of criminal justice responses to these cases, standardized by population. Assuming that domestic violence occurs at a fairly regular rate across the population, a population-adjusted rate of response suggests the relative probabilities of victims and offenders becoming, and remaining, engaged in the system at various points and in various ways.[30]

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[30] An example of this difference in research inquiry is the following: given official data on characteristics of domestic incidents, two questions could be asked: What are the differences among these cities in the incidence of domestic violence involving drugs or alcohol? Or, alternatively and quite differently, are police more likely to note drug or alcohol use in some communities compared with others? The former question is often asked in community samples, in an attempt to describe the problem of domestic violence and assess its correlates. There are fewer opportunities to turn it around and ask the latter question, for it requires for an answer that

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This analytic strategy rests on some important assumptions. The first assumption is that *the official responses of criminal justice agents are socially constructed* – they are the products of discretionary decision making that result in varying patterns of records of events, official actions, and conclusions about criminal culpability. Police, prosecutors, and court officials have tremendous discretion, not only to make formal decisions such as arrest, but also to selectively report, record information, and make recommendations. Thus aggregate patterns in official data may tell us more about what criminal justice agents do than about the character, incidence, or severity of partner violence in a community.

The second assumption is that *the prevalence and nature of partner violence does not vary significantly* across the communities included in this study. This assumption cannot be directly empirically verified, although given the demographic similarities among these communities this assumption is plausible, with some qualifications. Areas with higher levels of poverty are likely to have higher levels of *citizen-reported* crime of many types, since people of limited means are more likely to call police for help than are more affluent people.

The third understanding is that *comparing outcome variables with coordination characteristics permits one to draw some inferences about the elements of coordination that play important roles in achieving social goals.* This assumption – that we may learn something about the promise of coordination strategies from this sort of comparative study – must be accompanied by a less obvious corollary, that we may also learn something about the limits of coordination efforts. Therefore, one objective of these analyses is to identify characteristics that

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one be able to compare across communities, and presumes that the true baseline cannot be known from these sorts of data.

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may be necessary, but not sufficient, for good outcomes, as well as characteristics that, despite their seemingly critical importance, may be associated with lower levels of offender accountability and victim safety if they are not accompanied by other elements.

Table 4.1 summarizes general predictions about seven sets of outcome measures in each community, based on the findings of the qualitative research reported in the previous chapter. They include:

- Reliability of police report-writing practices – predictions based on the presence of absence of a policy, and evidence of implementation and review of reports.

- Quality of report-writing – predictions based on PD policy, expectations of other actors (including detectives, prosecutors, judges) for detailed reports.

- Police charging/offense identification – predictions of police recommendations for charging based on quality of reports, support for high charges from other actors, requirements for victim appearances at arraignment.

- Arrest and arraignments – predictions based on PD and DA policy, judicial attitudes toward domestic violence.

- Orders of protection – predictions based on judicial attitudes.

- Dispositions – predictions for rates of conviction and dismissal based on prosecutors' and judges' orientations toward domestic violence, aggressiveness of defense bar.

- Sanctions – predictions based on presence/absence of criminal justice consensus on seriousness of domestic violence; judges' attitudes.

While these predictions are based partially on the logic that particular policies are supposed to produce particular outcomes (for example. a policy that mandates written reports for all incidents should result in high rates of reports written). three other considerations are important. First, some predictions are based on the hypothesis that key resistant elements in a community will yield low levels of particular outcomes (for example. a community whose judges are philosophically inclined to "preserve" marriages are likely to generate low levels of protection orders). Second. outcomes in the early legal phases have a ripple effect on later stages; so, for example, where police are reluctant to intervene in domestic incidents. courts will have fewer cases to handle. This is particularly true when decisions hinge on the quality and quantity of information recorded at earlier points; more coordinated systems are also more information-rich systems. at least in theory, since without information and documentation. cases are lost. and criminal histories do not get written. Third. these outcomes may be contingent on the interactions and mutual expectations of actors -- for example. police may write more thorough reports *because* prosecutors want to convict on higher charges. and also *because* defense lawyers hold prosecutors accountable for such evidence.

Case Data From Five Communities

Data were collected in the sites during 1996. These data consisted of a sample of domestic incidents recorded by the police in incident reports. augmented by data on arrests. warrants. and summonses that might result. as well as prosecution and court data for each case in which any legal action was initiated. (See Appendix C for details of case data collection procedures.) For the purposes of this research. the only incidents examined involved adult

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parties who were, or had been, partners: married, divorced, and separated couples; couples who

were living together, or dating (most often identified by police as "boyfriend/girlfriend"), and

couples who had children in common. These cases constituted about 80% of all incidents in four

of the cities, although far fewer (57%) of all incidents reported by police in Morton.

Table 4.2 provides descriptive information about the incidents included in the study, as

described in police reports.[31] On the first few variables, which describe the victim and offender's

relationship and location of the offense, there are few dramatic differences across community.

Officers in all jurisdictions routinely recorded the parties' relationship, although not always

accurately or consistently. Over a third of all incidents were described in categories that fall

under the state's "family offense" classification for mandatory arrest in misdemeanors; about one

in four couples is married; scarcely half (and far fewer in some places) share a residence,

although well over half are reported to be in "ongoing relationships" as described by the police.

By far, most incidents are reported to have occurred in the victim's home (virtually all of those

involving cohabitants, and over half of those involving non-cohabitants).

The age distributions of offenders and victims track together, with victims typically

slightly younger. In Stocktown, Helena and Carthage, police report somewhat younger offenders

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[31] Sample sizes vary across communities. The goal of this project was to gather information
on at least 300 cases in each community, an objective that required almost a year in two cities.
Carthage and Stocktown were both sites shared with the mandatory arrest evaluation, and were
the two first sites in which data were gathered, so the samples here are more generous for them.
Morton, with a larger population and many more police reports, routinely generates 300 domestic
incident reports in a single month; in order to stretch the data gathering period over a longer time
period and to take advantage of the necessity of collecting all data "from scratch" on-site, without
the benefit of DCJS's DIR collection, the data in Morton constitute a stratified sample: all arrests
over a period of three months, and approximately one in five (every fifth) incident that did not
produce an on-scene arrest. For analyses, these data are appropriately weighted to reflect this
sampling strategy.

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than in Morton and Lakeport. More striking, however, are the race differences in police-reported incidents, which are more pronounced than racial differences in populations. Lakeport's low population of non-whites is reflected in an 17% non-white offender rate; in Carthage, Stocktown and Helena the police report rate for African-American suspects is three to four times that of the population. In Morton the same ratio holds, at much higher numbers.

There is an inherent temptation in reporting data such as these: to make a case that the communities are either basically similar, or different in significant ways. Given the demographic variation in these cities, these variables do not tell us much that could readily be interpreted to support either contention. However, there is little to suggest that in some communities but not others, police selectively file reports on cases; for example, it would have been reasonable to predict that less progressive communities would adopt a conservative strategy of filing reports only for casing involving legal "family offenses" as mandated by the state, but that prediction is not supported by these data.

There is little reason to expect that, if officers are not systematically selectively reporting, that they will produce different city rates of some case characteristics. However, these data reveal variation in many situational variables at the community level. For example, alcohol or drug use is reported in almost 25% of Morton reports, but fewer than 10% in the other cities. Reports of weapons are higher in Helena (16% of all cases, compared, for example, with 5% in Lakeport). Children's presence is noted in 24% of Morton incidents, but only 10% of Helena's. On the other hand, victims' reports of physical attacks, property damage, threats, and injuries are all lower in Morton.

Offenders are, by police reports, more likely to be on the scene in Morton (56% of

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incidents), and rather unlikely to be present in Stocktown and Helena -- a factor that may be

related to whether or not the scene takes place in offenders' and victims' shared homes (a factor

that does vary across communities). It is impossible to discern from these data whether suspects

in places where arrest is more common are wise enough to make themselves scarce when a

victim or neighbor calls 911.

Importantly, officers' reports of the incidence of protection orders varies: in Lakeport,

Stocktown, and Helena (where judges report routinely issuing such orders) at least 20% of

victims are recorded as having such an order; in Carthage and Morton the percentage is much

lower, although judges in these two communities seemingly have quite different philosophies

about routinely issuing orders.

In summary, what one can learn from a comparison of these reporting patterns across

communities is limited, but it appears that there is some, although not a great deal, of variation in

some descriptors, but importantly, there is variation in some critical situational variables,

although not in directions that one would have predicted from the qualitative analysis.

Table 4.3 provides additional information about these samples of cases' legal status and

outcomes. Regardless of whether arrests were made or not, incident forms provide a box to

specify what, if any, offenses the officer believes were committed or are alleged by a non-police

complainant. As noted previously, felony notations are very rare; and outside of Morton,[32] the

business of report-writing involves settling on either misdemeanor or violation offenses. (Again,

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[32] The high (63%) "no offense" rate in Morton is almost certainly due to the difference in data
collection. All domestic incidents for which reports were written were subject to sampling for
this study; DCJS staff eliminated reports that were labeled as "unfounded" in the other cities, and
typically those reports had virtually no information recorded anyway.

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it is important to note that the notation of an offense has no necessary implications for legal action. It might support a victim's attempt to file a complaint at a later date, but does not obligate the police or the courts to take any action.) In contrast with its police department's seemingly indifferent orientation toward domestic incidents and victims, Helena police seem to lean somewhat more strongly toward misdemeanor charging than the other cities.

Based on police reports, these communities seem to vary in police arrest rates in on-scene cases. Again, Morton exhibits a low rate; Helena, surprisingly, produces a high arrest rate, while Lakeport's, Stocktown's, and Carthage's are much lower (the latter is half the rate of Helena's). Off-scene follow-ups are a different matter, however: the percentages of offender-absent incidents that results in a warrant, summons, or arrest following a search is high (up to 40%) in Lakeport, Morton, and Carthage, lower in Stocktown, and very low (7%) in Helena. Overall, the percentage of all incidents, regardless of suspect's presence, that result in legal action by the police (arrest, or filing for a summons or warrant) vary from 30% to 47%, but they constitute the averages of very different on- and off-scene behavior patterns on the part of police.

Much early research on domestic violence indicated very high drop rates or "no charging" rates, suggesting that arrests were seldom consummated in further legal action. These data do not support that picture: most suspects who become the target of law enforcement efforts to consummate an arrest end up in the courthouse, arraigned on charges. Virtually all suspects are arraigned in Lakeport; Helena has a very high arraignment rate (perhaps due in part to the fact that most candidates were arrested on the scene, not the subject of warrants or subsequent off-scene arrests). In the other communities, over 75% of all suspects were arraigned within the study's data collection period (which extended for at least a year after the last incident date). A

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more finely grained analysis would answer the interesting question of what becomes of the 25% who are not arraigned: depending on the site, these individuals were either lost in the summons or warrant process, or their files simply never made it to the criminal court. Some percentage of these cases may have been routed to Family Court, but it is likely that this accounts for only a small number of "lost cases."[33] One must assume that in some fraction of these cases, the prosecutor found or constructed reason to simply not press charges, leaving no notation or explanation for that decision.

Of those who are arraigned, disparities exist across communities in patterns of pretrial detention. More often than not, judges in Lakeport and Carthage ROR the defendant (or else the case is disposed the same day, making pretrial detention a moot point). Stocktown and Helena, both characterized by judges concerned with defendants' rights and liberties, are about equally inclined to offer bail, but nonetheless detain about one in five suspects. (Data on bail decisions were unfortunately not available for Morton cases.)

Discretionary decisions such as arrest, arraignment on charges, and bail represent not only interim punishments in and of themselves, but also, arguably, efforts to control suspect behavior through deterrence and incapacitation -- in short, efforts to construct a safer environment, at least temporarily, for victims who may be at increased risk of harm after invoking authorities.

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[33]In New York, complainants in family offense matters may choose to have misdemeanor cases heard in Criminal Court, Family Court, or both concurrently. It is generally believed by practitioners that most cases that begin with a call to the police end up in criminal court, if anywhere at all; that victims avoid (reasonably, in many cases) having the case heard two places at once; and that Family Court is most commonly accessed in criminal matters in areas where no city court operates (and where the alternative would be to have the case processed by a lay magistrate). This project did not produce any evidence that contradicts these beliefs: the cases that disappeared between incident and arraignment were no more likely to be legally classifiable as "family offenses" than any others, and hence would not be eligible for this alternative.

Likewise, orders of protection constitute an opportunity to construct a legal safety zone for victims, and at a minimum, empower victims to activate police under conditions of threat and risk, not imminent harm. Judges in Lakeport and Helena, with very different community responses to domestic violence, nonetheless provide orders of protection to three out of four victims they see in court. In sharp contrast, Carthage judges, true to their word, very rarely provide such orders.

Finally, courts' dispositions and sentencing again show somewhat disparate patterns, but not in the ways one might predict from knowing their legal cultures. Few cases are dropped or dismissed outright, although Carthage's records indicate that almost a third of arraignments fail to produce a guilty verdict or an ACD (adjournment in contemplation of dismissal). Also not surprisingly, very few offenders are placed on probation -- fewer than 10% in all cities -- and although one in five serves at least a brief jail sentence in Lakeport and Stocktown, that fate is quite unlikely elsewhere.

In summary, a preliminary comparison of descriptive statistics on comparable samples of cases suggests that the legally constructed picture of domestic violence differs across communities. At first glance, Table 4.3 appears to offer the surprising suggestion that Helena's police force responds aggressively to domestic violence incidents, at least in terms of identifying offenses and making on-scene arrests; while Morton would appear to have an indifferent response. The off-scene legal action rate (issuance of a warrant or, in Carthage, a summons) is surprisingly high for most of the communities; according to these data, the odds of apprehension are not dramatically different in some places for offenders who remain on the scene, and those who flee. Arraignment rates are also high, in some contrast with earlier research that suggested

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that prosecutors fail to file charges in many or most domestic cases; although more than one in five cases slips out of the system before arraignment in most of these communities, probably through the failure to execute a warrant, or possibly through diversion toward Family Court.

Comparing Communities:

Population-Based Estimates

Table 4.4 reports measures of the strength of accountability and safety nets by adjusting the data reported above by community population.(Figures 4.5 through 4.11 graphically depict this information.) These analyses present the numbers of cases (or suspects) subjected to various legal interventions, standardized by community population. If one makes the assumption that the actual incidence of domestic violence is similar across communities, then the incidence of legal interventions at the population level tells us something about an offender's likelihood of being entangled in a legal net, and a victim's likelihood of being the recipient of protective legal action, at various points between initial detection and reporting, and final court action.[34] Hence these graphs offer some insight into how intensively criminal justice agents engage in the seven activities outlined above:

Report-writing: Table 4.5 suggests some significant differences in report-writing rates, which are consistent with the predictions offered above (Table 4.1). Morton and Stocktown

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[34]These tables should be interpreted in light of two factors. First, Morton, as noted, has a higher UCR rate than the other cities; Morton and Schenenctady report higher violent crime rates. However, as previously discussed, there are reasons to believe that UCR rates do not necessarily reflect real differences in offense rates, or even rates of offenses that reach the attention of the police. Second, domestic violence is not driven by the same factors that drive index crimes.

write twice as many reports as Carthage and Helena, adjusted for population; Lakeport is more similar to Carthage than to the others.

Quality of report-writing: Table 4.6 provides information about the legally important case facts recorded in those reports. These variables -- victims' report of a physical attack, threats, property damage or theft, injuries, and the presence of weapons -- constitute the evidence necessary to sustain charges, and without them "evidence-based" prosecution strategies are unlikely to succeed. Weapons are noted at a quite stable frequency; injuries are more frequently noted in Stocktown than elsewhere; the same pattern holds for property damage or theft. One inference to be drawn from these data is that Stocktown police, faced with a cooperative prosecutor but a challenging judge and defense bar, appears to have adapted by thoroughly documenting cases, against the risk of losing them for lack of evidence or lack of a complaining witness.

Police charging/offense identification: Table 4.7 summarizes how police describe legal offenses, again adjusted for population. Again, it should be noted that police in all jurisdictions sometimes record offenses even when they make no arrest; the reasons for this include the absence of the offender, but also some unknown number of cases in which victims may prefer that no arrest be made. Perhaps the most important observation to be made from this table is that in Stocktown, again, police offically record more legal offenses than is true elsewhere; interestingly, Morton, with a well-coordinated criminal justice response, produces no more police-identified offenses than Helena, and fewer than Carthage. Interestingly, while felony charges are very rare everywhere, they are most common in Morton and Helena, where generally reports of legal offenses are less common

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Arrests and Arraignments:. Tables 4.8 and 4.9 summarize the initiation of legal action by police and prosecutors: the incidence of cases in which police initiated legal action, by on-scene arrest, off-scene warrant or (in Carthage) summonses; and arraignments contrasted with all police-initiated cases. Lakeport, Morton, and Stocktown have similar arrest/warrant rates; Carthage's off-scene rate is almost entirely comprised of summonses, not warrants, so it is not directly comparable. Again, it appears that Helena is distinctive insofar as there is seldom any legal follow-up in cases where the offender has left the scene. Notably, however, in the other four communities there are about as many offender-absent cases initiated by warrants or summonses as there are cases arrested.

The first three cities have corresponding levels of arraignment, although as was noted previously, Lakeport arraigns nearly every case involving arrest or a warrant, while Stocktown and Morton have significant levels of attrition between these two points. Again, Helena's arraignments are comparatively low, largely due to the fact that off-scene cases seldom result in any legal action. Carthage also has significant attrition; one reason for this may be the use of summonses, which are reportedly difficult to serve, and often result in no-shows.

Orders of protection: Table 4.10 depicts the population-based rates at which criminal court orders of protection are generated. Again, criminal courts in Lakeport, followed by those in Stocktown and Morton, provide more orders. Given that orders are issued in criminal court only after arraignment, it appears that the Lakeport court is particularly prolific, and also that Helena's court uses them frequqently. Carthage judges, true to their expressed philosophy, issue a small

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fraction of those produced by other communities.[35]

Dispositions: The information reported in Table 4.11 further reinforces the picture of Stocktown as a community whose efforts have concrete objectives in response to accurately identified problems. One might infer that the tough standards imposed by judges have prompted police (and prosecutors) to "do their homework" when initiating a case, and the payoff is a low level of dismissals and a high level of convictions despite the adversarial atmosphere in which such convictions must be obtained. Lakeport looks similar, except that the court dismisses more cases outright; this might be a consequence of the judge's concern for lenient treatment of first offenders. Interestingly, despite Helena's low level of police activity, that court produces almost as many convictions as does Morton or Carthage. Not surprisingly, in Carthage over half of all cases are dismissed or ACD'd, as one would predict from the judges' orientations.

Sanctions: Table 4.12 reports two types of post-conviction sentences, jail and probation. It appears from these data that only very rarely does anyone in any of these communities go to jail for a domestic violence offense, and probation sentences are even more uncommon (these data exclude sentences designated by judges as "time served" while awaiting disposition,, typically consisting of less than a week). However, to the extent that differences among such small numbers are meaningful, Lakeport and Stocktown impose more jail sentences; they are about equally uncommon in the other cities. Moreover, consistent with community policies that emphasize the use of probation supervision, Lakeport and Morton judges hand out more

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[35] Family courts may issue orders of protection as well, and it is possible that in some communities criminal court judges refrain from issuing new orders when they learn such orders are in effect. It was impossible to ascertain who among these cases' victims held such orders, however, and the absence of such notations in police, prosecutor, and court files suggests that these actors were generally unaware of such orders as well, or perhaps indifferent to them.

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probation sentences. Data on other sorts of sentences were not uniformly available in all communities, but it appears that Helena and Carthage, in particular, made frequent use of fines in misdemeanor and violation convictions, including domestic violence cases.

Summary and Discussion

Two sets of outcome measures were examined for this comparative analysis of criminal justice responses to domestic violence. The first are simply the rates of specific legal actions taken by police, prosecutors, and courts, using as a denominator the number of incidents or cases known to have been presented to each criminal justice agency over the data collection period (the number of reports written). Because of unavailability (in two communities) and inconsistency in dispatch codes (in the other three), 911 data were not helpful for creating more accurate baselines of the number of incidents to which police were summoned. However, because report-writing practices vary greatly across police departments, seemingly high *rates* of action may be misleading, as assessments of police department performance and also as assessments of the system performance, which was generally conceptualized as the strength of safety and accountability nets for victims and offenders in the community.

Taken at face value, however, these figures suggested that Helena had the most proactive police practices, at least for cases in which the offender remained on the scene – almost all reports involved specific offense charges, predominantly at the misdemeanor rather than violation level; an overwhelming percentage of on-scene suspects were arrested, and almost 90% of all arrests resulted in arraignment. By way of contrast, Morton seemed to produce a very low on-scene arrest rate, many reports with no charges indicated, and a significant percentage of

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cases (23%) lost between the arrest or warrant stage and arraignment. Otherwise, Lakeport's police appeared to be quite active, although not so much as Helena's, followed by police in Stocktown and Carthage.

These patterns of law enforcement activity are not very consistent with predictions made on the basis of the findings from the qualitative analyses of the five communities, and they probably tell us more about report-writing practices than anything else. The second set of outcome measures are population-adjusted estimates – the number of cases per 10,000 population who are subjected to particular legal actions in domestic incidents each year. While these measures are imperfect – domestic violence, as well as citizen reporting of incidents, may occur at somewhat different rates in different communities – if one accepts the premise that such rates are roughly equal, and that police are alerted to roughly equal numbers of incidents, then these measures permit comparison of activity and response levels across communities.

These population-adjusted figures offer a different view of these communities, albeit one that is not completely consistent with predictions based on community agents' own descriptions of their levels of coordination and responsiveness. Table 4.13 summarizes the relative performance of the criminal justice system across seven general areas, contrasting predictions made on the basis of qualitative analysis (reported in more detail in Table 4.1) and findings from the quantitative analysis of case data. Many of these predictions turned out to be correct, and moreover, correct across a number of variables within each community. Based on its strong police department policies, supported by active participation and cooperation in prosecuting and adjudicating domestic incidents, Lakeport was expected to produce high levels of written reports, inclusion of evidentiary information in reports, offense identification, and arrests. Report-writing

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was not as high as one might have expected, nor was offense identification in incident reports, although this might be attributable to a genuinely lower level of victim reporting in this more affluent community. However, officers generated a large number of reports that noted physical attacks and threats, important facts to record for prosecutors seeking to make cases without requiring victims to testify.

Stocktown's strong arrest policy, seemingly committed police leadership, and collaborative relationship with the District Attorney, were predicted to result in moderately high levels of police activity, although a strong defense bar and due-process oriented bench were expected to lead police and prosecutors to be diligent, but somewhat selective, in seeking convictions. However, Stocktown's levels of report-writing, evidence documentation, offense identification, and both on-scene arrest and off-scene warrant production were higher than those of the other communities. In contrast, Morton, which emerged from the qualitative analysis as an example of an established coordinated response community, produces high levels of written reports, and moderately high levels of evidence documentation, but a comparatively low level of offense identification. Offenses that are identified often result in arrest or warrants, however; like Stocktown, Morton's police department appears to aggressively pursue off-scene offenders. The seeming disparity between offense identification and arrests may be an artifact of training and supervision: officers are instructed to pursue an arrest if they believe an offense has taken place, and may err on the conservative side in identifying charges.

The importance of examining population-adjusted figures is most obvious in the data from Helena. The seemingly high arrest rate evaporates, and it becomes clear that it is an artifact of officers' very low reporting-writing levels. Compared with the other communities, all police

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actions occur at low levels in Helena, especially off-scene pursuits. It would appear that Helena police reserve report-writing for incidents that are relatively serious, that involve allegations of physical attack; when they identify offenses, they use misdemeanor or felony charges most often. This selectivity is consistent with findings from the qualitative analysis: police officials are indifferent to routine domestic violence incidents, believe that serious violence is rather rare and less serious cases do not merit police involvement, and therefore provide little leadership or supervision to officers in the direction of more aggressive enforcement.

Finally Carthage's police department was predicted to generate low levels of legal actions, in part because it was in the process of making a transition toward a more enforcement-oriented set of policies and practices, and those efforts were not supported by local judges who played key roles on the domestic violence task force. Carthage emerged as a town in which police leadership were attempting what might be, for that community, rather radical changes in the way domestic violence was handled, and encountering resistance not only from within their ranks, but from key collaborators as well. However, Carthage police outperformed these rather low expectations. They produced moderate levels of written reports and documentation of offenses, as well as arrest rates. Interestingly, they continued to rely on summonses in both misdemeanor and violation level offenses for suspects who had fled the scene, believing (as did the local judges and some prosecutors) that warrants were not appropriate for these cases; however, they generated many summonses.

Population-adjusted levels of arraignment, protection orders, guilty pleas, and sanctions

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are greatly affected by levels of police action, of course.[36]   In Lakeport, the high levels of police

action were followed by high levels of court reaction..   Predictions about system performance

based on the responses and descriptions of local actors turned out to be fairly accurate: this small

community evidences a comparatively consistent response to domestic violence. In Stocktown,

despite task force members' descriptions of a somewhat adversarial courthouse and a due process

orientation from the bench, arraignment rates, orders of protections, and convictions were rather

high – another example of a responsive criminal justice reaction. One might infer from this

pattern that the judges' high expectations for proof, coupled with the prosecutor's interest in

evidence-based prosecution, encouraged police to adopt high standards for report-writing and

evidence documentation. Sustenance for these high expectations may have come partly in the

form of the goodwill and cooperative relationships developed across criminal justice and victim

services agencies in the community, and the widely shared belief that judges were not indifferent

or hostile to victims, but rather, protective of defendants' rights in stakes with potentially serious

consequences.

Morton's somewhat mixed pattern of police actions is followed by high levels of court

action, at least up to the point of conviction. Among these communities, Morton's judges were

the most integrally involved in progressive task force reforms. Although they usually remained

on the periphery of most of the task force's activities, they seemed to subscribe to the shared goal

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[36] In some communities, some victims initiate complaints after the incident by coming to the
police station or sometimes the courthouse to file charges. Because data collection for this
project began with police files, it cannot be known how many such cases were victim-initiated.
However, respondents in all communities indicated that they thought this was quite rare in
domestic cases, although it was not uncommon for a victim to file charges shortly after an
incident that had been reported to police (and these cases were included in these analyses).

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of improving victim safety, and used their power to issue orders of protection fairly freely. However, few offenders were sentenced to jail, although probation was used somewhat more frequently. It is important to note that Morton's domestic violence program operated a batterers' intervention program, which was reportedly frequently invoked by judges (although strenuously opposed by defense lawyers). Judges might have seen this program as a constructive alternative to more restrictive penalties.

Helena's low level of police intervention translates into relatively low levels of court action, although the criminal court judge made frequent use of orders of protection, as he reported in interviews. However, the court's practices were otherwise inconsistent with the orientations of the local task force and the views of the domestic violence program and District Attorney; and indeed, the judge was unaware of exactly what the task force did, or who participated on it.

Finally, judges in Carthage, with more incidents to process than those in Helena, yielded very low levels of orders of protection, a comparatively high level of outright dismissals, and few jail sentences or probation sentences. These results were as expected: the judges were outspoken in their views that the criminal justice process was not an appropriate venue for most of what police labeled domestic violence, and countered attempts to criminalize such behavior through the courts.

A final perspective on these findings is provided in Table 4.14, which charts the population-adjusted number of incidents subjected to cumulative legal actions, across communities. If the criminal justice process constitutes part of the fabric of a net of accountability, then this table suggests differences in the size as well as the density of that net.

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Stocktown and Morton, followed by Lakeport, compile more records of incidents (and also document those incidents more thoroughly); Helena produces a very low official rate of domestic violence. Those first three communities also retain roughly equal proportions of cases through arrest or warrants, and arraignments. Of the three, Lakeport evidences the least attrition in the courts. Helena, as described earlier, starts low and ends lower.

Some additional observations are in order. If we conceive of the criminal justice process as a net, then it is apparent that it operates as a more entangling and larger net in some communities than in others. At the report-writing phase, for example, Morton generates 250% of the reports written in Helena. At the other end (sentencing), four times as many defendants are sentenced in Lakeport as in Carthage or Helena.

Obviously, the level of decisions made at one stage place ceilings on the level of subsequent decisions. Arrest levels vary less than do report-writing levels, although they do track together; the range of variation in arraignment levels is compressed by the range of variation in arrest levels. However, there are differences in the level of case retention between arrest and arraignment (as noted previously), that do not correspond neatly with the overall level of enforcement activity. For example, Stocktown loses a significant proportion of cases, despite a policy that prioritizes warrants for domestic cases; Morton, a more bureaucratized and centralized criminal justice system, experiences a similar attrition rate. The same is true for Carthage, probably due to its use of summonses rather than warrants to bring in off-scene suspects. Lakeport loses few cases at this stage, and neither does Helena, although in other respects these communities appear to have very different orientations toward domestic violence.

Perhaps the most important observation to be made from this presentation of these data is

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the very low levels of convictions on any charge, despite variations in level of police and court

activity. While the disparity across communities on this outcome is significant (twice as many

convictions are made in Stocktown as in Helena), in all cases they represent small proportions of

police reports. Measured as a proportion of arrest, they vary as well, between 44% and 60%;

there appears to be no correspondence between the level of community commitment to

coordinated strategies or consensus on mission, and conviction rate. It is interesting to note that

the highest sentencing (jail or probation) levels were generated by the due-process oriented

judges of Stocktown and the rehabilitation-oriented judges of Lakeport.

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Chapter 5: Conclusions and Directions for Future Research

The purpose of this project was to explore the dimensionality of community responses to domestic violence, with a particular focus on communities that had attempted to establish coordinated responses through a domestic violence task force that included victim advocacy groups and criminal justice agents. The impetus behind encouraging community coordination efforts is twofold: first, it recognizes the diversity of community histories, resources, and politics; and second, it acknowledges the inherent fragmentation of the criminal justice process, and the implications of that fragmentation for victims and communities in the area of domestic violence. The project is primarily descriptive and qualitative, not explanatory; primarily hypothesis-generating, not hypothesis-testing.

This report provides portraits of five communities, which are probably typical in many respects of small cities, but atypical (at least among New York cities) insofar as all of them had task forces dedicated to domestic violence at the outset of the research, something that was true of only 25% of cities surveyed. It is important to note that the presence of such a task force was a criterion for inclusion but beyond that, these communities were selected on the basis of the diversity they exhibit on a small set of dimensions that could be assessed at the beginning of the project: police practices at the report-writing and arrest stage; allocation of criminal justice resources (across agencies) to domestic violence matters (such as training, legal advocacy, information collection); strength and stability of the local domestic violence program; degree of formalization and comprehensiveness of interagency agreements; breadth of criminal justice participation in the task force; and the level of community outreach in which the task force

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participated. Even more variability in these communities' responses to domestic violence was observed after the project was underway.

Therefore, this project was not an examination of "model cities" or model programs, nor is it an explicit test of hypotheses about political, cultural, or economic conditions that promote better coordination, nor hypotheses about the effectiveness of particular programmatic or policy changes. It is not a rigorous quantitative analysis of competing policies or programs; it does not lend itself directly to conclusions about "what works" in community coordination strategies. Its contribution to our understanding of responses to domestic violence rests in its comparisons of criminal justice performance in contributing to community safety and accountability nets under varying interorganizational arrangements, and in its highlighting of often-overlooked variables that may place significant roles in shaping local responses. This study was not intended to generate normative models (or ideals) that should be the bases for policy or program recommendations, although it does generate empirical models that help us understand why some coordination efforts are more successful than others in producing stronger and more comprehensive nets.

The following sections briefly summarize the findings of the study, concluding with a discussion of the implications of these findings for future research and policy.

Summary of Findings

Defining community coordination

"Coordinated community response" has become a buzzword in criminal justice and advocacy circles, and authoritative funding and research agencies promote coordinated

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community responses as a solution to the multifaceted problem of domestic violence. This perspective reflects recognition of the poor fit between traditional criminal justice paradigms (about both victims and offenders) and the complex issues raised in domestic violence cases. While increasingly coordination efforts have become more inclusive – reaching out to public health and education sectors, as well as to community organizations such as churches – the primary impetus for coordination efforts, as well as the most common activities associated with them, revolve around changing the criminal justice process to become more responsive to victims. Most often, these activities are initiated by multi-agency task forces, that typically resulted from the work of domestic violence program advocates, engaging the participation of one or more criminal justice agencies. Inevitably, a very diverse array of interorganizational arrangements, agreements, and activities have come to be grouped under the category of "coordinated responses."

This study identified two general meanings of the term "coordinated community response." The first meaning is the existence of an active interorganizational structure (that transcends criminal justice agencies, but must include some of them) aimed at collaboratively improving the local response to domestic violence. Coordination is a process, or project, with a general aim of changing or improving policy or practice; it is variable and multidimensional. The first sections of this report mapped some of the dimensions of coordination, through analysis of survey data from criminal justice agencies (police departments and prosecutors) and through qualitative study of five communities.

The second meaning is a product: the existence of stronger and more comprehensive (rather than weaker and more unpredictable) nets of victim safety and accountability. The

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strength of such nets depends on many factors other than criminal justice decisions: the availability and quality of victim services, the orientations of public agencies that are in contact with victims (such as child protective services), and community culture, in the form of informal social controls directed at offenders, as well as norms and expectations about the entitlement of victims to help. The second sections of this report assessed the strength of these nets, as measured (in a limited way, to be sure) by the character of criminal justice responses to domestic violence, based on descriptive quantitative analysis of case data.

The dimensionality of criminal justice and community responses to domestic violence

Surveys of law enforcement agencies and District Attorneys in New York reveal that there is considerable variation in the formal and informal practices used to respond to domestic violence incidents. While most police departments have adopted specific domestic violence policies or protocols, these policies vary in their definition of what "counts" as a domestic incident. Moreover, they vary in their follow-up (pursuit) practices for off-scene suspects; their post-arrest booking and detention practices; their investigation practices; and their interaction with (and referrals to) victim-oriented community agencies. Only one in four police departments reported participating in a local domestic violence task force.

Interestingly, although it seems commonsensical to classify police departments in terms of how progressive they are in this area, there is no single dimension of policy or practice along which departments can be arrayed empirically. The dimensions on which practices vary are (1) connectedness with victim advocacy; (2) proactivity of policies regarding apprehension and detention of suspects at the time of incidents; (3) dedication of resources to specialized domestic

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violence work; (4) degree of officer discretion afforded by arrest policy; and (5) task force participation.

Prosecutors are less likely to have formal written policies about domestic violence than are police departments, but nonetheless can articulate their informal practices in these cases. Importantly, these practices vary a great deal, in terms of their responses to victims, responses to suspects, policies about proceeding without victim participation, dedication of resources to domestic violence matters, and utilization of information and case tracking; and only half of all prosecutors report participating in a task force. As was true with police policies, prosecutors' policies do not comprise a single dimensions of proactivity. Instead, they vary across six dimensions: (1) policies aimed at enhancing short-term victim safety; (2) pretrial diversion and victimless prosecution; (3) dedication of resources to domestic violence cases; (4) commitment to seeking jail or probation sentences for offenders; (5) using and transmitting information from police and the courts; (6) victim advocacy. However, these analyses are based on a relatively small sample, and it is likely that the diversity of dimensions says more about the lack of intercorrelation among these practices than about the integrity of the dimensions themselves.

These surveys, complemented by interviews in several sites with agents in criminal justice as well as advocacy organizations, provided the basis for a comprehensive catalog of the dimensions on which community responses might vary. These sets of variables can be loosely grouped as (1) criminal justice agencies' policies and practices; (2) criminal justice system characteristics (expectations, activities, and discretionary decisions that are the product of more than one agency's policies or behavior, such as the speed with which cases are resolved); (3) victim services' agencies' operations; (4) interagency relationships among victim advocates,

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criminal justice agencies, and others in the community; and (5) the role of communities, as participants and audience, in coordinated response activities.

The character of community responses in five cities: results of qualitative research

Five sites were selected for intensive observation and analysis, based on preliminary survey and interviewing work. Of the dimensions discussed above, there were six that are of clear policy and research significance, and on which preliminary information was available to permit site selection: (1) police practices and policies; (2) dedication of criminal justice resources to domestic violence matters; (3) domestic violence program attributes; (4) formalization of interagency protocols; (5) inclusiveness of criminal justice participation in the local domestic violence task force; and (6) task force outreach to the community. Sites were selected from upstate New York communities; each site represented a distinctive combination of these characteristics. Judgements about the where a community "scored" on each dimensions were made on the basis of information about statewide baselines (when available), and comparatively within the sample otherwise.

Moreover, sites varied in the number of these dimensions on which they "scored high": one site scored high on five out of six dimensions; one ranked high on three, moderate on three; one ranked high on one, moderate on three, and low on two; one ranked high on two, low on four, and one ranked high on only one, moderate on only one, and low on the other four. Implicit in this rough measurement strategy is an overall ranking of the level of coordination activity. Site selection was followed by interviewing and observation in each community, over a period of several months (during which time systematic case data collection was also underway).

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Interviews were aimed at producing more finely textured portraits of community responses, across the dimensions already identified. They were also intended to uncover problems, obstacles, and specific experiences of criminal justice agents and advocates.

In general, these interviews confirmed the preliminary assessments made at the site selection stage. However, they also produced a wealth of information that challenges (or at least, is inconsistent with) conventional wisdom about improving community responses. Following are a few examples:

- The level of commitment and energy invested in coordinated responses, as well as the quality of interorganizational relationships among advocacy and criminal justice agencies, is not easy to predict simply from the size, visibility, or resource level of domestic violence programs.

- More generally, the level of optimism expressed about coordination itself varied: in some communities, respondents were upbeat about future activities, in others they were more focused on what seemed to be failures of their efforts.

- "No drop" policies may be adopted by victim-oriented, progressive district attorneys, but may also be employed in a defensive, self-protective fashion, as a means of testing and ensuring victim cooperation in acquiring convictions.

- Formalization of protocols and interagency agreements is avoided by some criminal justice agents who seek to preserve flexibility in dealing with aggressive defense attorneys.

- Police officials' attitudes and orientations toward domestic violence appear to be related to department policies – this is no surprise. However, judges' attitudes and orientations

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vary at least as much, and are likewise strongly reflected in their behavior on the bench, and their self-described use of discretion. Judicial behavior in domestic violence cases has very seldom been studied, and even less often has this behavior been attributed to the judges themselves. The judges interviewed for this study seemed to differ on two important dimensions: first, their views on the credibility of victims and the appropriate use of criminal sanctions for domestic violence; and second, their commitment to protecting defendants' rights and due process considerations.

- Low-level, interstitial decisions (such as whether or not to fingerprint, whether to utilize summonses or warrants, whether or not to pursue suspects who fled the scene) are identified by local actors as critical to aggregate outcomes. Case processing varies tremendously across these areas of discretionary policy and practice.

- Finally, many criminal justice agents are inclined to define the range of domestic violence policy and practice within the scope of their own local experiences; they seldom talk about how these matters are handled elsewhere, and tend to take for granted the restrictions that are imposed by other agencies. However, their adaptations to these limitations are not uniform. For example, faced with active defense lawyers and disinterested judges, two police departments reacted quite differently; one attempted to facilitate evidence-based prosecution, improving reporting and information collection functions; another adopted an indifferent attitude toward domestic cases, seeing little point in investing in such efforts.

Measuring the criminal justice net of safety and accountability

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The final phase of this research involved analysis of case data from each community, in order to assess general predictions about the performance of local criminal justice systems that varied in their coordination strategies. Data were collected from police department, prosecutorial, and court records. A uniform coding strategy was adopted in four of the five communities; the fifth required slight modifications inasmuch as the police department did not use the state's standardized domestic incident report. Data were coded on situational characteristics, victim, offender, and relationships characteristics, allegations of criminal conduct, and police, prosecutor, and court decisions. *Because data were coded from official records, they represent police interpretations of events.* While for most research strategies, this would be a flaw or limitation, it is critical to the comparative strategy of this study, since one objective of this research was to observe and interpret differences in the "sweep" of criminal justice nets in communities that one could expect to have quite similar incidences of domestic violence incidents.

Hence results are reported in two ways: first, in descriptive terms using as a baseline the number of reports written (during the data collection periods) by each police department; and second, in descriptive and comparative terms, adjusting figures to community population. Key variables include report-writing; documentation of evidence in written reports; statutory offense indication on police reports; police arrests (on-scene and off); arraignment; pretrial detention; issuance of orders of protection; court disposition; and sentencing (to jail or probation). The "performance" of local criminal justice systems looks somewhat different depending on which set of measures one is looking at.

In the main, comparisons of "performance" across these key variables tends to confirm

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most of the predictions generated by qualitative community studies. Helena was expected to evidence a passive or even negative response to domestic violence (based on police officials' negative attitudes toward victims, confrontational relationships among law enforcement and the well-established advocacy program, and the detachment of the local judge). True to prediction, Helena's criminal justice "net" is quite weak, compared with those of the other communities; few suspects are written up, apprehended, convicted, or sentenced; few victims receive criminal court orders of protection. At the other end of the spectrum, Morton, with a well-established and inclusive coordination effort, produced high levels of most outcome measures, although lower levels of police charges and sanctions than one might have expected. In hindsight, one interpretation of this anomaly might be an emerging difference of opinion between police officials and advocates over the prioritization of cases: the former favored heavy investment of resources into known recidivists and high-risk cases, while the latter argued for a more consistent response to all victims and offenders. Lakeport, with a less established but more formalized, and equally inclusive, coordination effort, also produced high levels of most outcome measures.

Stocktown and Carthage "outperformed" predictions based on qualitative research, in several ways. It was predicted that Stocktown would be constrained by a demanding bench and strained by a moderate domestic violence program that appeared to be working at or beyond capacity. However, that community produced higher levels of court outcomes than was expected, a fact that might be attributable to the highly cooperative relationships among police, prosecutors, and advocates, and the commitment to implementing evidence-based prosecution. Carthage was predicted to produce low levels of legal action of all sorts, based on the attitudes of local judges, problems of accessing important case information in the courthouse, and the use of

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low-level legal actions for off-scene suspects, as well as the limited involvement of a small and relatively new advocacy program. However, police performance measures indicate higher levels of activity than predicted in this community, although, as expected, the criminal court added little to these legal interventions.

These findings lead to a few summary observations about these communities, which may be generalizable to similar cities. First, police report-writing varies dramatically, more so than the other community-level measures of safety and accountability. However, given the relatively low levels of formal legal action (arrest) – ranging from 30% to 47% of written reports – there are many incidents that involve no formal response. However, the quality of reports varies as well; this is critically important, since (1) many offenders are not on the scene when police arrive, and therefore are not (sometimes cannot) be apprehended; and (2) victims may choose to pursue the charges one or more days after the incident, when a complete and detailed report gives them more credibility than a sketchy one.

Second, police behavior has an inevitable limiting effect on the strength of the community net: criminal court judges cannot act on charges that are not brought to them. While in New York, some domestic violence cases are routed through Family Court, that was rare in the cities studied here.

Third, there is considerable variability in the proportion of cases that fall through the cracks between law enforcement and arraignment. Some of this is probably attributable to variations in warrant and summons customs.

Fourth, the probabilities of conviction (by guilty plea; there were no trials in these overwhelmingly misdemeanor-level cases) were higher in communities with lower levels of

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arraignments. Perhaps those communities tacitly screen out many cases at early points in the process, leaving judges to face only the most determined victims or serious charges or damning evidence.

Fifth, very few offenders face supervision or incarceration following a domestic violence incident. Future analyses of these data will permit some tentative inferences about the frequency with which fines, counseling, community service, and other sentencing alternatives were adopted, and the frequency with which these conditions were attached to adjournments in contemplation of dismissal. However, it is important to note that judges varied widely in their views about the most commonly mentioned alternative, counseling: for some, it meant batterers' intervention programming, while for others it meant marriage counseling.

Conclusions and Implications for Future Research

Finally, this study sheds some light on the role of courts, domestic violence advocacy programs, community task forces, victims, and offenders.

The role of the courts: Much research and policy discussion has revolved around police practices; but while they are undoubtedly important for the construction of community safety nets, it appears that the behavior of the courts is very important as well. This study uncovered two communities whose overall responses to domestic violence were seemingly shaped by the bench: in one case, by a rights-oriented judge who held police and prosecutors to high evidentiary standards (which they often met); and in another case, by judges who strongly believed that most domestic violence cases did not even belong in court, which stifled and

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discouraged the police department members of the local task force.

The role of advocacy programs: While domestic violence advocacy programs are important parties to any coordinated response effort, the attributes that are often noted or emphasized (or that are likely to attract attention) are not necessarily the attributes that contribute to strong community responses. Large, well-established and well-funded programs may not be able to change the entrenched behavior of skeptical or hostile criminal justice agents; smaller agencies may succeed in establishing cooperative relationships with local police and prosecutors. By virtue of their status as non-profits, often staffed by volunteers, successful advocacy programs may be those that learn to "do more with less." The ability to cultivate long-term relationships with criminal justice agencies may be more important (for the purposes of improving *criminal justice* responses) than are resources. (Of course, a strong community response also would require adequate resources for victims, beyond the criminal justice system, which more established programs might be able to provide.)

The role of task forces: The findings of this study suggest that inclusive and broad-based participation in a task force dedicated to domestic violence may be a very limited indicator of the activities of that task force. The communities with the weakest nets represented the ends of this continuum: one had a task force with full participation from all sectors of the community, including all criminal justice agencies at the city and county level, and was led by a local judge; the other had a task force that was eschewed by local police, and unrecognized by the local judge. The communities with the strongest nets varied as well: one had a longstanding, inclusive, and active task force; the other had a task force that seemed to include the active membership of police leaders, the deputy district attorney, and the advocacy program. The

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existence of a coordinating group may be a necessary condition for coordinating activities, but it is not a sufficient one.

The role of victims: At the time these data were collected, victims were seen as essential to prosecution in some communities. Expectations about victim involvement are difficult to change, although one community demonstrated fairly successful efforts to adopt evidence-based prosecution. One of the frequently-heard justifications for this is the simple fact that almost all domestic incidents result in violation- or misdemeanor-level charges (if they result in charges at all). However, many interview respondents expressed attitudes toward victims that were openly skeptical, critical, or demeaning, and it is difficult to avoid concluding that these attitudes affect the way discretionary decisions are made. Where claims of victimization are delegitimized by criminal justice officials, there is little reason to expect those officials to overcome obstacles to coordinating in the direction of greater accountability and victim safety.

The role of offenders: Domestic violence offenders seem resistant to change; many of them recidivate frequently; they are seldom subjected to significant or purposive interventions that are truly designed to affect their behavior. Perhaps for these reasons, more attention is paid to victims' behavior (such as reporting), to victim safety, and to victim satisfaction with various responses from community agencies. However, at the local level, policy makers and researchers must remember that some criminal justice officials are attentive to the rights and claims of suspects and offenders as well; they sometimes claim that they are reluctant to take action in a case that involves a partner if they would not make the same discretionary decision in a case that involved acquaintances or strangers. While these claims may be exaggerated, in some cases, or unjustified, it remains the case that these concerns must be recognized and incorporated into

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coordination strategies, which typically focus on increasing the probability of an offender becoming and remaining entangled with the law. These concerns, when legitimate, are not insurmountable.

This project contributes to future research agendas in three general ways. First, these findings demonstrate a research strategy that may be fruitful for developing more refined understandings of the ways community responses vary, and the implications for important outcomes: by comparing communities, important factors may become more apparent, factors that might elude detection in single-site studies, even longitudinal ones. This study provides only a rough cut at comparative analysis, but it illustrates the possibilities of such a strategy. The proliferation of federally- and state-sponsored programs aimed at specific objectives could provide a remarkable laboratory for understanding community change if evaluations of such programs could be coordinated to examine common independent and dependent variables.

Second, this project focused on an outcome measure – the performance of the criminal justice system in creating a safety and accountability net – as a first step toward adoption of truly community-level variables. Many studies of domestic violence interventions focus on individual offenders, in particular on recidivism in populations of offenders who have been subject to a particular intervention (such as arrest, or a BIP). This is an important strategy for learning about the effectiveness of specific interventions. However, given that the crime of partner violence is common, often unreported, and historically subject to very limited criminal justice reactions, it is equally important to understand how strong the legal nets are. A community that succeeds in effectively treating a select subset of offenders cannot claim to have a community-based response. Future research that combines other agencies' contributions to such nets with the work

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of criminal justice agencies would be particularly valuable. As research on community

partnerships and coordination extends beyond advocacy programs and criminal justice agencies,

into the fields of public health, family courts, and other social services, practitioners and

researchers must clarify their expectations and predictions about the changes they hope to

achieve.

Third, this project sheds some light on some important independent variables, which,

while difficult to measure, may be determinative in the success or failure of community

coordination efforts. In particular, judges emerged from this project as highly variable elements

in local task forces, and their orientations toward domestic violence were well-known and

understood by others in the community. As powerful decision makers in misdemeanor courts,

judges may be limiting or liberating factors in attempts to improve community responses.

In addition, low-visibility, interstitial decisions by criminal justice agencies emerged as

potentially significant obstacles or facilitators for change. While traditionally the focus of

domestic violence research among criminal justice scholars has been on arrest (usually on-scene

arrest), and to a lesser extent, protection orders and sentencing, this study suggests that the

quality of report-writing, the accessibility of case information to various actors, the prioritization

of domestic violence warrants, and other routine practices may play a more significant role in

aggregate outcomes than researchers might suspect.

Finally, the dynamics within task forces, and not just their presence or composition, is

worth closer inspection. Greater inclusiveness sounds more desirable, but future researchers

might wish to explore the possibility that certain key elements are critical for establishment of

good working relationships and change opportunities, while the active participation of other

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actors may be less critical.

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Tables

Table 2.1 Scope of Police Departments' Arrest Policies (n=207)

Scope of Policy Includes:	Arrest at officers' discretion or victim's signed complaint	Arrest is mandatory unless victim objects	Arrest is mandatory regardless of victim preference	n (Total)
Family offense relationships[37]	13 (31%)	20 (48%)	9 (21%)	42 (100%)
Family offense relationships and cohabiting couples	8 (20%)	18 (45%)	14 (35%)	40 (100%)
Family offense relationships, cohabiting couples and same-sex couples	20 (53%)	11 (29%)	7 (18%)	38 (100%)
Family offense relationships, cohabiting couples, same-sex couples, and dating couples	25 (29%)	23 (26%)	39 (44%)	87 (100%)
n (Total)	66 (32%)	72 (35%)	69 (33%)	207 (100%)

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[1]   Relationship by marriage, divorce, children-in-common, or other blood relationships, as defined by New York State.

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Table 2.2 Police Department Policy: Arrest and Follow-up in Misdemeanor Incidents (n=207)

Police Department Policy for Misdemeanor Incidents	n=207
Require written reports for all domestic cases	90%
Require supervisor review for domestic incident reports	88%
Prescribe pursuit of suspects who have fled scene in domestic incidents	78%
File warrants without victim complaint/signature when suspect has fled scene	20%
Routine overnight detention of misdemeanor suspects in domestic violence cases	64%
Refer domestic violence cases to detective for follow-up	25%

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Table 2.3   Police Departments' Responses to Victims (n=207)

Department Response to Victims	n=207
Information given regarding filing for warrants	78%
Referral to social services	90%
Transport to safe location	89%
Follow-up contact with domestic violence unit	26%
Victim advocate assigned	17%
Liaison with domestic violence service provider	11%
Participation on local task force	26%

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Table 2.4 Factor Analysis of Police Departments' Policies and Practices (n=207)

	Factor 1	Factor 2	Factor 3	Factor 4	Factor 5
Eigenvalue	1.81	1.39	1.26	1.05	1.01
Scope of arrest policy	.63	.30	.02	.08	.04
Victims assigned to advocates	.64	-.11	.38	.13	.11
Liaison with victim services provider	.45	-.12	-.06	-.08	.05
Overnight detention	-.11	.81	-.09	.08	.04
Pursuit in offender-absent cases	.10	.71	.26	.05	-.05
Cases assigned to follow-up unit	-.06	.08	.75	.05	.16
Training	.32	.13	.58	-.16	-.36
Arrest policy (discretionary versus mandatory)	-.13	-.08	.08	.83	-.06
Provisions for dual arrest	.17	.29	-.07	.68	.04
Membership on task force	.27	.06	.03	-.08	.86

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Table 2.5   Prosecutors' Routine Policies and Practices in Domestic Cases (n=45)

Prosecutors' Policies and Practices	Percent of total counties (n=45)	Percent of Rural counties	Percent of Medium counties	Percent of Urban counties
Responsiveness to victim				
Make referrals to shelters	76	65	78	86
Make referrals to social services	50	18	67	71
Response to suspect				
Recommend ROR	5	6	0	7
Divert to batterers' intervention	33	35	33	36
Recommend probation for repeat offenders	52	47	44	71
Recommend jail for repeat offenders	83	77	88	86
Expectations for victim participation				
Require victims to appear at arraignment	2	0	0	7
Prosecute without victim complaint	55	47	67	64
Prosecute without victim cooperation	62	65	56	71
Require victim to sign off a withdrawal of charges	62	65	67	57
Take victim deposition in lieu of appearance	5	6	0	7
Specialized domestic violence response				
Have specialized bureau for domestic violence	33	0	22	71
Have victim advocate available	14	6	0	36
Apprize victim of suspect's release	45	29	67	50
Information management				
Track cases for specialized prosecution	29	6	11	64
Track data to inform charging for recidivists	36	23	22	57
Track data to inform sentence recommendations for recidivists	31	23	33	43
Routinely receive police reports on domestic incidents	24	18	33	29
Routinely receive police reports on arrests in domestic cases	55	35	56	71
Participate on task force or coalition	49	35	56	71

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Table 2.6 Prosecutors' Task Force Participation and Domestic Violence Office Policies (n=45)

Prosecutors' Task Force Participation and Office Policies	Participates in local task force (%)	Does not participate in local task force (%)
Responsiveness to victim		
Make referrals to shelters	82	70
Make referrals to social services	64	35
Response to suspect		
Recommend ROR	5	5
Divert to batterers' intervention	46	20
Recommend probation for repeat offenders	68	35
Recommend jail for repeat offenders	96	70
Expectations for victim participation		
Require victims to appear at arraignment	5	0
Prosecute without victim complaint	64	45
Prosecute without victim cooperation	73	50
Require victim to sign off a withdrawal of charges	73	50
Take victim deposition in lieu of appearance	0	10
Specialized domestic violence response		
Have specialized bureau for domestic violence	41	25
Have victim advocate available	18	10
Apprize victim of suspect's release	50	40
Information management		
Track cases for specialized prosecution	41	15
Track data to inform charging for recidivists	55	15
Track data to inform sentence recommendations for recidivists	46	15
Routinely receive police reports on domestic incidents	36	10
Routinely receive police reports on arrests in domestic cases	64	45

Table 2.7 Factor Analysis of Prosecutors' Policies and Practices (n=45)

	Factor 1	Factor 2	Factor 3	Factor 4	Factor 5	Factor 6
Eigen value	**2.88**	**1.72**	**1.44**	**1.26**	**1.05**	**1.04**
Get crime reports from police	-.06	.08	.06	.14	.87	-.04
Inform victim of suspect release	.52	.05	-.19	.16	.61	.11
Refer to shelters	.80	.15	-.10	.18	-.04	.12
Refer to social services	.86	.01	.34	-.10	.11	-.07
Recommend jail	.54	.15	-.11	.68	.03	-.01
Recommend probation	-.01	-.04	.09	.87	.22	.12
Pre-trial diversion to batterers' intervention	.11	.76	.05	-.04	.25	.06
Will prosecute with non-participating victim	.06	.87	.04	.07	-.13	-.05
Specified bureau	.20	-.10	.82	-.22	.10	.20
Track cases for charging decisions	-.11	.21	.82	.31	-.13	-.01
Specialized victim advocate available	.07	-.16	.22	.00	-.10	.85
Will prosecute without victim complaint	.07	.43	-.10	.19	.21	.64

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Table 2.8: Dimensions of Coordination

E. Criminal justice agencies' policies and practices
    1.   Police practices
        a.   Scope of "domestic violence" defined by departmental policy
        b.   Report writing
        c.   Arrest policies
            A.   Discretionary, presumptive, mandatory arrest policies
            B.   Response to cross-complaints, "dual arrest" policies
            C.   Arrest, ticketing, booking, post-arrest detention practices
        d.   Response to absent offenders
            A.   Pursuit policy
            B.   Warrants, summonses, and citizen complaints
    2.   Prosecutor practices: Intake and charging
    3.   Court decisions
        a.   Scope and definition of "domestic violence" adopted by court
        b.   Pre-trial detention and release
        c.   Issuing orders of protection
        d.   Dispositions: dismissal, deferred dismissal, conviction
        e.   Sentencing: treatment, supervision, accountability

F. Criminal justice system characteristics: fragmentation and coordination within the system
    1.   Expectations about victims' roles and responsibilities
    2.   Allocation of resources to domestic violence cases
        a.   Consistency of and access to case information/records across agencies
        b.   Allocation of resources, orientation toward victim assistance and advocacy
        c.   Training (intra- and inter-agency)
    3.   Adversarial vs consensual legal proceedings
    4.   Timeliness: points of delay in processing complaints

G. Victim services agencies' operations and mission
    1.   Mission and scope: focus on domestic violence, women, all victims
    2.   Reliance on volunteers vs. paid staff
    3.   Tenure of leadership, stability of organization
    4.   Services available for victims and for offenders

H. Interagency relationships: distance and coordination across criminal justice and service agencies
    1.   Mechanisms of coordination and collaboration: task forces, councils, partnerships
        a.   Longevity of initiative
        b.   Participation patterns
        c.   Leadership
        d.   Scope of activities, programs, initiatives
    2.   Adversarial, cooperative, and indifferent relationships among agencies
    3.   Degree of formality in shared protocols and policies
    4.   Agreement on priority problems and strategies
    5.   Referrals to victim and offender services organizations from the criminal justice system

I. The role of community in community coordination
    1.   Definition of community as a resource: inclusion of groups with community constituencies (eg, clergy); inclusion of "the opposition" (eg, defense bar)
    2.   Definition of community as a target audience: educational efforts
    3.   Definition of community: outreach to potential and unidentified victims and offenders

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Table 3.1

Site Selection Criteria

	Lakeport	Stocktown	Morton	Helena	Carthage
Progressive police practices in arrest, report-writing, booking	high	high	high	low	moderate
Task force/coalition outreach to community	moderate	low	high	high	low
Inclusive c.j. participation in task force or coalition	high	moderate	high	low	high
D.V. program resources, staffing, stability in community	moderate	moderate	high	high	low
C.J. resources allocated to d.v. cases: victim advocates, training, information collection	moderate	moderate	high	low	low
Formalized interagency protocols and agreements	high	low	moderate	low	low

Table 3.2   Demographic and Crime Characteristics of Study Cities

	Lakeport	Stocktown	Morton	Helena	Carthage
Population	20,000-25,000	50,000-75,000	>150,000	50,000-75,000	50,000-75,000
% Population change 1990-1996	-5	-4	-5	-3	-11
Racial diversity	White: 94% Black: 5% Other: 1%	White: 88% Black: 9% Other: 3%	White: 75% Black:20% Other: 5%	White: 88% Black: 8% Other: 4%	White: 87% Black: 10% Other: 3%
Median household income	$32,000	$24,000	$21,000	$23,000	$20,000
Median family income	$38,000	$30,000	$28,000	$31,000	$27,000
Unemployment (Males over 16)	6%	6%	6%	6%	8%
Public assistance	9%	12%	15%	10%	17%
High school graduate or less	61%	60%	56%	59%	63%
Index crime rate per 1,000 (1996)	56	58	69	61	51
Index violent crime rate per 1,000 (rape, robbery, aggravated assault) (1996)	2.3	7.3	8.9	5.3	3.1
Total police personnel (1996)	55	241	632	161	166
Sworn police personnel (1996)	52	142	474	114	159
Sworn officers per 1,000 population (1996)	2.2	2.3	3.0	2.2	2.6

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Table 3.3   Dimensions of Coordination: Lakeport

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Lakeport's Dimensions of Coordination

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Criminal justice agencies' policies and practices

A. **Problem definition:** Broad definition, including all family and partner relationships, wide array of offenses; "injury beyond bruising" is standard for misdemeanor charge; mandatory report-writing; multiple levels of review (including chief)

B. **Arrest policies:** Mandatory arrest policy predating legal reforms; dual arrest provisions; overnight detention

C. **Response to absent offenders:** Pursuit; arrest for misdemeanor and advise victim to file for warrant if violation

D. **Case files:** Booking includes photo and fingerprinting for misdemeanors, not violations

E. **Pre-trial detention and ROR:** District attorney won't recommend ROR; judge routinely RORs, especially if defendant agrees to counseling

F. **Victims' roles and responsibilities:** District attorney has no drop policy and works with police department to improve evidence; victim not expected to actively participate, but charges reduced to violation if she does not

G. **Allocation of resources to case development:** Police department, district attorney, and criminal courts have easy access to information; computers in all sectors permit ready retrieval

H. **Allocation of resources to victim assistance:** District attorney and domestic violence program train police department; no in-house victim advocate

I. **Issuance of orders of protection:** Orders of protection routinely issued in almost all cases

J. **Type of proceedings:** Somewhat adversarial; public defender seeks jury trials, sees district attorney and courts as inflexible and punitive, judge generally supports prosecutor's claims

K. **Points of delay in processing:** Long delays between filing for and issuance of warrant; delays in over enrolled counseling program

L. **Conviction standards and dispositions:** District attorney policy, plea agreements come with requirement for counseling; charge reduction only for first offenders

M. **Sentencing options:** Frequent use of counseling, including BIP, monitored by program staff with feedback to court, and district attorney; probation used as well

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Social services agencies' policies and practices

A. **Scope of responsibility:** Primary focus is domestic violence victims

B. **Volunteers vs. paid staff:** Mix of experienced staff, some volunteers

C. **Stability of organization:** Small but stable operations

D. **Services available:** Multiple services for victims; BIP available

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Relationships between criminal justice and victim services agencies

A. **Structure and inclusiveness of coordination:** Task force, initiated by district attorney; includes most key criminal justice actors and domestic violence programs

B. **Locus of initiatives:** District attorney provides leadership

C. **Relationship across agencies:** Cooperative, trusting

D. **Type of relationships:** Somewhat asymmetrical; dominated by district attorney, domestic violence program plays a supporting role

E. **Information sharing channels:** Open exchange of information

F. **Formality in shared protocols and policies:** New policies are quickly formalized into an integrated and widely disseminated protocol manual

G. **Task orientation:** Information sharing; grantwriting; policy formulation

H. **Agreement on priority problems:** Moderate agreement; domestic violence programs would prefer prioritizing victim, task force policies tend to emphasize offender accountability

I. **Stability and continuity of key participants:** Task force is new, still settling

J. **Referrals to victim and offender services organizations:** Routine referrals from police department to victim programs; heavy use of batterers' programs

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The role of community in community coordination

A. **Definition of community as a resource:** Limited to criminal justice and domestic violence programs

B. **Definition of community as a target audience:** Not yet

C. **Outreach to potential victims and offenders:** Not yet

D. **Priority of domestic violence as an issue:** Strong consensus that domestic violence should be a criminal justice priority, optimism that intervention will make a difference

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Table 3.4   Dimensions of Coordination: Stocktown

Stocktown's Dimensions of Coordination

Criminal justice agencies' policies and practices

A.   **Problem definition:** Broad definition of domestic relationships; mandatory police report-writing for all incidents; high court standards for probable cause (e.g., misdemeanor assault only if medical help was needed)

B.   **Arrest policies:** Mandatory arrest policy; presumptive arrest policy in place for 10 years; primary aggressor policy; overnight detention

C.   **Response to absent offenders:** Pursue if arrest intended; officer applies for warrant if suspect not found

D.   **Case files:** Booking, but no fingerprinting, of most misdemeanors; prosecutors support officer's charges

E.   **Pre-trial detention and ROR:** District attorney does not recommend ROR; judges routinely set $500.00 bail

F.   **Victims' roles and responsibilities:** Police officers sign complaints if witness; no-drop policy; but court requires victim appearance/testimony if defense moves to dismiss

G.   **Allocation of resources to case development:** Open exchange of information among police, district attorney, courts

H.   **Allocation of resources to victim assistance:** Victim notification of release; victim advocates notified by police of incidents; training of police by district attorney, advocates; special ADA for domestic violence

I.   **Issuance of orders of protection:** Orders routinely issued if case involves injury or repeat offender

J.   **Type of proceedings:** Proceedings somewhat adversarial; most defendants have counsel, often seek dismissal from court

K.   **Points of delay in processing:** Domestic violence warrants are top priority, routinely executed; district attorney moves cases quickly

L.   **Conviction standards and dispositions:** High and unpredictable standards for conviction; judge requires "serious injury" for misdemeanor conviction

M.   **Sentencing options:** District attorney recommends jail or probation; judge prefers time served and counseling; probation department active in supervising post-conviction

Social services agencies' policies and practices

A.   **Scope of responsibility:** Primarily domestic violence victims

B.   **Volunteers vs. paid staff:** Both; adequately staffed at present

C.   **Stability of organization:** Program has stable core of long-term staff, but is growing quickly

D.   **Services available:** Full range of services for victims; BIP available

Relationships between criminal justice and victim services agencies

A. **Structure and inclusiveness of coordination:** Coalition, active participation from domestic violence program, police department, district attorney, probation, family court

B. **Locus of initiatives:** Domestic violence program and district attorney lead most initiatives

C. **Relationship across agencies:** High level of coordination and cooperation after history of hostility, distrust

D. **Type of relationships:** Symmetrical relationships

E. **Information sharing channels:** Informal information exchange and recommendations; pragmatic communication style

F. **Formality in shared protocols and policies:** Informal, often unwritten agreements about incremental policy changes

G. **Task orientation:** Policy development; resource aggregation for new programs (e.g., training, more advocates)

H. **Agreement on priority problems:** Shared high priority on victim safety, offender accountability

I. **Stability and continuity of key participants:** Stable participants, although coalition survived three police chiefs in four years

J. **Referrals to victim and offender services organizations:** Defense referral network, although judges are reluctant to refer to BIP

The role of community in community coordination

A. **Definition of community as a resource:** Inclusive, open

B. **Definition of community as a target audience:** Emergent

C. **Outreach to potential victims and offenders:** Emergent efforts

D. **Priority of domestic violence as an issue:** High priority for all participants, including judge

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Table 3.5   Dimensions of Coordination: Morton

Morton's Dimensions of Coordination

Criminal justice agencies' policies and practices

A. **Problem definition:** Broad, inclusive definition, in terms of relationships and behaviors; required incident reports and review

B. **Arrest policies:** Mandatory arrest policy predates legislative reform; primary aggressor provision; overnight detention

C. **Response to absent offenders:** Off-scene pursuit policy; depositions taken at scene for use in filing for warrant

D. **Case files:** Standard booking; intake ADA processes prior to arraignment

E. **Pre-trial detention and ROR:** District attorney does not usually recommend ROR, judges often set bail

F. **Victims' roles and responsibilities:** No-drop policy; police instructed to maximize evidence collection at scene; follow-up investigators contact victim

G. **Allocation of resources to case development:** Uniform case-numbering system permits case-tracking across agencies; system to be integrated into domestic violence program computer

H. **Allocation of resources to victim assistance:** Victims notified of release, victim advocate stationed in police department/courthouse; specialized unit and training in both police department and district attorney's office.

I.   **Issuance of orders of protection:** Order of protections routine

J.   **Type of proceedings:** Quasi-adversarial; most defendants represented by counsel

K. **Points of delay in processing:** No-shows require bench warrants, which can be slow to result in apprehension

L. **Conviction standards and dispositions:** District attorney attempts to get convictions for misdemeanors even in absence of visible injuries

M. **Sentencing options:** Sentences include BIPs, other offender treatments, probation

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Social services agencies' policies and practices

A. **Scope of responsibility:** Domestic violence program focuses primarily on domestic violence victims

B. **Volunteers vs. paid staff:** Core paid staff full-time and part-time, use of university inters and volunteers

C. **Stability of organization:** Very stable leadership (15-20 years), gradual growth of organization and expansion of programs and services

D. **Services available:** Extensive services and referral network for victims, offenders, and families

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Relationships between criminal justice and victim services agencies

A. **Structure and inclusiveness of coordination:** Coalition, including all key criminal justice agencies and advocates

B. **Locus of initiatives:** Initiative for coalition is domestic violence program

C. **Relationship across agencies:** Mutually supportive, open relationship

D. **Type of relationships:** Symmetrical; strong emphasis on candor and compromise

E. **Information sharing channels:** Regular and informal information sharing via extensive network, sustained by domestic violence program staff

F. **Formality in shared protocols and policies:** Informal; tend to refrain from formalizing policies except for purposes related to training

G. **Task orientation:** Long-term planning; negotiated policy and practice reforms in all criminal justice domains; coordination in resource acquisition; self-study and outside evaluation

H. **Agreement on priority problems:** Open discussion about competing objectives of meeting victim needs and targeting high rate recidivists (police department priority)

I. **Stability and continuity of key participants:** High level of stability, surviving personnel change

J. **Referrals to victim and offender services organizations:** Extensive referrals and casework, consultation across criminal justice and domestic violence program staff

The role of community in community coordination

A. **Definition of community as a resource:** Very inclusive, open

B. **Definition of community as a target audience:** Extensive, via media, newsletter, school intervention

C. **Outreach to potential victims and offenders:** Proactive, through education and information sessions for clergy, educators, employers

D. **Priority of domestic violence as an issue:** Consensus on high priority of domestic violence

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Table 3.6 Dimensions of Coordination: Helena

Helena's Dimensions of Coordination

Criminal justice agencies' policies and practices

A. **Problem definition:** Inclusive definition of domestic relationships; visible injury standard for probable cause; report writing discretionary; cursory review of all domestic violence reports

B. **Arrest policies:** Presumptive arrest; dual arrest is appropriate; state's mandatory arrest law is seen as very problematic; most released with desk bail after booking

C. **Response to absent offenders:** Pursuit likely only if outstanding warrant on another charge

D. **Case files:** Prosecutors charge what police report recommends, judge arraigns

E. **Pre-trial detention and ROR:** Judge prefers to set high bail, but often RORs a few days later

F. **Victims' roles and responsibilities:** Prosecutor attempts to apply a no-drop policy, but judge reluctant to convict without complaining witness

G. **Allocation of resources to case development:** Obstacles to information exchange among police, district attorney, court

H. **Allocation of resources to victim assistance:** Limited victim notification; victim advocates stationed prosecutor's office; no specialized units; no specialized training

I. **Issuance of orders of protection:** Orders routinely issued in misdemeanor assault, even over victim objections

J. **Type of proceedings:** Most defendants have counsel who advise against quick guilty pleas; adversarial

K. **Points of delay in processing:** Bench warrants for no-shows take weeks to execute

L. **Conviction standards and dispositions:** Standards for conviction tacitly require victim cooperation; judge prefers to incarcerate on other (concurring) charges, e.g., drug possession

M. **Sentencing options:** Counseling often recommended, but not specific to domestic violence; BIP deemed too expensive for defendants ($20.00)

Social services agencies' policies and practices

A. **Scope of responsibility:** District attorney advocacy program serves all victims, but local domestic violence program provides specialized advocate

B. **Volunteers vs. paid staff:** Local domestic violence program well-staffed, benefits from interns from local colleges

C. **Stability of organization:** Domestic violence program well-established, diversified, highly visible in community

D. **Services available:** Extensive victim services; BIP available

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Relationships between criminal justice and victim services agencies

A. **Structure and inclusiveness of coordination:** Two domestic violence task forces, one led by domestic violence program, other run by mayor; police department and judges only familiar with latter

B. **Locus of initiatives:** Domestic violence program and district attorney share leadership; no input from police department, criminal court

C. **Relationship across agencies:** Indifferent, sometimes hostile

D. **Type of relationships:** Adversarial

E. **Information sharing channels:** Little information shared; police see district attorney and domestic violence program as hostile "watchdogs"

F. **Formality in shared protocols and policies:** Little shared policy development

G. **Task orientation:** Mayor's task force is largely symbolic; domestic violence task force undertakes policy development, resource aggregation, case-level problem-solving

H. **Agreement on priority problems:** Task force members agree on prioritizing victim safety, but this view is not shared by police/courts

I. **Stability and continuity of key participants:** Participation stable, but limited

J. **Referrals to victim and offender services organizations:** Very limited knowledge about services/BIP, few referrals

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The role of community in community coordination

A. **Definition of community as a resource:** Task force participation by diverse groups .

B. **Definition of community as a target audience:** Active outreach efforts to community through media, educational institutions

C. **Outreach to potential victims and offenders:** Some efforts at secondary prevention

D. **Priority of domestic violence as an issue:** Domestic violence seen as high priority by task force members, but as over-politicized and hyped by police

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Table 3.7 Dimensions of Coordination: Carthage

Carthage's Dimensions of Coordination
Criminal justice agencies' policies and practices   A. **Problem definition:** Restrictive definition, "family offense"; probable cause requires visible injury   B. **Arrest policies:** Discretionary outside statutory mandate; use of appearance tickets; little use of post-arrest detention   C. **Response to absent offenders:** No pursuit, routine reliance on summonses   D. **Case files:** High incidence of violation-level charges, incomplete booking and printing practices   E. **Pre-trial detention and ROR:** High incidence of ROR   F. **Victims' roles and responsibilities:** Reliance on victim appearances at all stages, especially to support warrant if offender is no-show   G. **Allocation of resources to case development:** Case records, including police reports, seldom accessible to practitioners   H. **Allocation of resources to victim assistance:** No protocol for notification; planning to have lay advocates in court to provide legal advice; no training or specialized unit   I. **Issuance of orders of protection:** Few orders issued   J. **Type of proceedings:** Consensual proceedings   K. **Points of delay in processing:** Cases often 'continued' when defendant fails to respond to one or more summonses   L. **Conviction standards and dispositions:** Expectation that ACD is most suitable disposition   M. **Sentencing options:** Most sanctions seen as inappropriate; counseling, especially conjoint counseling, favored
Social services agencies' policies and practices   A. **Scope of responsibility:** Victim services   B. **Volunteers vs. paid staff:** Limited paid staff, most located in county seat   C. **Stability of organization:** Organization attempting to expand and create new programs, expand resource base   D. **Services available:** Limited services for offenders and victims

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Relationships between criminal justice and victim services agencies

A. **Structure and inclusiveness of coordination:** Task force, with broad inclusive membership from criminal justice; well-attended monthly meetings

B. **Locus of initiatives:** District attorney's office, primarily a new DA, police captain

C. **Relationship across agencies:** Approximately three years at time of study

D. **Type of relationships:** Asymmetrical, dominated by criminal justice concerns; victim services plays secondary role

E. **Information sharing channels:** Limited informal communication outside meetings

F. **Formality in shared protocols and policies:** Informal and very limited

G. **Task orientation:** Assessment; information sharing

H. **Agreement on priority problems:** Dissensus within and among participants over nature of problem, role of criminal justice in responding

I. **Stability and continuity of key participants:** Relatively stable participation and leadership

J. **Referrals to victim and offender services organizations:** Few referrals to offender services/victim services

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The role of community in community coordination

A. **Definition of community as a resource:** Little outreach beyond criminal justice, victim services

B. **Definition of community as a target audience:** Minimal

C. **Outreach to potential victims and offenders:** Minimal

D. **Priority of domestic violence as an issue:** Domestic violence perceived as a priority political and social, but not a criminal justice issue

Table 3.8: Summary of Key Findings of Community Responses

Darker cell colors represent policy, practice, or characteristic consistent with higher predicted levels of offender accountability and/or victim safety

		Lakeport	Stocktown	Morton	Helena	Carthage
Police dept practices and policies	Broad definition of d.v.					
	Aggressive reporting and arrest					
	Comprehensive booking					
	Specialized units/training					
Prosecution and court policies and practices	Pretrial detention/release					
	Victimless prosecution policy					
	No drop policy					
	Victim-friendly courts					
	Expedited proceedings, prioritization of d.v. cases					
	Judges' orientations and attitudes toward dv — accountability					
	Judges' orientations and attitudes toward dv — victim safety					
	Judges' orientations and attitudes toward dv — d.v.dynamics					
Characteristics of coordinated response efforts	Participation of key c.j. actors					
	Cooperation across c.j. agencies					
	Collaboration with d.v. agencies					
	Formal interagency protocols					
	Shared goals, priorities					
	Info exchange across agencies					
Strength of domestic violence program						
Nature of community outreach/involvement						

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Table 4.1: Outcome Variables: Predictions of Community-Level Measures of Accountability and Safety

	Lakeport	Stocktown	Morton	Helena	Carthage
Report-writing: written reports of incidents	High Police dept policy, chief reviews reports	High Police dept policy	High Police dept policy	Low No PD policy, little supervisory review of reports	Medium Restrictive PD definition of "domestic violence"
Quality of report-writing: recording of evidence, injuries, threats, weapons	High police dept policy, collaboration with DA evidence-based prosecution	High Police dept policy, evidence-based prosecution, high judicial standards	High Police dept policy, special unit reviews reports, PD focus on convicting recidivists	Low No police policy	Low Reports seldom reviewed, not easily accessed by prosecutor, low expectations for conviction
Police offense identification: reports indicating violation, misdemeanor, felony	High Judge supports charges	Moderate Police anticipate high standards for supporting serious charges	High Higher charges supported by detailed incident reports	Low Police dept engages in victim-blaming, dv is low priority	Low Police, prosecutor need victim to sustain serious charges in court
Formal legal action: Arrest and off-scene legal action (warrants and summonses); arraignments	High Police dept policy promotes arrest and use of warrants	Moderate Police dept policy promotes arrest and use of warrants, but court has high standards for probable cause	High Police dept policy promotes arrest; DA supports arrests, judges willing to convict	Low Police dept does not encourage officers to arrest or pursue warrants	Low Restricted PD definition of "domestic violence"; judges discourage legal action in dv cases
Orders of protection issued by criminal court	High Community policy; judge believes in Ops	Moderate Judges reluctant to "punish" before conviction	High Consensus in CJ that Ops protect victims	High Judge believes Ops cause more good than harm	Low Judges believe Ops cause more harm than good
Case dispositions: guilty pleas, ACDs vs. dismissals	Moderate Judge gives break to "first offenders"	Moderate Judge and defense bar, vs. evidence-based DA	High Consensus on criminalization of dv	Low Little evidence, aggressive defense bar	Low Judges don't see dv as criminal behavior
Sanctions: supervision in the form of jail, probation sentences	High Community policy, accountability	Moderate Judge emphasizes accountability	High Consensus on criminalization of dv	Moderate Judge concerned about victim safety	Low Judges don't see dv as punishable behavior

Table 4.2 Characteristics of Community Domestic Violence Report Samples: Police Incident Report Data

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	Lakeport	Stocktown	Morton	Helena	Carthage
N (incidents involving adult partners)	227	1062	328	323	813
Time span	8 mo.	9 mo.	3 mo.	8 mo.	12 mo.
% Domestic violence reports involving partners and male offenders	80%	81%	57%	80%	79%
% Legally defined as family offenses	36%	38%	43%	40%	38%
% Married partners	31%	25%	25%	29%	27%
% Cohabiting	38%	45%	51%	42%	53%
% On-going relationship	62%	75%	72%	79%	68%
% Occurred in victim's home	69%	78%	87%	69%	78%
Age of offender:					
18-25	28%	31%	34%	34%	31%
26-35	44%	49%	35%	44%	44%
Over 35	28%	21%	30%	22%	25%
% Offenders African-American	17%	36%	60%	34%	43%
% Victims African-American	11%	22%	46%	25%	31%
Age of victim:					
18-25	39%	41%	42%	45%	40%
26-35	31%	39%	35%	35%	40%
Over 35	28%	18%	23%	19%	20%
% Offenders reported using alcohol, drugs	9%	8%	24%	4%	7%
% Offenders reported possessing or using weapon	5%	7%	7%	16%	10%
% Children reported on scene	15%	17%	24%	10%	14%
% Victim reports physical attack	77%	59%	43%	93%	67%
%Victim reports property damage or taking	28%	32%	19%	28%	30%
% Victim reports verbal threats	65%	57%	23%	44%	54%

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	Lakeport	Stocktown	Morton	Helena	Carthage
% Officer indicates active order of protection	22%	20%	11%	21%	12%
Victim injuries:					
None reported	75%	72%	84%	65%	67%
Pain, not visible	2%	2%	4%	4%	5%
Minor visible	20%	23%	10%	29%	26%
Major visible	3%	2%	3%	2%	2%
% Offenders on-scene when police present	41%	38%	56%	37%	48%

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Table 4.3   Police and Criminal Court Responses: Statistics from Official Data [38]

	Lakeport	Stocktown	Morton	Helena	Carthage
Estimated domestic violence partner reports written per month	28	118	306	40	68
Offenses recorded on police report:					
Felony	4%	5%	6%	6%	1%
Misdemeanor	42%	39%	13%	53%	39%
Violation	48%	51%	18%	40%	51%
None reported	7%	4%	63%	2%	10%
On-scene arrest rate (arrests/written reports)	58%	50%	22%	81%	40%
Off-scene arrest, warrant, summons rate	39%	29%	40%	7%	37%
Total police arrest, off-scene warrant, summons rate	47%	36%	30%	34%	38%
Arraignment rate [39]	96%	78%	77%	87%	77%
Pretrial detention: [40]					
Detained at arraignment	5%	22%	N/A	18%	17%
Bailed	42%	53%	N/A	49%	31%
ROR/Disposed same day	53%	25%	N/A	33%	52%
Court order of protection issuance rate	77%	53%	67%	76%	7%
Court disposition:					
Dropped or dismissed	15%	4%	15%	13%	20%
Court's guilty verdict rate	50%	59%	49%	69%	60%
ACD	26%	30%	35%	11%	30%
Don't know/Not recorded in file	9%	7%	0%	3%	10%
Sentencing:					
Probation (% of arraigned)	9%	1%	7%	9%	2%
Incarceration, not including time served (% of arraigned)	21%	21%	7%	12%	8%

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[38]   Frequencies based on incidents involving partner relationships, with a male suspect and or aggressor and female
victim.

[39]   Arraignment rate based on all incidents resulting in arrest, warrant, or summons.

[40]   Percents based on all cases arraigned.

Table 4.4   Annual Incidence of Police Reporting, Arrest Practices, and Court Outcomes Standardized per 10,000 Population

	Lakeport	Stocktown	Morton	Helena	Carthage
Reports written (excluding 'unfounded')	145.9	225.1	237.9	88.3	132.5
Report indicates:					
Weapons	7.3	15.8	16.7	14.1	13.3
Victim injuries	36.5	63.0	38.1	30.9	43.7
Property damage/theft	40.9	72.0	45.2	24.7	39.8
Verbal threats	94.8	128.0	54.7	38.9	71.6
Physical attack	112.3	132.8	102.3	82.1	88.8
Offense indicated on police report:					
Felony	5.8	11.3	14.3	5.3	1.3
Misdemeanor	61.3	87.8	30.9	46.8	51.7
Violation	70.0	114.8	42.8	35.3	67.6
No offense noted	10.2	9.0	149.9	1.8	13.3
Police response:					
Arrests (on-scene)	34.7	42.7	29.3	26.5	25.4
Off-scene arrest, warrant, or summons	33.6	40.5	41.9	3.9	25.5
Total legal cases initiated by police response	68.3	83.2	71.2	30.4	50.9
Arraigned	65.8	63.2	55.0	26.1	38.8
Detained pretrial	3.3	13.9	N/A	4.7	6.6
Order of protection	50.7	33.5	36.9	19.8	2.7
Court disposition:					
Dismissed by judge	15.8	7.0	8.3	4.2	11.7
Guilty verdict	32.9	37.3	27.0	18.0	23.3
ACD	17.1	19.0	19.3	2.9	11.7
Sentencing:					
Sent to probation	5.9	0.6	3.9	2.3	0.8
Sent to jail	13.8	13.3	3.9	3.1	3.1

Table 4.5: Police Reports Written, Annual Incidence per 10,000 population

Table 4.5 Police Reports Written
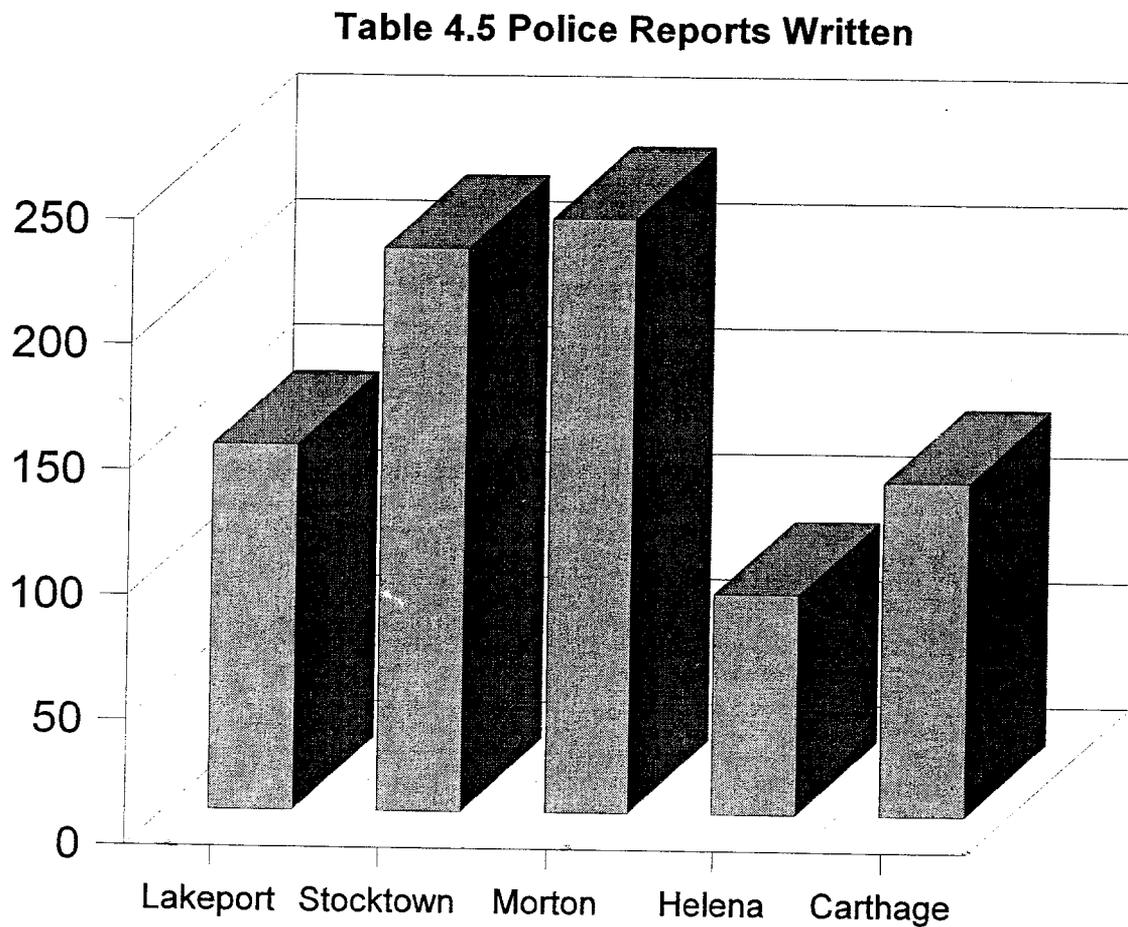
Table 4.6: Characteristics of Incidents Recorded by Police

Legend:
- Physical attack
- Property damage/theft
- Weapons
- Verbal threats
- Victim injuries

X-axis: Lakeport, Stocktown, Morton, Helena, Carthage

Y-axis: 0, 20, 40, 60, 80, 100, 120, 140

Table 4.7: Offenses on Police Reports
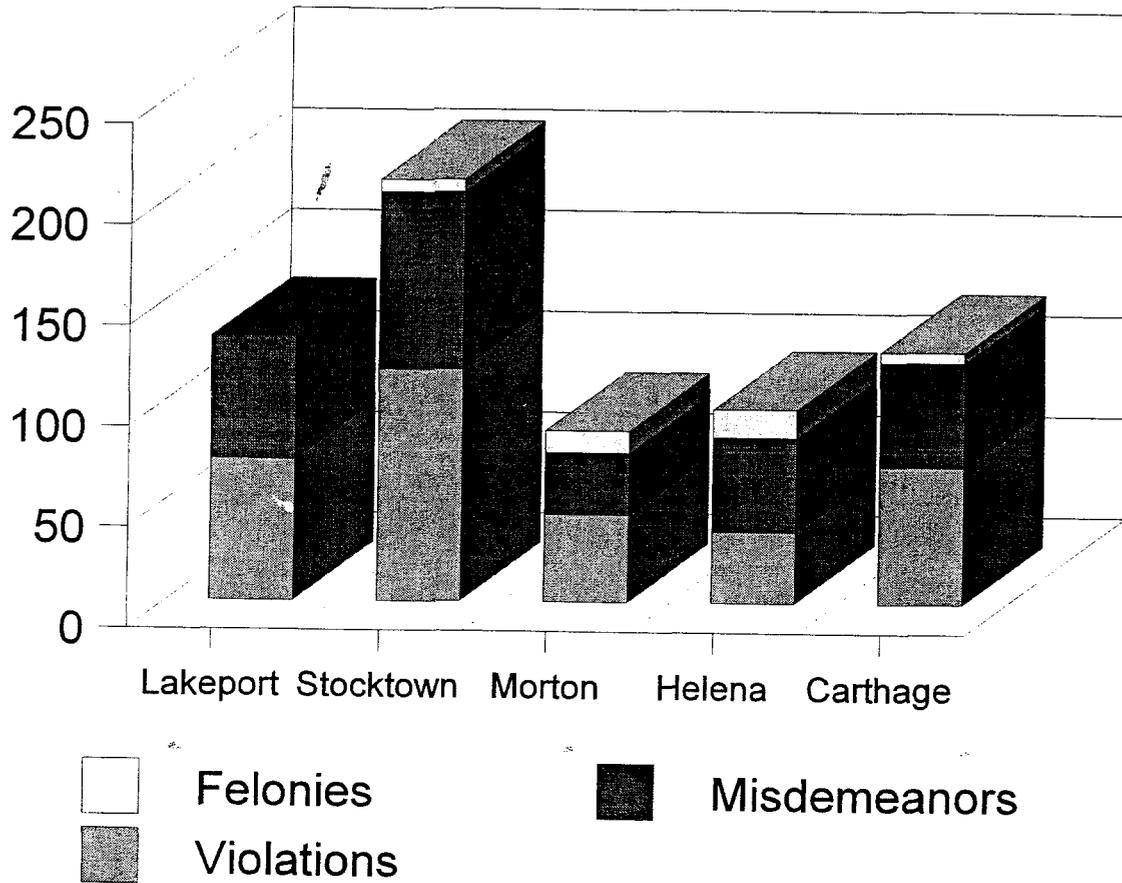
Table 4.8: Legal Actions – Arrests, Warrants and Summonses per 10,000 population

Table 4.8: Legal Actions, Arrests and Warrants
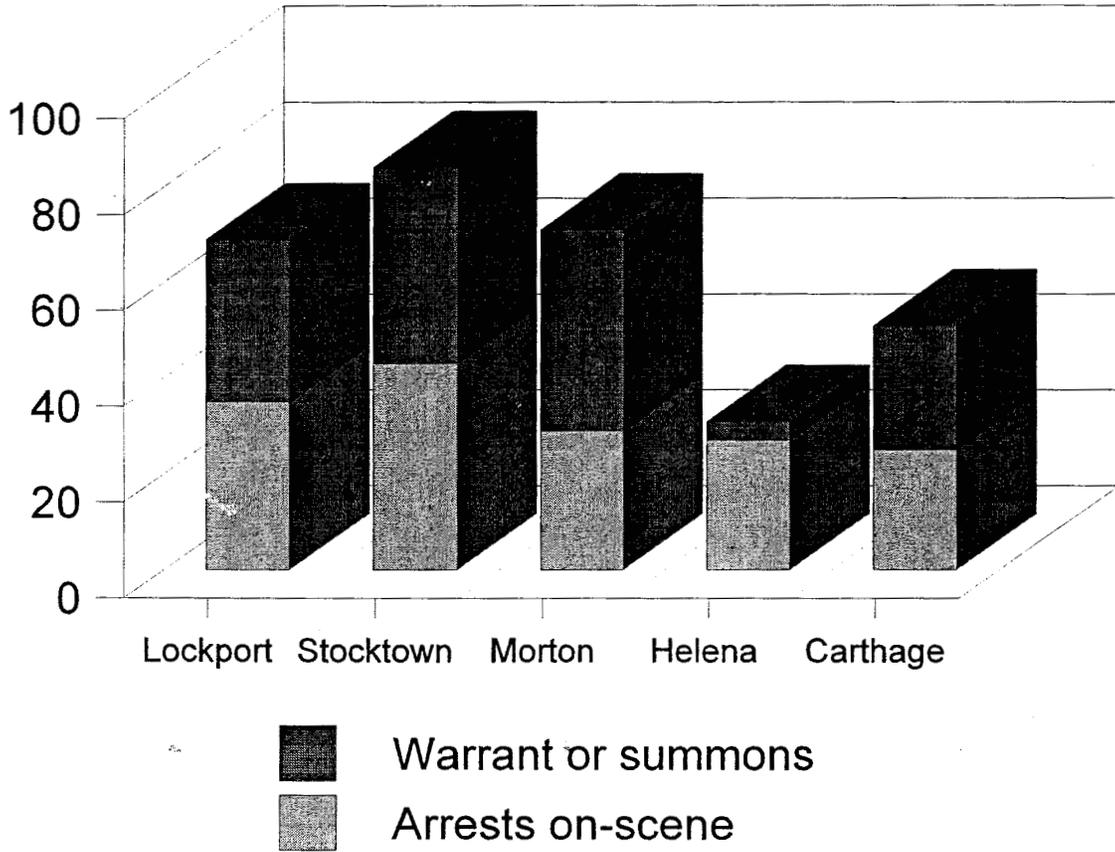
Table 4.9: Legal Action and Arraignments

172
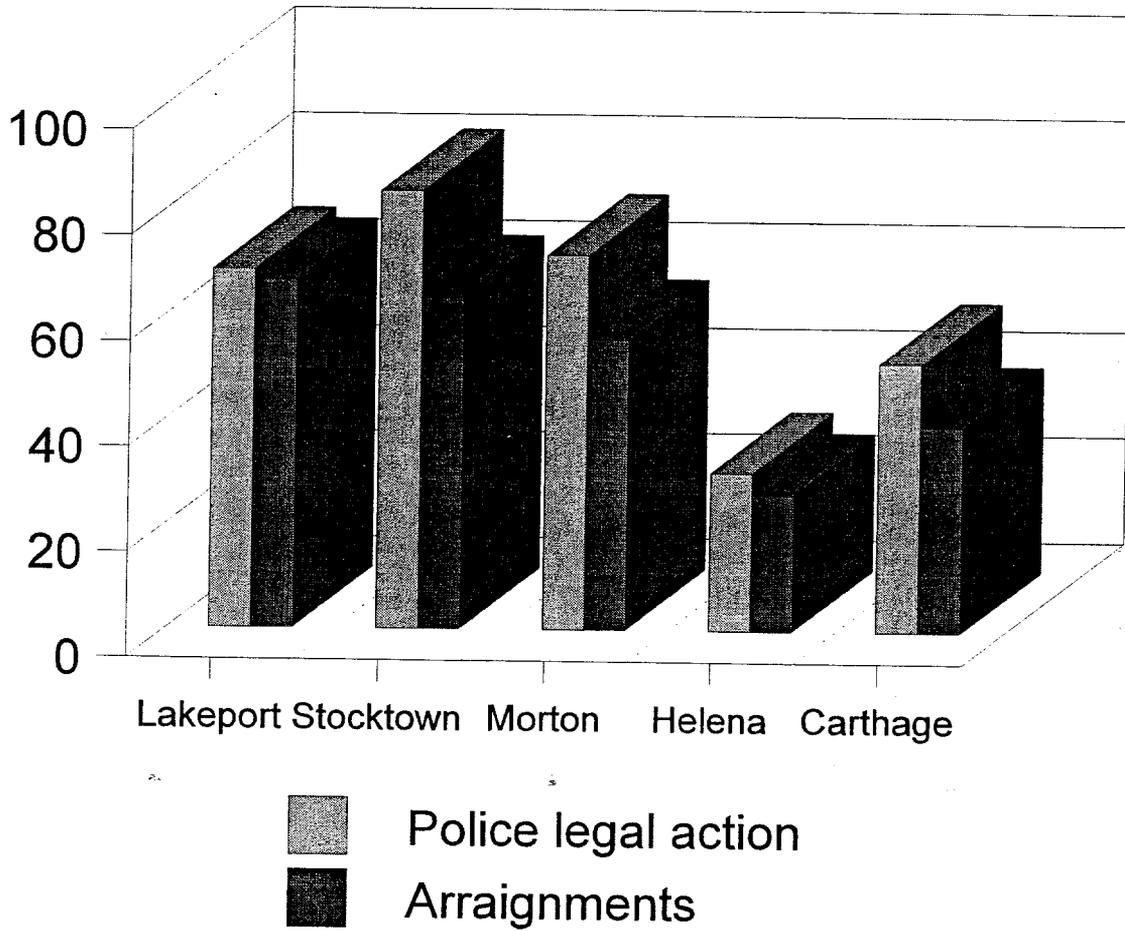
Table 4.10: Orders of Protection Issued, Annual Incidence per 10,000 population

Table 4.10: Protection Orders

Legend: Protection orders
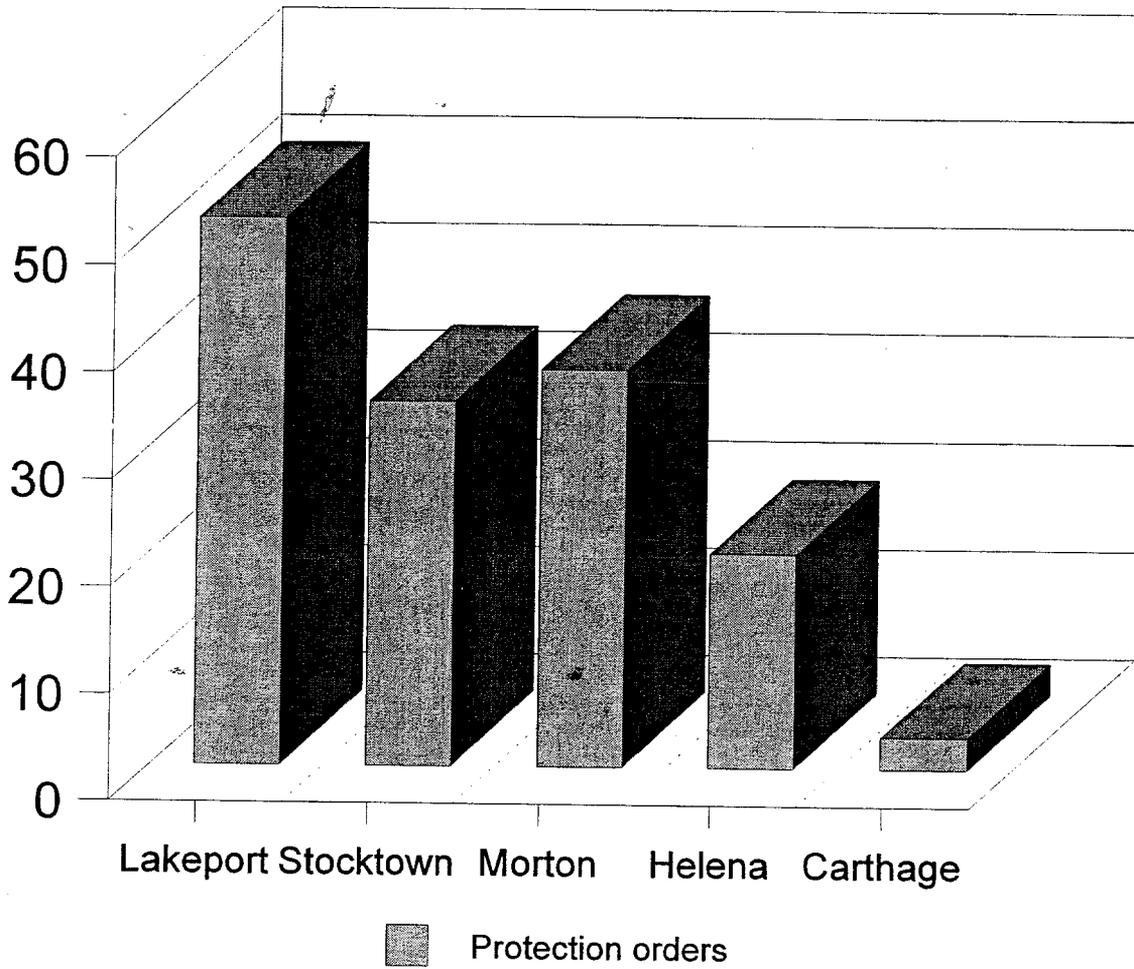
Table 4.11: Criminal Court Dispositions in Domestic Violence Cases per 10,000 population

Table 4.11: Court Dispositions

Guilty verdict   ACOD   Dismissals

174
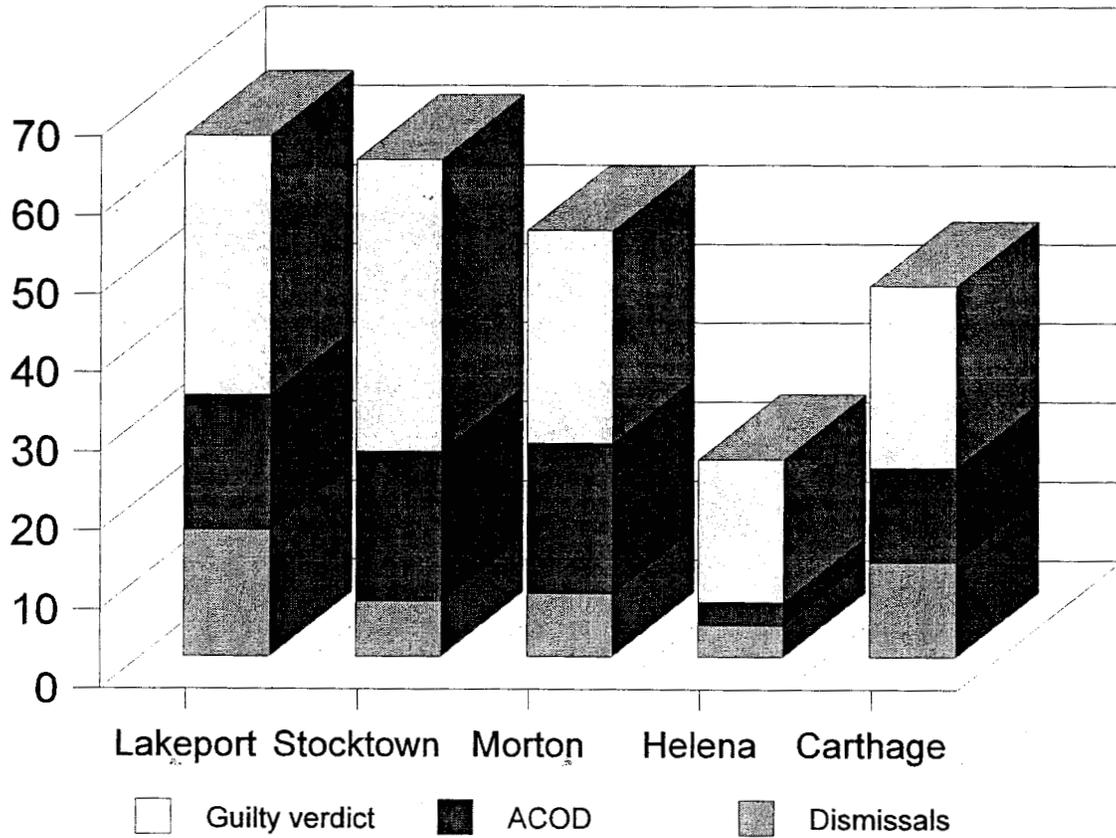
Table 4.12: Sanctions in Domestic Violence Cases per 10,000 population

Table 4.12: Sentencing

Legend: Jail, Probation
Categories: Lakeport, Stocktown, Morton, Helena, Carthage

175
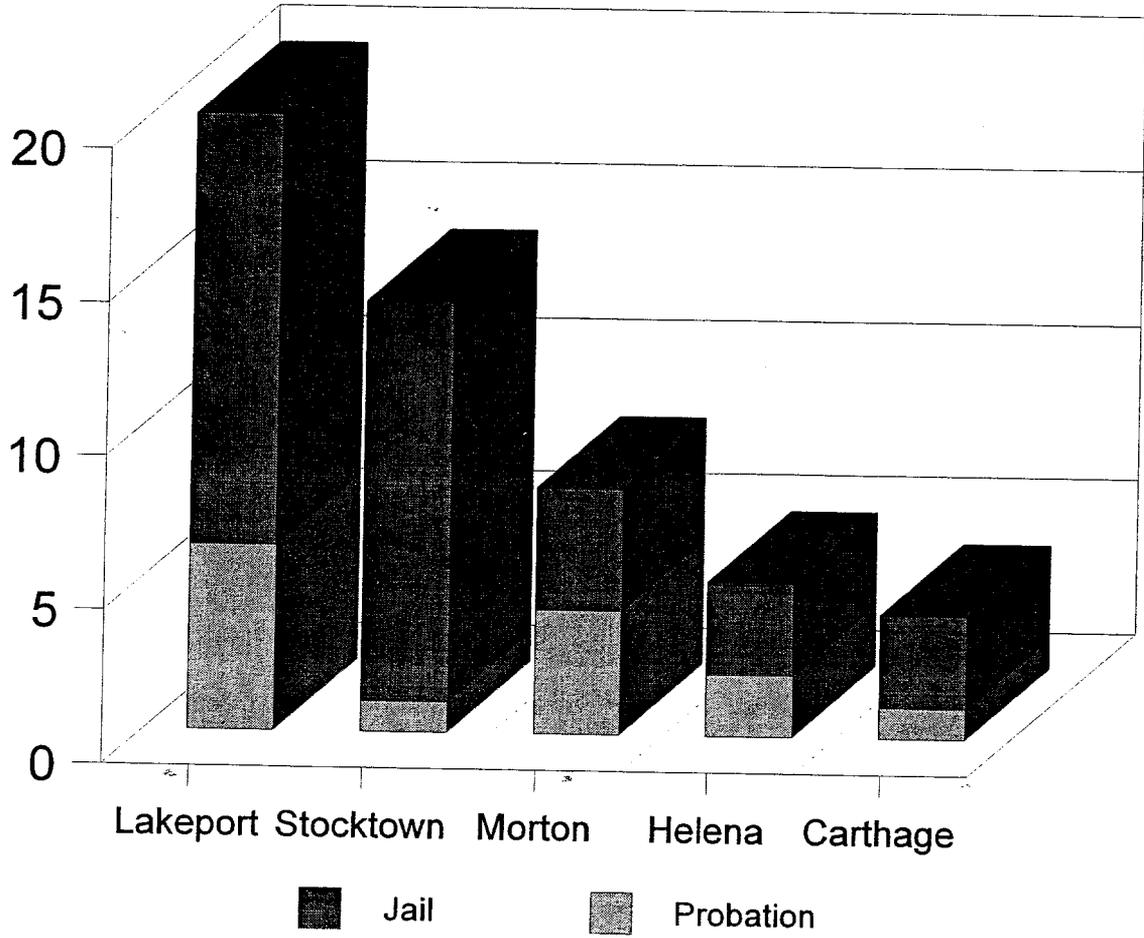
Table 4.13

Results of comparative population-based analyses of criminal justice responses:
Comparison of predicted patterns (Table 4.1) with findings

Community outcome variable		Lakeport	Stocktown	Morton	Helena	Carthage
Report-writing: written reports of incidents	Predicted	high	high	high	low	moderate
	Results	moderate	high	high	low	moderate
Quality of report-writing: recording of evidence, injuries, threats, weapons	Predicted	high	high	high	low	low
	Results	high	high	moderate	low	moderate
Police offense identification: reports indicating violation, misdemeanor, felony	Predicted	high	moderate	high	low	low
	Results	moderate	high	low	low	moderate
Formal legal action: Arrest and off-scene legal action (warrants and summonses); arraignments	Predicted	high	moderate	high	low	low
	Results	high	high	high	low	moderate
Orders of protection issued by criminal court	Predicted	high	moderate	high	high	low
	Results	high	high	high	moderate	low
Case dispositions: guilty pleas, ACDs vs. dismissals	Predicted	moderate	moderate	high	low	low
	Results	high	high	high	low	moderate
Sanctions: supervision in the form of jail, probation sentences	Predicted	high	moderate	high	moderate	low
	Results	high	moderate	low	low	low

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Table 4.14: Case Attrition in Five Communities

Legend:
- Stocktown
- Lakeport
- Morton
- Carthage
- Helena

Data values shown in chart:
250, 200, 150, 100, 50, 0 (y-axis)

Reports, Arrest, Arraigned, Guilty, Sentencing (x-axis)

88, 238, 225, 132, 83, 71, 68, 66, 63, 51, 55, 39, 37, 33, 30, 27, 26, 23, 20, 18, 14, 8, 5, 4
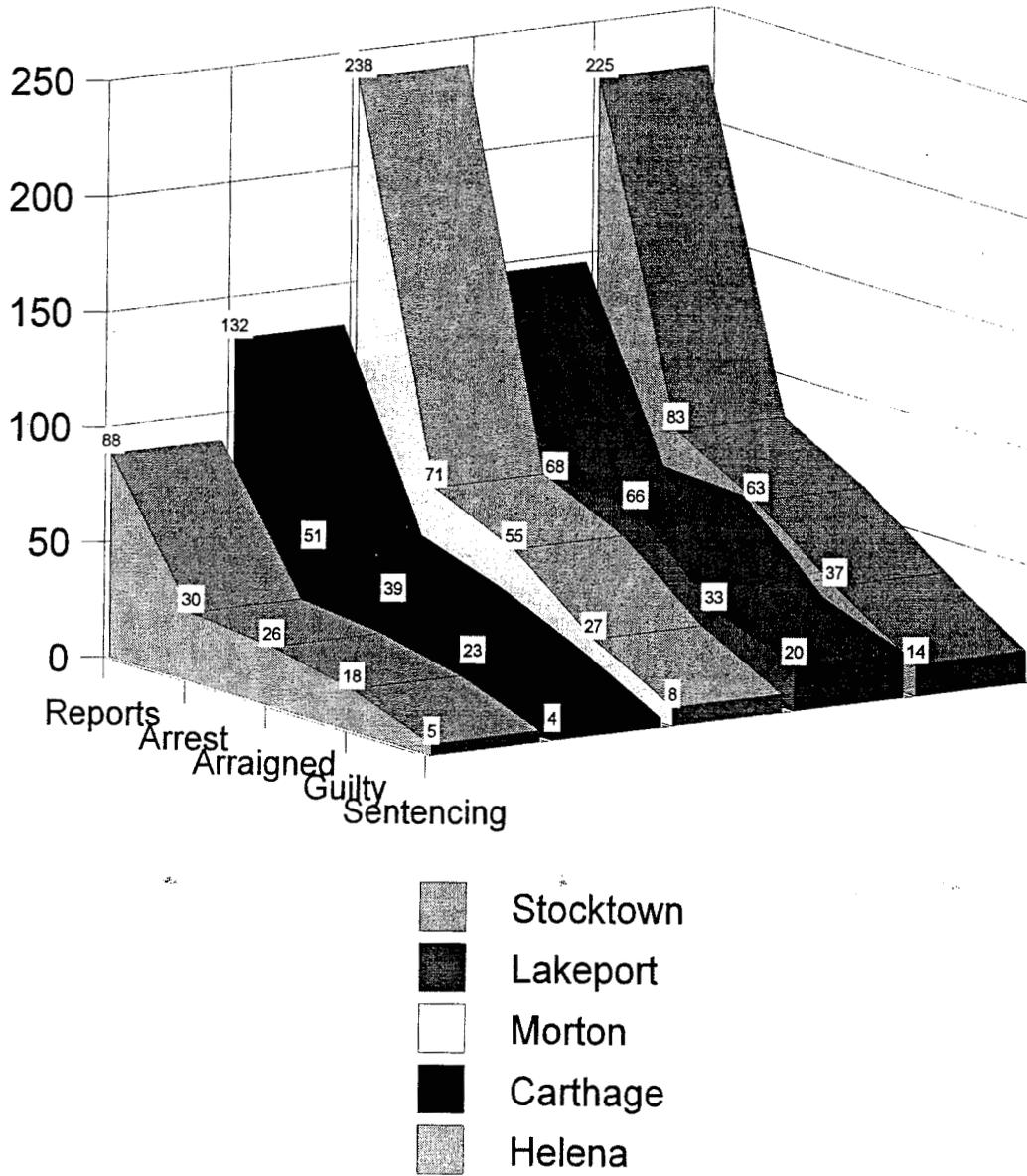
Appendix A:
Survey instruments

Survey of Law Enforcement Policies and Practices for Domestic Incidents

Agency: _____   ID: _____

Jurisdiction served: (*please list all areas served by your department or agency*)

    Cities and villages: _____

    Townships: _____

    Counties: _____

This survey requests information on your agency's policies and practices in responding to domestic incidents, which includes all disturbances, disputes, violence, and reports of offenses between individuals in domestic relationships. This survey is being distributed to all law enforcement agencies in the state of New York. Your participation is vital in providing baseline information about current practices in the handling of domestic incidents. Individual agency responses will be kept confidential by research project staff, and will not be published or disseminated. Please complete the survey and return it in the postage-paid envelope by June 1. If you have questions about the survey, contact Dr. Alissa Worden, School of Criminal Justice, University at Albany, at (518) 442-5213. Thank you.

POLICIES FOR DOMESTIC INCIDENTS

1. Does your department or agency have a **written** policy governing the handling of domestic incidents? (*if so, please attach a copy, if available*) _____ yes _____ no

    If your agency has such a policy:

    a. When was this policy initiated? _____ / _____ (month/year)

    b. According to your policy, what on-scene response is required in **misdemeanor** incidents in which probable cause exists for arrest? (*please check all that apply*)
        - __ mandatory arrest of suspect regardless of victim preference
        - __ arrest unless victim requests otherwise
        - __ mandatory arrest with exceptions: list exceptions

        _____

        - __ presumptive or preferred arrest
        - __ arrest if victim requests arrest
        - __ arrest if victim signs complaint
        - __ arrest at officer's discretion
        - __ other: please describe _____

    c. According to your policy, what response is recommended when probable cause exists and the offender has left the scene by the time officers arrive? (*please check all that apply*)
        - __ active pursuit of suspect
        - __ refer case to detective division
        - __ advise victim to seek arrest warrant
        - __ request warrant without victim complaint
        - __ other: please describe _____

    d. What types of victim/suspect relationships are covered by this policy?
        (*please check all that apply*)
        - __ married couples
        - __ dating, ex-dating couples
        - __ couples with children in common
        - __ non-partner family relationships
        - __ divorced and separated couples
        - __ live-in couples
        - __ same-sex couples
        - __ other _____

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e.   Under what circumstances are officers required to file written reports in domestic incidents?
___ all domestic incidents regardless of whether offense alleged or observed
___ domestic incidents in which any crime is alleged or observed
___ domestic incidents involving specified family offenses *(please identify offenses)*

___ disorderly conduct	___ reckless endangerment
___ harassment	___ attempted assault
___ menacing	___ assault
___ other _____	

f.   Does your policy include provisions for dual arrests cross-complaints? ___ yes ___ no

2.   Regardless of whether your agency has a written policy regarding domestic incidents, do supervisors in your agency routinely review reports of domestic incidents? ____ yes _____ no

3.   Regardless of whether your agency has a written policy regarding arrest in domestic incidents, what, if any, of the following sorts of services and information are **routinely** provided to victims in domestic incidents? *(please check all that apply)*
___ assignment of case to domestic violence unit or designated officer for follow-up
___ assignment of case to victim advocate
___ information about Family Court options
___ information about seeking arrest warrants (for cases in which suspects are not on the scene)
___ referrals to social service agencies
___ transport to safe locations (shelters, others' homes)
___ information about orders of protection
___ other: please describe_____

4.   Regardless of whether your agency has a written policy regarding arrest, what is your agency's policy or practice regarding detention of suspects in domestic incidents following arrest?
___ suspects are typically detained until initial court appearance (within 24 hours)
___ suspects are typically issued appearance tickets
___ suspects are typically given desk bail
___ other _____

5.   Has your agency changed its policy on domestic incidents since **January 1992**? ____ yes ____ no
a.   If yes, when did that change occur? _____
b.   Please describe the nature of the change _____
_____
_____

6.   Does your jurisdiction have a domestic violence coordinating council or task force? ____ yes ____ no
If yes, is your agency represented on that council or task force? _____ yes ____ no

TRAINING FOR INTERVENTION IN DOMESTIC INCIDENTS

1.   To whom of the following does your department provide training in responding to domestic incidents?

___ new recruits	___ patrol staff
___ first line supervisors	___ executive staff

2.   Who provides this training?
___ department personnel
___ local domestic violence service providers
___ other: please describe _____

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DOMESTIC INCIDENT DATA COLLECTION

1. What records does your agency use to identify domestic incidents for the purpose of UCR reporting?
   ___ review of incident and crime reports
   ___ dispatcher records (including CAD systems)
   ___ other: please describe _____

2. Aside from, or in addition to, UCR reporting, does your agency attempt to keep track of domestic incidents for any other purposes? ___ yes ___ no

   If your agency keeps records on domestic incidents,
   a. When was your record-keeping system for domestic violence incidents initiated? _____
   b. Check the types of information that are maintained in these records:
   ____ calls for service ____ incident reports
   ____ crime reports ____ arrest reports
   ____ orders for protection ____ other _____
   c. Are these records maintained on a computer? ___ yes ___ no
   d. If computerized, for how long are these records retained? _____

POLICY EFFECTIVENESS AND IMPACT

The Family Protection and Domestic Violence Intervention Act of 1994 significantly structures the ways local criminal justice systems are expected to respond to domestic incidents. In what ways do you anticipate that this legislation will affect your agency's ability to effectively and efficiently intervene in domestic incidents?

_____

_____

_____

_____

_____

FOR FURTHER INFORMATION.....

Thank you very much for participating in this survey. A summary of responses will be compiled for dissemination to interested participants, and will include descriptions of the ranges of responses on the above items (but not individual agency responses). If you would like a copy of the summary results of this survey, please complete the following information:

_____   _____   _____
(please print your name or the name of the   *(title)*   *(phone number)*
appropriate contact person in your agency)

Copy of agency's domestic incident policy attached?   ___yes   ___no

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Appendix B:
Case Data Collection Instruments

Coding Instructions

PROJID   7-digit: Coder ID and consecutive number
DRNUM   Format 96-xxxxx, from Box 2

Code the following variables as recorded in the "Victim" box, for the first victim. If narrative indicates a person making complaints or allegations who is a party to the case, adopt that person as V1. Do not use as V1 complainants who are neighbors calling in from next door (such people are witnesses). If there are multiple victims, adopt primary target of offender as V1, and code additional information at end of form for Victim2.

V1TYPE	Victim1 identified (Box 3, maybe Box 45)as
	1=victim (VI)
	2=complainant (CO)
	3=person reporting (PR)
	4=other (OT)

V1LNAME	Victim1 last name; String
V1FNAME	Victim1 first name; String
V1MINI	Victim1 middle initial; String
V1ADD1	Victim1 address street number
V1ADD2	Victim1 address street; String
V1ADD3	Victim1 address city, String
V1ADD4	Victim1 address state; String
V1DOB	Victim1 date of birth; Format MO/DAY/YR
V1AGE	Victim1 age
V1SEX	Victim1 sex: 0=female
	1=male
V1RACE	Victim1 race: 1=white
	2=black
	3=Indian (nat Amer)
	4=Asian
	5=other

V1NORMAL	Box 21: normal checked
V1DRUGS	Box 21: drugs checked, **or narrative**
V1ALCOH	Box 21: alcohol checked, **or narrative**
V1MARKS	Box 21: marks checked
V1ILL	Box 21: illness checked
V1UNDET	Box 21: undetermined checked
V1HAND	Box 21: handicapped checked
V1MENTAL	Box 21: mental disorder checked
V1EMPLOY	Box 23: employer indicated (or school)

Code Victim1 injury variables from Box 22 and/or narrative:

V1INJURY	V1 any injury indicated 0/1
V1BRUISE	swelling, bruises, bump on head/neck/body
V1CUTS	scratches, minor cuts
V1LACER	severe lacerations
V1BITE	bite marks
V1PAIN	pain
V1UNCON	unconscious, incapacitated
V1BROKEN	possible broken bones
V1INTERN	possible internal injuries
V1HOMIC	dead
V1OTHINJ	other injuries not covered above
V1MED	received medical treatment
V1REFMED	refused medical treatment

Code the following from the Incident Box:

INCADD1	box 27, incident street number
INCADD2	box 27, incident street name

Code offenses indicated, box 36 and/or narrative: code as Penal code section, eg. 215.10, not verbally. If penal code number not id'd but words used, such as Assault 2nd, look up the number.

OFFENSE1	
OFFENSE2	
OFFENSE3	
OFFENSE4	
PREMISE	Box 37: type of premise:
	1=residence checked
	2=public setting (street, public bldg)
	3=other residential (hotel, apt, oth res)
BOX41	Box 41: Controlled substance checked 0/1

Code the following 6 variables off Box 42; don't use narrative to fill this in if it is left blank.

KIDXPAR	child by parent checked
CLWIFXHU	com law wife by husband checked
WIFEXHU	wife by husband checked
PARXKID	parent by child checked
HUSBXWIF	husband by wife checked
OTHERXO	other relationship checked

O1TYPE	Code primary party complained against by the person id'd as Victim1, as described by police.
	1= "suspect" in Suspect Box
	2= "other" in Involved Persons Box
	3= "spouse" in Involved Persons Box
	4=otherwise classified

Code the following as applied to party identified in O1TYPE; code as much as possible from Suspect Box, Involved Person Box if that is used by police, and from arrest reports if attached:

O1LNAME	Offender1 last name; String
O1FNAME	Offender1 first name; String
O1MINI	Offender1 middle initial; String
O1ADD1	Offender1 address street number
O1ADD2	Offender1 address street; String
O1ADD3	Offender1 address city, String
O1ADD4	Offender1 address state; String
O1DOB	Offender1 date of birth; Format MO/DAY/YR
O1AGE	Offender1 age
O1SEX	Offender1 sex: 0=female
	1=male
O1RACE	Offender1 race: 1=white
	2=black
	3=Indian (nat Amer)
	4=Asian
	5=other
O1ETHNIC	Offender ethnicity: 0=non-Hispanic
	1=Hispanic
O1SSN	Offender social security number (Box 68 or arrest report), 9 consecutive digits

Code from Box 103 and/or narrative:

CASEOPEN	Box 103: open checked
UNFOUND	Box 103: unfounded checked
WARRANT	Box 103 & narrative: warrant/summons
ARREST	Box 103 and narrative: arrested (all arrests)
NOPROS	Box 103 and narrative: cleared no prosecution

0/1

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arrests)

Column 2 (center):

V1ORELAT   Relation of offender to victim (code from Box
            42 and or narrative: Offender=victim's ?)

1=spouse	2=com law spouse	3=parent
4=sibling	5=child	6=grandparent
7=grandchild	8=in-law	9=stepparent
10=stepchild	11=stepsibling	12=other family
20=acquaintance	21=babysittee	22=boyfriend/gf
23=bf/gf child	27=homosexual	29=ex-spouse
30=o/wise know	40=unknown	42=par, vics child
43=exbf/gf	44=ex-gay	45=gf/bf of parent

Code the following from narrative & other documents where available. Note these are not mutually exclusive variables. All are 0/1: if form indicates situation occurred code 1, otherwise code 0.

O1SCENE	Primary offender on-scene while police present
O1SOUGHT	Primary offender off-scene and other locations checked
O1FOUND	Primary offender off-scene when police arrive, found after search
O1RESIST	Primary offender resists arrest, refuses to cooperate
O1ALDRUG	Primary offender reported to have been using alcohol or drugs
V1NOPROS	Victim requests no prosecution or no arrest
V1NOCOOP	Victim referred to as "uncooperative"
V1NOFORM	Victim refuses Family Offense form
V1SIGNS	Victim signs Family Offense form
ACTORDER	Active order of protection referenced
VIOORDER	Order of protection violated
ODEPOS	Deposition attached: offender statement
VDEPOS	Deposition attached: victim statement
WDEPOS	Deposition attached: witness statement
ARREPORT	Arrest report attached
KIDS	Children present under 18 (0/1)
FAMILY	Other adult family members present (0/1)

Code the next 3 variables numerically; do not include victims as witnesses, and do not include cross-complaining parties twice.

NUMWIT	Number of known witnesses (total, adults)
NUMOFF	Number of offenders
NUMVIC	Number of victims

Circumstances of case (code from Box 69 and narrative, actions taken by primary offender as reported by police, alleged by complainant or witnesses, include actions taken against Victim1 and Victim2, if relevant):

VERBARGU	verbal arguing (verbally abusive not indicated)
O1PUNCH	punching
O1KICK	kicking
O1SLAP	slapping
O1BITE	biting
O1CHOKE	choking
O1SLAM	slamming into surface/wall/stairs/floor
O1FORCE	forced/uninvited entry, attempt
O1RESTRN	forcible restraint
O1PHONE	pulling phone from wall
O1SEXAB	sexual abuse
O1PRODAM	property damage
O1PROTAK	property taking
O1PUSH	pushing, grabbing
O1BEAT	beating (repeated hits)
O1CUT	cutting
O1HAIR	hair pulling
O1THREAT	threatened to hurt, kill V1 or others
O1VERBAL	verbally abusive
O1STALK	followed, stalked, phone calls
O1WONTGO	refused to leave (before police arrived)

Column 3 (right):

O1HWEAP	O1 had weapon
O1HKNIFE	O1 had knife, cutting instrument
O1HBLUNT	O1 had blunt weapon
O1HGUN	O1 had firearm
O1HCAR	O1 had car, potential as weapon
O1UWEAP	O1 used weapon
O1UKNIFE	O1 used knife, cutting instrument
O1UBLUNT	O1 used blunt weapon
O1UGUN	O1 used firearm
O1UCAR	O1 used car as weapon

Code the following as Primary Victim actions, as reported in narrative:

V1HWEAP	V1 had weapon
V1UWEAP	V1 used weapon
V1VIOL	V1 acted violently
V1THREAT	V1 threatened someone
V1VERBAL	V1 was verbally abusive
V1STALK	V1 followed, stalked, called someone

Code the following from narrative, elswhere in report, 1 if any evidence statement is true, 0 otherwise.

O1WANTED	O1 had outstanding warrant
CLOTHRUN	Report written for "clothes run"
O1LEFT	O1 left premises on advice of police

Code for second victim if second victim identified:

V2AGE	Victim2's age	
V2SEX	Victim2 sex:	0=female
		1=male
V2RACE	Victim2's race:	1=white
		2=black
		3=Indian (nat Amer)
		4=Asian
		5=other

V2ORELAT   Victim2's relationship with offender
            (Offender=Victim2's ?):

1=spouse	2=com law spouse	3=parent
4=sibling	5=child	6=grandparent
7=grandchild	8=in-law	9=stepparent
10=stepchild	11=stepsibling	12=other family
20=acquaintance	21=babysittee	22=boyfriend/gf
23=bf/gf child	27=homosexual	29=ex-spouse
30=o/wise know	40=unknown	42=par of vics child
43=exbf/gf	44=ex-gay	45=gf/bf of parent

V2VRELAT   Victim2's relationship with Victim1
            (Victim1=Victim2's ?):

1=spouse	2=com law spouse	3=parent
4=sibling	5=child	6=grandparent
7=grandchild	8=in-law	9=stepparent
10=stepchild	11=stepsibling	12=other family
20=acquaintance	21=babysittee	22=boyfriend/gf
23=bf/gf child	27=homosexual	29=ex-spouse
30=o/wise know	40=unknown	42=par, vics child
43=exbf/gf	44=ex-gay	45=gf/bf of parent

V2INJURY	Victim2 injured
V2MED	Victim2 received medical treatment
V2HWEAP	V2 had weapon
V2UWEAP	V2 used weapon
V2VIOL	V2 acted violently
V2THREAT	V2 threatened someone
V2VERBAL	V2 was verbally abusive

PD Codesheet (rev. 1/7/97)

PROJID _____

NUM 96-_____

VITYPE _____

VILNAME _____

VIFNAME _____

VIMINI ___

VIADD1 _____

VIADD2 _____

VIADD3 _____

VIADD4 _____

VIDOB ___/___/___
month day year

VIAGE _____

VISEX _____

VIRACE _____

VIEMPLOY _____

OITYPE _____

OILNAME _____

OIFNAME _____

OIMINI _____

OIADD1 _____

OIADD2 _____

OIADD3 _____

OIADD4 _____

OIDOB ___/___/___
month Day Year

OIAGE _____

OISEX _____

OIRACE _____

OIETHNIC _____

OISSN ___-___-___

INCADD1 _____

INCADD2 _____

OCCDATE ___/___/___
month Day Year

OCCTIME ___:___

DISPDATE / /

VINORMAL ____

VIDRUGS _____

VIALCOH _____

VIMARKS _____

VIILL _____

VIUNDET _____

VIHAND _____

VIMENTAL ____

VIINJURY _____

VIBRUISE _____

VICUTS _____

VILACER _____

VIBITE _____

VIPAIN _____

VIUNCON _____

VIBROKEN _____

VIINTERN _____

VIHOMIC _____

VIOTHINJ _____

VIMED _____

VIREFMED _____

OFFENSE1 _____

OFFENSE2 _____

OFFENSE3 _____

OFFENSE4 _____

PREMISE _____

BOX41 _____

KIDXPAR _____

CLWIFXHU _____

WIFEXHU _____

PARXKID _____

CLHUXWIF _____

HUSBXWIF _____

OTHERXO

ARREST _____

NOPROS _____

VIORELAT ____

OISCENE _____

OISOUGHT ____

OIFOUND ____

OIRESIST ____

OIALDRUG ____

VINOPROS ____

VINOCOOP ____

VINOFORM ____

VISIGNS _____

ACTORDER ____

VIOORDER ____

ODEPOS _____

VDEPOS _____

WDEPOS _____

ARREPORT ____

KIDS _____

FAMILY _____

NUMWIT _____

NUMOFF _____

NUMVIC _____

VERBARGU ____

OIPUNCH _____

OIKICK _____

OISLAP _____

OIBITE _____

OICHOKE _____

OISLAM _____

OIFORCE _____

OIRESTRN _____

OIPHONE _____

OISEXAB _____

OIPRODAM

OICUT _____

OIHAIR _____

OITHREAT _____

OIVERBAL _____

OISTALK _____

OIWONTGO ____

OIHWEAP _____

OIHKNIFE _____

OIHBLUNT ____

OIHGUN _____

OIHCAR _____

OIUWEAP _____

OIUKNIFE _____

OIUBLUNT ____

OIUGUN _____

OIUCAR _____

VIHWEAP _____

VIUWEAP _____

VIVIOL _____

VITHREAT ____

VIVERBAL ____

VISTALK _____

OIWANTED ____

CLOTHRUN ____

OILEFT _____

V2AGE _____

V2SEX _____

V2RACE _____

V2ORELAT ____

V2VRELAT ____

V2INJURY ____

V2MED _____

V2HWEAP _____

V2UWEAP _____

V2VIOL

_____ (1) Coder ID

_____ (2) Jurisdiction
1=Schdy   5=Syracuse
2=Utica   6=
3=   7=
4=   8=Lockport

_____ (3) DVIR# (police dept)

_____ (4) Court Docket #

_____ (5) Date arraigned

_____ (6) Arraignment judge (initials)

_____ (7) Sealed case (0=no, 1=yes)

_____ (8) Arrested on Warrant (0=no, 1=yes)

_____ (9) Date of arrest on warrant

_____ (10) Bail status
1=ROR
2=Released on bail (posted)
3=Incarcerated (no bail set)
4=Other _____

_____ (11) Date of bail or ROR release

_____ (12) Bail amount (dolalrs)

_____ (13) Type of attorney
1=private
2=publicly paid
3=no counsel, self-rep
Lockport only: use initials

_____ (14) Arraignment charge 1

_____ (15) Arraignment charge 2

_____ (16) Arraignment charge 3

_____ (17) Arraignment charge 4

_____ (18) Conviction charge 1

_____ (19) Conviction charge 2

_____ (20) Conviction charge 3

_____ (21) Conviction charge 4

_____ (22) Date of Disposition Sentencing

_____ (23) Disposition Type
1=pled guilty
2=dismissed
3=ACOD
4=conditional discharge
5=convicted at trial
6=acquitted at trial
7=transfer to superior court
8=other _____

_____ (24) Sentence/Conditions type #1
1=incarceration
2=time served
3=probation
4=fine
5=restitution
6=counseling
7=stay away order
8=community service
9=other _____

_____ (25) Sentence #1 Amount (please calculate DOLLARS for fines, restitution, DAYS for incarceration, TS, probation; HOURS for community service

_____ (26) Sentence/conditions type #2

_____ (27) Sentence #2 Amount

_____ (28) Sentence/conditions type #3

_____ (29) Sentence #3 Amount

_____ (30) Sentence/conditions type #4

_____ (31) Sentence #4 Amount

_____ (32) Order of protection issued (0/1)

_____ (33) Victim requests withdrawal (0/1)

_____ (34) Cross complaint filed

_____ (35) Cross complaint docket #

_____ (36) Number of failures to appear after arrest

_____ (37) Number of bench warrants issued

_____ (38) Bail revoked after FTA or other violation?

_____ (39) Date bail revoked

Interview issues:
All c.j. officials:

Begin w/basic assumption that we're mostly interested in misdemeanor cases, because the overwhelming majority of incidents/charges are at that and the violation level. The tendency on the part of c.j. types to talk about spectacular felonies is very strong, but that really isn't what our study is about....

Be alert for attitudes, generalizations that reveal preconceptions about the "causes" of family violence, statements that reveal attitudes about other c.j. agents (if things aren't being done to someone's satisfaction, who do they blame?)

Police:
How has the 1994 legislation, esp. the mandatory arrest provision, affected the way domestic violence cases are handled by the police, prosecutors, courts?
Have the effect been fundamentally good or bad?

Has it prompted agencies to change policies, training, practices? If so, how?

The law says that police shall arrest in misdemeanor cases (unless the victim affirmatively requests otherwise).

Are officers encountering many situations in which victims oppose arrest? What do they do in those cases?

Are officers encountering many situations in which both parties allege misdemeanor acts? How do they handle such situations?

The arrest law technically covers only Family Offenses, which is limited to married, divorced, kids in common. Does this distinction (between those family members, and boyfriend/girlfriends) make a difference in the way police respond?

Has the dept had the resources or opportunity to establish any special dv unit or response team?

Walk through the process: Let's assume that police respond to 911, find female victim w/visible injuries (black eye), alleges boyfriend hit her: what happens next?
    Arrest?
    Taken downtown? Booked? Fingerprinted?
    Under what conditions would he be detained in jail? Is desk bail used? Under what conditions? How much $$?
    What happens to people arrested on Friday or Saturday night: weekend arraignments?
    As far as you know, are victims expected to show up for arraignment?
    As far as you know, does anyone (advocate, d.v. worker) contact dv victims in the first 24 hours after arrest?

In most towns, in about 50% of all dv cases, irrespective of injuries or other factors, the alleged offender has left the scene by the time police arrive.
    What is departmental policy for handling those situations?
    As a practical matter, what do police usually do if there's cause to believe a misdemeanor occurred?
        If warrants are issued, how are they followed up? Est. % that result in arrest? About how long does it take?
    What, if anything, must the victim do in order to pursue legal action?
    Is there anything that state policymakers might or should do to help law enforcement respond to these off-scene offenders?

Efficacy of police intervention:
        In terms of crime prevention and control — what do you think the police can/should do that helps
        control/reduce domestic violence? Beyond what police can do, what else is necessary?

Prosecutors:

How has the 1994 legislation affected the law police, your office, and the courts handle misdemeanor domestic violence cases?

In your jurisdiction: have you experienced a visible increase in dv cases since mandatory arrest has been implemented? If so, how have you coped with it?

What are your criteria for charging assault in domestic violence cases? — background: in many counties we've observed that harassment is the charge used for cases involving some types of injuries. What are the standards for distinguishing between, say, assault and harassment (the distinction between a misdemeanor and a violation?)
> (Be sensitive here to distinctions that have to do with evidence — visible injuries, testifying witness, for example — and those that have to do with offender status — first-offender, employed offender, seemingly remorseful offender, for example — and those that may have to do with anticipations of judge behavior or reactions.)

How important is it to have victim "cooperation" or participation in the prosecution process?
> At what, if any, points is participation necessary for prosecution to move forward?
> How do you handle a victim who does not want to be involved?
> Is there a meaningful distinction (in terms of carrying the case forward) between having a victim who prefers not to play an active role, and one who plainly states that she wants the offender released or that she wants to withdraw or drop charges?
> How do you respond to a victim who requests that charges (say, of assault) be withdrawn?
> Sometimes people seem to think of prosecutors as the legal advocates or reps of victims, but of course that is neither accurate, nor fair to Das' responsibilities. Do victims you encounter seem to have access to, and awareness of, information about their legal rights, options, etc — esp. when civil/Family Ct issues like custody, child support are involved, too?

Orders of protection:
> How frequently are they issued? Under what conditions?
> What are the criteria?
> Do you think they're efficacious? Why/Why not?
> What generally happens to someone who violates an OP?

Walk through a case: offender arrested on-scene, police indicated assault, relatively minor but visible injuries (black eye, bruises): ask what happens next, follow up on "if" statements
> Bail/pre-trial release: under what conditions is ROR granted? Bail set? Are there conditions under which your office would recommend ROR? Recommend against bail/release, or high bail?
> Does suspect usually have/obtain counsel?
> Are there pre-trial diversions/ alternatives? — what are they? When are they considered appropriate to use?
> When would you drop charges, or decide not to go forward?
> Under what conditions do judges dismiss charges?
> When are ACDs used? (Types of cases? Types of offenders?) Are conditions typically attached?
> Does anyone monitor those conditions?
> How do judges sentence in d.v. cases when defts. plead guilty?

In your experience/observation, what, if anything, works? And why?
> (Effectiveness in terms of victim safety? Effectiveness in terms of offender desistance? What is the underlying theory of why d.v. occurs, and what is the underlying philosophy, if any, of the utility of criminal justice intervention?)

How much do you/the courts rely on other agencies in the community to facilitate prosecution/disposition of these cases?

About Family Court:
>The law allows for concurrent jurisdiction of Family Offenses in criminal & Family Court. Any idea how many cases are being heard concurrently? How many go solely to Family Court?

About defense lawyers:
>Have the responses or strategies of defense lawyers and/or public defenders in family violence cases changed as a result of changes in the law or changes in prosecutorial or court practices?

What judges handle criminal cases in Schenectady?

Judges:

What if any changes have you observed in your community's responses/handling of domestic violence cases since the passage of the 1994 legislation, and its amendments?

In your jurisdiction: have you experienced a visible increase in dv cases since mandatory arrest has been implemented? If so, how have the courts coped with it?

What are your criteria for sustaining charges of assault in domestic violence cases? — background: in many counties we've observed that harassment is the charge used for cases involving some types of injuries. What are the standards for distinguishing between, say, assault and harassment (the distinction between a misdemeanor and a violation?) Are you and the prosecutors on the same wavelength on this?
> (Be sensitive here to distinctions that have to do with evidence — visible injuries, testifying witness, for example — and those that have to do with offender status — first-offender, employed offender, seemingly remorseful offender, for example — and those that may have to do with anticipations of judge behavior or reactions.)

How important is it to have victim "cooperation" or participation in the prosecution process?
> At what, if any, points is participation necessary for a case to move forward?
>> If she's not present, what problems does that present?
> How do you respond to a victim who requests that charges (say, of assault) be withdrawn?
>> (Do you rely on the prosecutors, and/or defense lawyers, for information about her preferences when she is not present?)
> Do victims you encounter seem to have access to, and awareness of, information about their legal rights, options, etc — esp. when civil/Family Ct issues like custody, child support are involved, too? If not, is there a place or person you can send them to for help?

Orders of protection:
> How frequently are they issued? Under what conditions?
> What are the criteria?
> Do you think they're efficacious? Why/why not?
> What generally happens to someone who violates an OP?

Walk through a case: offender arrested on-scene, police indicated assault, relatively minor but visible injuries (black eye, bruises): ask what happens next?
> What would the prosecutor likely charge?
> Bail/pre-trial release: under what conditions is ROR granted? Bail set?
> Does suspect usually have/obtain counsel?
> Are there pre-disposition diversions/ alternatives? — what are they? When are they considered appropriate to use?
> When would you drop charges, or decide not to go forward?
> Under what conditions do judges dismiss charges?
> When are ACDs used? (Types of cases? Types of offenders?) Are conditions typically attached?
>> Does anyone monitor those conditions?
> How does the court sentence in d.v. cases when defts. plead guilty?

In your experience/observation, what, if anything, works? And why?
> (Effectiveness in terms of victim safety? Effectiveness in terms of offender desistance? What is the underlying theory of why d.v. occurs, and what is the underlying philosophy, if any, of the utility of criminal justice intervention?)

How much do the courts rely on other agencies in the community to facilitate prosecution/disposition of these cases?

About Family Court:

        The law allows for concurrent jurisdiction of Family Offenses in criminal & Family Court. Any idea how many cases are being heard concurrently? How many go solely to Family Court?

About defense lawyers:

        Have the responses or strategies of defense lawyers and/or public defenders in family violence cases changed as a result of changes in the law or changes in prosecutorial or court practices?

Appendix C:
Case Data Collection Notes

As part of the ongoing evaluation of the state's mandatory arrest legislation, which called for evaluating the impact on recidivism of the legislative change, domestic incident reports were collected by the state's Division of Criminal Justice Services, for coding of key variables. It soon became clear that for the purposes of both that project and this research, keypunching of check-off boxes would not yield sufficient information, and therefore a coding scheme was developed that permitted research staff on both projects to code critical information from the hand-written narratives. Extensive coding, recoding, and analyses suggested that this process extracted the maximum amount of information possible.[41]

An immediate concern in this effort was that police would not reliably use the new domestic incident reports (which were supposed to be sent to the central state agency each month), and that many domestic incidents would remain undiscovered by researchers, even if officers wrote reports on them. This concern was well-founded in some places: the most populous jurisdiction in this study simply refused to adopt the new form, which led to it being dropped from the mandatory arrest evaluation. However, because that community was theoretically interesting and important for this project's purpose, and had a well-established system for identifying 911 calls as domestics and reviewing and reclassifying dispatches for permanent categorization, it was retained for this study, but all police reports had to be coded on-site. Another community adopted the practice of completing both the old form, and the DIR; a review of police files indicated that this was, surprisingly, a consistent if labor-intensive practice, and so data were coded from both sources. In all sites, information on cases resulting in arrest were comparatively easy to code. More challenging was the task of figuring out which non-arrest cases resulted in warrants or summonses, since that was seldom recorded in police reports; therefore, all non-arrest cases were therefore checked in warrant logs and docket books.

Court data were coded on-site, in city courthouses. Almost all incidents resulting in apprehension were charged at the misdemeanor or violation level, and were therefore arraigned, settled, and sentenced in city courts, not county (felony) court. In several communities city court is routinely referred to as "police court" and indeed, in all five cities studied here the police department and court shared a building. Data were coded from docket books, summons and warrant files, order of protection registries, and case files. It is important to note that while there was considerable variation in the sophistication and completeness of records across these courts, only one of the courts was sufficiently computerized to permit researchers to simply code all important variables off a computer screen.[42] Another site's court records were so incomplete that the only way to reliably collect all needed information was to painstakingly read the judges' handwritten notes on the inside of each case file, which were stored in cardboard boxes in an empty room in the police station.

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[41] As an example, the DIR provided officers with check-off boxes for "actions" which included a variety of aggressive behaviors. However, many officers did not use the boxes, or checked some of them but then added more extensive information in the narratives. It seems reasonable to suppose that other criminal justice professionals would, in making subsesquent case decisions (eg, whether to issue an order of protection, whether to ROR) rely upon the entire report, not merely the easily coded parts.

[42] Moreover, even in this site, the information could not be simply downloaded, although the clerk tried to do so for the project; her failure was attributed to security protocols in the software. However, another site (not included in this project), which coded much the same information with the same software, did not encounter this problem.

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