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Author(s): Carolyn C. Hartley ; Lisa Frohmann

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The Cook County Target Abuser Call (TAC): An Evaluation of a Specialized Domestic Violence Court

Revised Final Report

March, 2003

Revised August, 2003

A project conducted by:

Carolyn Copps Hartley, Ph.D.
University of Iowa, School of Social Work

Lisa Frohmann, Ph.D.
University of Illinois at Chicago, Department of Criminal Justice

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CHAPTER 1. PROJECT DESCRIPTION AND LITERATURE REVIEW

1.1 Introduction

Since the passage of the Violence Against Women Act of 1994, all 50 states and the District of Columbia have been awarded funds from the Justice Department through STOP (Services, Training, Officers, Prosecutors) Violence Against Women Formula Grants to improve law enforcement, prosecution and victim service responses to domestic violence, sexual assault and stalking. STOP grant funding continues today with the goal of encouraging partnerships among law enforcement, prosecution, the courts, victim advocates and service providers to ensure domestic violence victims' safety and to hold batterers accountable for their abusive behavior (see Office on Violence Against Women web site). The effect of this funding has been to create a greater coordination amongst service providers and to improve criminal justice responses to violence against women.

While jurisdictions have leeway to develop programs that meet their particular needs, some of the common components of coordinated responses to domestic violence include: designating specialized staff (police and prosecution) or units to handle domestic violence cases; ongoing domestic violence training for all staff; outreach efforts to victims to engage them in the prosecution process; vertical prosecution of domestic violence cases (i.e., the same prosecutor handles an individual case from arraignment through sentencing), and victim advocacy units housed in courthouses to provide women with independent representation of their interests.

The purpose of this project was to evaluate one such a coordinated effort, a specialized prosecution program called the Cook County Target Abuser Call (TAC) located in Chicago, IL.

TAC combines a dedicated domestic violence court, specially trained prosecutors, vertical prosecution, specialized investigators, independent domestic violence advocates, victim witness specialists, and civil attorney services in an effort to increase women's engagement in the criminal justice system, specifically the prosecution process, to produce successful prosecution outcomes and increase women's safety.

In the following review of the literature, we discuss some the historical changes in the criminal justice system's response to violence against women, the development of domestic violence courts, case attrition in domestic violence prosecutions, victim's reported barriers to participating in the prosecution process, and research on the effectiveness of prosecution in reducing batterer repeat offending. We then provide an overview of the TAC program and the evaluation goals of this study.

1.2 Historical Changes in the Criminal Justice System's Response to Domestic Violence

Interventions for domestic violence have expanded from an understanding of this violence as a family problem, to recognizing it as a social problem, to more recently defining domestic violence as a criminal problem (Danis, 2003). This more recent conceptualization of violence against women as a crime occurred along with significant reforms to the criminal justice system's response to this violence. Legislatures in most states have revised their civil and criminal law to address intimate partner violence (Hart, 1991). Some of the most significant changes include the adoption of civil orders of protection and mandatory arrests statutes, the formation of domestic violence units in prosecutors' office and specialized domestic violence courts, and the implementation of no-drop prosecution policies (Fagan, 1996; Hart, 1991). According to Tsai (2000), the theory behind these criminal justice reforms was to pay closer attention to domestic violence cases by imposing legal sanctions on batterers that would be

sufficient to decrease violence. This theory was based on the belief that if a domestic violence assault goes unpunished, society will not consider such behavior criminal, and batterers might continue to abuse without fear of reprisal.

1.3 Specialized Domestic Violence Courts and Therapeutic Jurisprudence

There are currently more than 200 courts in the United States that utilize some type of specialized processing of domestic violence cases (Karan, Keilitz, & Denaro, 1999). According to Weber (2000), there is no “single definition of a domestic violence court,” however the common goals of many of these new domestic violence courts are to enhance victim safety (Berman & Gulick, 2003; Weber, 2000) and hold batterer’s accountable for their abusive behavior (Tsai, 2000; Weber, 2000).

Courts vary in their procedures but are usually distinguished by some type of screening process for identifying domestic violence cases, assigning these cases to either a dedicated court or calendar, providing social services to both victims and perpetrators, and court monitoring of domestic violence defendants (Karan, et al., 1999; Weber, 2000). Encompassed in many of these specialized courts is a therapeutic jurisprudence perspective (Tsai, 2000; Weber, 2000).

A therapeutic jurisprudence perspective prescribes attention to both the therapeutic and anti-therapeutic effects of participating in the legal process (Wexler, 1996; Winick, 1997).

Domestic violence courts have a therapeutic jurisprudence effect at several levels. At the community level, the existence of new policies and specialized courts for domestic violence send a message to communities that domestic violence is not a private family matter, but a serious criminal offense. At the individual offender level, prosecuting domestic violence can have a therapeutic effect because it challenges offender’s minimization of their abuse (Simon, 1996). Prosecution and conviction can provide a therapeutic effect for victims because it can facilitate

the re-attribution of blame for the abuse on the offender (Simon, 1996). Treating the abuse as a crime against the state, rather than just a family matter, may also help address the fear and ambivalence many victims have about participating in the prosecution process (Simon, 1996). Thus, domestic violence courts using this perspective would take in to consideration additional impacts of the crime beyond punishment of the offender, such as the provision of alcohol counseling and batterer intervention programs (BIP), services for victims, and coordination with other legal systems.

1.4 Case Attrition in Domestic Violence Prosecutions

Reforms have created a substantial increase in the number of cases processed by the criminal justice system, meaning that many more women-victims are interacting with police, prosecutors, judges, and court advocates than ever before (Cahn, 1992). However, we still see a funneling effect in the criminal justice system, with fewer cases being processed at the prosecution stage compared to the number of defendants arrested for domestic violence.

Historically, prosecutors have failed to aggressively pursue criminal charges against domestic abusers, with prosecution hindered by beliefs that wife battering was a private, family matter in many cases provoked by the woman (Cahn & Lerman, 1991). A primary reason for prosecutors' past reluctance to pursue these cases has been high rates of "victim-caused" case attrition (Ford & Regoli, 1993).

Most domestic violence related cases are handled in misdemeanor courts, which differ from felony courts in the processing of these cases (Davis, 1983). Typically, the lower criminal courts handle more cases with less staff, have limited resources to conduct other than minimal investigation of cases, and are pressured to turn cases over quickly. Misdemeanor courts are also less likely to invoke the full adversarial process; instead prosecutors are more likely to resolve

cases though negotiation and plea bargaining (Davis, 1983).

The recent implementation of mandatory penalties for domestic violence in many jurisdictions means fewer defendants are willing to plead guilty to a domestic abuse charge (Carlson & Nidey, 1995). Therefore, the prosecution must depend to a greater degree on the victim's cooperation in the prosecution process in order to obtain a conviction (Carlson & Nidey, 1995). While decisions to pursue charges can be done without the victim's consent (Buzawa & Buzawa, 1996; Hanna, 1996; McCormick, 1999), in large jurisdictions with extremely heavy caseloads, prosecutors may not have the resources to pursue victimless prosecution in cases where the victim chooses not to participate. They may also have limited resources to reach out to victims before the court date to encourage participation. This means that if the victim does not attend the court hearing, the prosecution case is dropped.

Victim-initiated case attrition remains a significant problem in prosecuting domestic violence cases. Early research has found that without aggressive efforts to encourage victim participation, attrition rates for victim-initiated cases were around 80% (Lerman, 1981; McLeod, 1983). In a more recent survey of prosecutors' offices, approximately one third of respondents reported a lack of victim cooperation in 55% of their cases (Rebovich, 1996). Police and prosecutors express many frustrations with victims' unwillingness to cooperate in the prosecution of their abuser and the victim's reluctance to cooperate does have an impact on whether her case is prosecuted. Hirschel and Hutchinson (2001) found that victims who argued against their batterers' arrest were two times less likely to have prosecutors decide to proceed with their cases than women who did not oppose arrest.

1.5 Barriers Women Face When Participating in Prosecution

Domestic violence cases are most often dropped because the victim specifically

withdraws or requests that the charges be dropped or she declines to appear as a witness (Buzawa & Buzawa, 1996). Her decision not to participate in the prosecution process is likely due to a variety of reasons or barriers. Generally, battered women are less likely to participate in the prosecution if they are still in a relationship with the abuser (McLeod, 1983). One of most frequently reported barriers to participation is fear of retaliation by the batterer (Bennett, Goodman, & Dutton, 1999; Cahn & Lerman, 1991; Erez & Belknap, 1998; Hart, 1993). In addition to this fear, battered women describe a multitude of other negative interactions with the criminal justice system itself. Many women still report being directly discouraged from going through with the prosecution process by members of the criminal justice system (Erez & Belknap, 1998).

Overall dissatisfaction with the criminal justice system is another barrier. Byrne, Kilpatrick, Howley, & Beaty (1999) found that compared to victims assaulted by non-partners, victims assaulted by an intimate partner were less likely to report feeling satisfied with their experiences with police, prosecutors, judges, and the criminal justice system overall. They also found that with regards to their interactions with prosecutors, victims of partner violence were less likely to believe their opinion was taken in to account by prosecutors when decisions were being made about the case, and less likely to report they were encouraged to attend grand jury and sentencing hearings.

Battered women's frustrations with the system are also due to the negative experiences they have when interacting with the system. In qualitative interviews with battered women, Bennett, et al. (1999) identified several major themes of women's reluctance to participate in the prosecution process. In addition to fear of the batterer, women reported finding the court to be a confusing process, particularly with regards to differences between the criminal and civil court

systems. The women described receiving little follow-up from the court, leaving them with limited information about their role in the criminal court process. A second theme pertained to women's frustrations with how slow the criminal justice system worked. This frustration was further exacerbated by a lack of contact with court personnel during the process. A third theme centered on the conflict many battered women feel about the court process leading to the defendant's incarceration. Some women felt "bad" about sending their abuser to jail, or did not see incarceration as a solution to the batterer's 'problems.' Some victims also faced realistic financial concerns such as child support if the batterer were to go to jail. Bennett et al.'s findings echo other studies in which women report an ineffectiveness of the system, concern for their children, distrust of criminal processing system, difficult experiences with system, and emotional and economic dependency on the batterer as key reasons why they were unwilling to cooperate in the prosecution process (Erez & Belknap 1998).

1.6 Factors Associated With Women Cooperating in Process

Research on factors that predict women's cooperation in the prosecution process before the advent of mandatory arrest and specialized domestic violence prosecution programs identified several variables associated with their continued participation *after the process was initiated*. McLeod (1983) looked at abused women's engagement in the prosecution process at various decision points. At the point of police intervention, divorced or separated female victims who described their relationship in the past tense, as well as younger victims, were more likely to seek prosecution action than older victims and victims who were married or cohabitating with their abusers. Women reporting injuries were also more likely to express a preference for prosecution at the time of police intervention, however, contrary to expectations, in cases involving use of a serious weapon, women were less likely to want to cooperate in further court

involvement.

At the decision point of signing the formal complaint, injured women continued to be more likely to prosecute than uninjured women, as did victims assaulted or threatened with guns or knives compared to victims assaulted with bodily force or verbally threatened (McLeod, 1983). While younger victims were more intent to pursue prosecution at the time of police intervention, older victims were more likely to proceed at this point. Divorced and separated victims remained the most likely to cooperate.

Very few cases survived the third decision point, the prosecutor's office. Victim injury was the only variable significantly related to cooperation at this point, with separated and divorced women still having the lowest attrition rate. At the final stage examined, the preliminary hearing, divorced and separated women were twice as likely to reach this adjudication stage. Survival at this point appears influenced by the presence of victim injury, with the lowest level of survival being female victims with no reported physical injuries (McLeod, 1983).

More recent research on women's participation in the court process has also focused on women's continued participation once they made an initial contact with the courts. Dutton, Goodman, and Bennett (1999) found that greater injury, a more serious level of assault, and the presence of abuser dominance/victim isolation significantly predicted women's cooperation with prosecution; however in their multivariate model, only the level of physical assault was significantly related to cooperation. Goodman, Bennett, and Dutton (1999) found that women with higher levels of tangible support (availability of material aid such as transportation, child care, or financial assistance), who experienced more severe abuse, and who had children in common with their abuser were significantly more likely to continue cooperation in the

prosecution process. Finally, Belknap, Fleury, Melton, Sullivan, & Leisenring (2001) found that when women do engage the prosecution process, the most commonly reported reasons for doing so were: feelings she ought to be there or a sense of obligation, to get the abuser to stop hurting her, and to get the abuser help.

1.7 Effectiveness of Prosecution on Reducing Batterer Recidivism

In addition to all the systemic barriers battered women experience in engaging the criminal justice system to begin with, research on the effectiveness of prosecution in reducing batterer recidivism is somewhat mixed. Some researchers have found no effect of prosecution on reducing repeat offenses (Davis, Smith, & Nickles, 1998). Whereas, McLeod (1983) found that accepting charges and proceeding through an initial court hearing did significantly reduce the chance of further violence within six months of the time the case was settled. She concluded that bringing an abuser to court, even if not later adjudicated, lowers the risk of recurring violence within six months of case settlement.

Ford and Regoli (1993) found that prosecution action substantially reduced subsequent violence six months post disposition. Tolman and Weisz (1995) also found lower recidivism rates at 18-months for batterers successfully prosecuted; men who were found/pled guilty had a re-offense rate of 23.6% compared to 35.3% of men whose case was dismissed or found not guilty.

Several researchers have looked at the cumulative effect of criminal justice interventions on the reduction of repeat offending. Syers and Edleson (1992) found that the combination of police making arrests on first visits and the use of mandated treatment by the courts predicted lower recidivism of batterers at six-month follow-up, whereas “arrest without a subsequent court order for treatment was the weakest predictor of reduced recidivism” (p. 498).

Murphy, Musser, and Maton (1998) also demonstrated a modest, but cumulative effect of arrest plus court intervention. They found that batterers who were arrested, convicted, and subsequently ordered to batterers counseling were 65% less likely to have a new charge for domestic battery or a violation of a no contact order compared to batterers not ordered to treatment. The authors conclude that small cumulative reductions in recidivism were associated with greater involvement in the intervention system. Research on the use of civil protection orders (Harrell & Smith, 1996) and arrest (Sherman, 1992) to deter subsequent violence have also either failed to or inconclusively support a deterrent effect, and many victims continue to express great frustration with the criminal justice system's ineffective responses to domestic abuse (Cretney & Davis, 1997).

Research on the effectiveness of *different* prosecution strategies is extremely limited (Stalans & Lurigio, 1995). While the development of innovative prosecution programs, such as the introduction of victim advocacy into the prosecution process, represent an important advancement in the response to victims' needs, few studies have examined the combined effects of these coordinated prosecution models (Stalans & Lurigio, 1995; Tolman & Weisz, 1995).

Research on domestic violence prosecutions is further limited by a lack of attention to key factors such as victims' satisfaction with how they were treated by criminal justice personnel (Fleury, 2002), whether certain racial or ethnic groups receive more or less protection, and how courts deal with convicted batterers (Stalans & Lurigio, 1995). Mills (1998) goes even further to argue that victim empowerment is a critical missing piece in the research to date on the effectiveness of prosecution. She recommends an empowerment analysis built on Newmark, Harrell, and Salem's (1995) court system and personal empowerment paradigm. According to Mills, using this paradigm, court system empowerment should measure the victim's perceived

ability to assert herself in the court process, measuring such items as the victim's feelings of importance in the court process, feelings of alliance with the prosecutor, and beliefs that the court process will be beneficial in improving the victim's relationship and avoiding future violence. Personal empowerment should measure both personal empowerment in no particular context and personal empowerment in the context of one's relationship.

I.8 The TAC Program: A Coordinated Domestic Violence Response Model

Numerous states have developed promising practices in the area of domestic violence prosecutions, however the majority of these programs subscribe to one of two philosophies: evidence based or victimless prosecution or drop/no drop policies. None of these promising programs have made aggressive attempts to responsibly and safely *engage* victims in the criminal justice process. They simply have given up on engaging the victim in the system, instead, looking for ways to secure conviction without the victim's testimony, or simply dropping all cases where the victim did not appear for her court date.

Thus, the purpose of the proposed project is to evaluate the effectiveness of an innovative, victim advocated full service (criminal and civil representation) prosecution program in Chicago, IL called the Target Abuser Call (TAC). Since March 1997, the Department of Justice, under the Violence Against Women Act, has awarded a total of \$1,535,202 to the Cook County State's Attorney's Office for this innovative specialized domestic violence court program. TAC focuses on high-risk misdemeanor domestic violence cases in Cook County, which includes the City of Chicago. This innovative program joins prosecutors, law enforcement, victim specialists, domestic violence advocates, and civil attorneys in a coordinated, multi-agency response to domestic violence. TAC's goals are to increase women's safety and ensure their cooperation in the legal process as it works to hold abusers accountable.

1.8.1 Focus of the TAC Program

The TAC program focuses on high-risk intimate partner cases at the misdemeanor level with the goal of stemming the escalating violence used by many abusers. TAC prosecutors evaluate all misdemeanor domestic violence cases in an effort to identify and intervene with high risk offenders, and provide enhanced services to their victims. Each incoming domestic violence case is screened, and cases assigned to TAC are those that meet the criteria of a high-risk assessment based on a unique protocol developed by TAC team members and managers. Each case is evaluated and weighed with both defendant actions and victim needs considered, with key factors being the history of repeat abuse and the circumstances of the presenting case. Specific screening criteria for the TAC program include:

- 1) Prior history of domestic violence evidenced by convictions, dismissals, arrests and unreported history;
- 2) Injury to the woman;
- 3) Use of weapons with threats;
- 4) Domestic battery accompanied by threats such as threats to kill, to inflict bodily harm, and/or to harm the woman's family.

Since the TAC Team targets high-risk domestic violence offenders, team members most often work with women who have been abused over long periods of time. The team uses specialized investigation to enhance prosecution efforts, and individualized services to ensure victim safety. Women have varying needs, ranging from orders of protection, shelter for short-term relocation, economic resources, child custody, child support, and emotional support during criminal and civil justice processes. The multi-agency nature of the team allows for each of these

needs to be addressed either directly or through referral.

Two central goals of TAC are to hold abusers accountable and ensure victim safety while engaging victims in the criminal justice system. TAC's offender conviction rate stands at 90%, with a 75% victim appearance rate, compared to a 20-30% conviction rate and a 25% victim appearance rate in the general domestic violence court call. While TAC statistics on conviction rates demonstrate clear success, we need to know more about women's experiences with the various components of the TAC program and how these experiences contribute to this success.

Therefore, this project compares outcomes of TAC screened and prosecuted cases with cases from the General court call. In addition to a focus on traditional prosecution outcomes (e.g., conviction and arrest/re-arrest rates), group comparisons will evaluate differences in offender and victim characteristics, prior abuse characteristics, women's experiences prior to and while at court, women's sense of empowerment with the criminal justices system, women's satisfaction with the court outcome, and advocacy/service delivery outcomes. Findings will be further enhanced by an in-depth qualitative component assessing victims' experiences with the prosecution process.

CHAPTER 2. METHODOLOGY

2.1 Cook County's Response to Domestic Violence

The purpose of this project was to evaluate the TAC prosecution program in Cook County, IL. The Cook County's State's Attorney's Office currently has three prosecution systems for responding to domestic violence related misdemeanor cases: 1) the TAC team program; 2) a Vertical prosecution program; and 3) a General domestic violence court call. Each system differs in the amount of coordination, contact, and outreach given to domestic abuse victims. Because of constraints on how cases were assigned to the Vertical program, we were unable to collect a sufficient sample of these cases for comparison to TAC and General.

2.1.1 The TAC Team Program

The TAC program is a multi-disciplinary unit within the Cook County Domestic Violence Court that targets high-risk, intimate partner abusers with prior histories of domestic violence. The partners in this effort are the Cook County State's Attorney's Office, Hull House, an independent, non-profit organization that runs a domestic violence advocate program located in the courthouse, and Life Span, a civil legal services organization (see Appendix for organizational chart).

The TAC team employs a *vertical* approach to prosecution, victim advocacy and victim assistance. This vertical approach involves one TAC team following a case from charging through final disposition. Vertical prosecution has a great advantage over traditional prosecution in that it allows the program team to be well-versed in all the facts and subtleties of each woman's case and life issues. This familiarity has the additional benefit of providing greater continuity and a more trusting relationship between prosecutors and victims. In turn, this

facilitates women's participation in the criminal justice process.

Within two to three days of a case being screened into TAC, a male/female team of specialized investigators makes contact with the woman to assess her safety and conduct additional investigation. They collect physical evidence (e.g., torn clothing and weapons), take photographs of the woman and scene, and canvass for additional witnesses, supplementing the investigation of the first responding police officer. They personally serve each woman with a subpoena to appear in court, and provide a letter and folder of written materials explaining the court process and TAC program. Women are encouraged to contact any member of the TAC team before their court date.

Prior to the court date, a victim specialist calls the women to answer any questions. When the woman arrives in court, each team member meets with her to discuss their areas of specialization. The victim specialist reviews court procedure, inquires about the woman's goals, and fills out the order of protection with the woman if necessary. The Hull House advocate conducts a confidential interview with the woman to listen to her concerns and ensures that these concerns are not lost in the court process, reviews any confusing court procedures, provides referrals and makes contacts for emergency shelter, housing, employment, child care, and counseling. The Life Span attorney discusses civil legal issues, provides ongoing legal representation in areas of child custody and child support and arranges for a civil restraining order if the woman prefers not to pursue criminal proceedings.

TAC team prosecutors screen and handle only TAC cases from arrest through disposition. These TAC prosecutors all have felony trial and domestic violence experience, and have received specialized TAC training. The TAC prosecutor assigned to the case explains the woman's legal options, investigates the cases, prepares the woman for trial (if needed), and

provides ongoing representation for future court proceedings. TAC team members consult with each other regularly and make the woman's preferences a primary concern. For example, if a woman requests the offender not be jailed, but receive court ordered treatment instead, the TAC prosecutor will honor this request in the majority of cases.

2.1.2 Vertical Prosecution Program

The Vertical prosecution program was developed in response to an overflow of TAC cases. The TAC team was unable to prosecute all cases meeting TAC criteria, so rather than sending these potentially high-risk cases back to a general court call, the Vertical prosecution program was created. This program also involves the same prosecutor following cases from beginning to end; however, these prosecutors are the assistant state's attorneys assigned the general court call, not TAC prosecutors. Although these prosecutors are trained on domestic violence issues, many have less overall experience than the TAC prosecutors, and are less likely to have felony trial experience.

The Vertical cases do have a victim witness specialist assigned to each case who contacts the woman three to four days after initiation of the case. An investigator is also supposed to deliver a subpoena, letter and victim information folder. There is no advocate or civil attorney specifically assigned to these cases, as in the TAC program, although the woman can request to see an advocate. The vertical prosecution program handles substantially more cases with fewer staff, so the amount of contact between victims and prosecutors, victim specialists and investigators is less than in the TAC program.

2.1.3 General Domestic Violence Court Call

The Cook County State's Attorney's has had a dedicated domestic violence misdemeanor court since 1984. This misdemeanor domestic violence court consists of four courtrooms. There

are a total of 15 domestic violence assistant state's attorneys assigned to specific courtrooms and these prosecutors handle all non-TAC cases assigned to their room.

A victim specialist assigned to each courtroom also attempts to speak with each woman before her case is called. The Domestic Violence Division has independent domestic violence advocates (Hull House) housed at the courthouse to provide assistance and referral. There are no special investigators doing follow-up investigations. Prosecutors must typically rely on the information gathered by the arresting officers. Victims whose court cases are assigned to the general court call receive a letter from the state's attorney and phone call from a victim specialist prior to the court. Women usually do not have contact with the prosecutor prior to arriving at court and may not have the same prosecutor if they must return for subsequent court dates. Women may also only speak to a domestic violence advocate if they make such a request.

2.2 Overview of Study Methodology

The purpose of this study was to examine women's experiences in the prosecution process and to assess the effectiveness of the TAC program. The research design combines quantitative and qualitative methodologies, including courthouse and follow-up interviews with domestic violence victims, data extraction from court records (police reports and criminal history sheets) and court services files, and case tracking for defendant re-arrest and compliance with sentencing conditions.

2.2.1 Quantitative Component

The quantitative component involves a case comparison of randomly selected TAC screened and prosecuted cases with a randomly selected sample domestic violence cases from the General court call. We also obtained a small sample of cases from the Vertical prosecution, but for reasons explained further below we were unable to obtain a sufficient sample of these

cases to provide comparisons to the TAC and General cases. Although the General court call cases involve less serious domestic violence, we were able to make bi-variate comparisons between groups. A comparison of General court call cases with TAC allows us to examine the effects of court resources and contacts (i.e., an advocate assigned to each case versus an advocate available in the courthouse) on case outcomes, women's satisfaction with the court process, and defendant repeat offending.

Within the TAC and General prosecution groups we were also able to maintain a sample of cases of women who came to court (show cases) along with a set of cases in which the women did not attend the court hearing (no-show cases). The comparison of show and no-show cases allows us to look at circumstances that might predict which women are more likely to attend the court hearing.

Data were collected from a variety of different sources described below:

Courthouse Survey Interviews. We conducted courthouse interviews with women who were the complaining witness in the misdemeanor domestic violence case being heard in court against her partner/the defendant. Research interviewers worked in the courts daily for a period of 15 months recruiting the women whose cases we randomly selected at the time of the TAC prosecutor screening process (described further below).

Data Extraction from Police Records. In addition to the on-site courthouse interviews, data were extracted from court records which consisted of the police report and criminal history sheet for each defendant in the cases selected.

Data Extraction from Service Records. We extracted data from the Hull House domestic violence advocate files and Life Span Civil Attorney files. Only TAC cases are seen by the Life Span attorneys, however we did search the Hull House advocate files for all TAC and General

women interviewed.

Follow-up Interviews with Interviewed Women. We attempted to contact every woman interviewed in the court for a brief follow-up telephone interview at six-months. This interview was designed to gather information on any re-offense by the defendant; the woman's perceived level of safety, her access of and satisfaction with any service referrals and changes in current economic resources.

Sentencing Compliance. For all interviewed cases in which the defendant was convicted, we tracked the defendant's compliance with sentencing, in particular compliance with conditions of his sentencing or conditional discharge.

Case Tracking of Re-Offense/Re-Arrest. For each interviewed case, as well as a sample of no-show cases TAC and General cases, we tracked whether the defendant was re-arrested within a six-month period after the original target arrest.

2.2.2 Qualitative Component

To gain a more in-depth understanding of the woman's perceptions of the court process, prior battering experiences, life within a battering relationship, and actions women have taken to make themselves safe within this context, in-depth open ended interviews were conducted with 17 women who participated in the original courthouse interview.

2.3 Human Subjects Procedures, Instrument Construction, Interviewer Training, and Data Extraction Methods

2.3.1 Human Subjects Concerns

The project went through a full human subjects review process at both the University of Iowa and the University of Illinois. There were several potential risks women faced by participating in the study and we were required to address and present our plan for minimizing

these potential risks as part of the approval.

Risk 1: Recruiting women who are in a vulnerable situation. Participating in court process can be a stressful, anxiety provoking experience and being asked to participate in this study could add additional stress to the experience. We acknowledged that recruiting participants at the courthouse was less than ideal; however it was essential to the successful completion of the project for several reasons.

First, women who are victims of domestic violence are a very difficult population to locate for research. In fact, court systems have a difficult time getting domestic abuse victims to even appear in court. Most prosecution offices report a victim appearance rate of approximately 25%. These low appearance rates mean it would be very difficult to contact and recruit women outside the courthouse. If they were not comfortable appearing for their court date, they would be very unlikely to agree to participate in a research interview conducted outside the courthouse.

Second, in this study we were interested in the outcome of prosecution so it was essential for us to recruit women who had at least made the decision to engage the prosecution process by coming to court. Finally, we did not have the financial resources to interview women at multiple locations throughout the City of Chicago. Interviewing a woman when she arrives at court was the most expedient way to conduct our interviews.

We addressed the potential risks of our recruitment procedures in several ways:

1. We hired master's level research interviewers with interviewing experience or work experience in the domestic violence field to conduct our courthouse interviews. This prior experience assured their increased sensitivity to participants' vulnerabilities and how to best put participants at ease.
2. We used a recruitment script and conducted extensive training sessions with our research

interviewers, including role-play practice of our recruitment and interviewing procedures.

3. We conducted on-site pilot training of interviewers and provided regular supervision on the interviewing process.

Risk 2: Participants might feel uncomfortable answering some questions in the courthouse and follow-up interviews. Our courtroom and follow-up interview contained questions on past

history of abuse, personal and court empowerment, and experiences with the court process.

Some of these questions may have made participants uncomfortable. Again, the skill of the interviewers was used to alleviate some of this discomfort. Participants were also informed as part of the consent process that they could decline to answer any question and could withdraw their participation at any time.

Risk 3: The women might have safety concerns about participating in the study. The woman may have been concerned about the offender/defendant knowing she was participating in a research study. We were able to deal with these safety concerns in several ways.

The courthouse already has a system of keeping offenders separated from the women they abused. Some of the defendants were still in custody and were only brought in to the courtroom when their case was before the judge. Offenders not in custody typically remain in the gallery of the courtroom while women and other witnesses wait outside in the hallway and waiting areas. The courtrooms have two or three bailiffs available who monitor the defendants' whereabouts during the court session. Thus, there was little likelihood that the defendant would see the woman talking to the researcher in the waiting area. However, if this did occur, the woman was told to identify the researcher as a court member, as the woman was already speaking with a number of other court personnel during her time in the courthouse.

Risk 4: Confidentiality during the interviewing process was problematic. The courthouse had

very limited private space. There was a small meeting room on each floor, but this room was usually unavailable for interviewing. Whenever possible, the conference room was used; but in many cases, the interview took place in the waiting areas outside the courtrooms. While this was less than ideal for conducting an interview, most of the interviews between TAC team members, prosecutors, and the women occur in the waiting areas as well. This is normal courtroom procedure. Interviewers were able to find locations in the waiting area where others would not be in earshot during the interview. They were trained to find the most discreet location possible and to pay attention to the surroundings to assure their conversation with the woman could not be overheard.

Risk 5: The TAC team might be aware of which cases were selected. Our selection procedures required us to work with the TAC prosecutors during the screening and random selection of TAC, Vertical, and General cases. This meant that the TAC team might know which cases were initially selected in to the study. However, the TAC team was not informed about which women later agreed to participate, and they did not have access to any of the information we collected from women during our interview. The victim interview information was not kept in the courthouse, but transported to the University of Illinois research office. The TAC team also did not know which women participated in follow-up or qualitative interviews.

Risk 6: Protecting the confidentiality of the data. The instruments used for the courthouse interviews were transported from the courthouse in locked cases. The interview instruments, along with the police reports, criminal history sheets, Hull House and Life Span data, and repeat offense data were then de-identified and either transported to the University of Iowa for data entry researchers by one of the researchers or sent by express shipping. To ensure confidentiality of the contact information for follow-up interviews, the contact sheet containing the participant's

name, contact information, defendant's name, and other identifying information was removed and stored in a locked location at the University of Illinois along with the study consent forms.

2.3.2 Construction of the Courthouse Interview Guide

We began the instrument construction by reviewing instruments for other studies on women's experiences with the court process (see Belknap & Sullivan, 1999).¹ After developing an initial draft of the instrument we consulted with participant agencies and project consultants and incorporated their feedback in to the instrument. Based on the suggestions of one of the consultants, we specifically focused the instrument on the following questions:

- 1) What influenced women *to come* to court?
- 2) What did she hope to *get out of coming*/what does she want to have happen?
- 3) How satisfied was the woman with her interactions with court personnel?

These questions were then used as a guide in determining what information would remain as we worked to keep the length of the instrument under 30 minutes. We pilot tested this completed draft with our research staff to determine completion time. We cut additional items to further shorten the instrument and determine the best ordering of questions for facilitating the woman's comfort disclosing this personal information. The final version of the courthouse interview included:

- Contact information from the woman for the follow-up interviews.
- Demographic information (age, education, number of children in household, employment status, income, and relationship status)
- Defendant characteristics (alcohol/drug problems, past suicide attempts, gun

¹ Joanne Belknap is a consultant on the project and shared her instruments with us. She also provided consultation on the final instrument guide.

ownership)

- Abuse history including prior orders of protection and violations of order, past abusive behaviors, history of threats, injuries due to prior assaults
- Current assault information including whether the woman was injured and if she needed medical treatment because of the defendant's assault against her
- Who initiated contact with police and what the woman wanted the police to do in response to the current assault
- Women's reasons for coming to court
- For women who wanted the charges dropped, their reasons for wanting charges dropped
- Women's sense of empowerment with regards to the court process and in their relationship with the defendant
- Court personnel the women had contact with before court and her satisfaction with these contacts and whether they influenced her decision to attend the court hearing
- Court personnel the women talked to in court and their satisfaction with these interactions

2.3.3 Interviewer Training

Prior to beginning the courthouse interviewing, we conducted several rounds of interview training with project staff. We began with group discussions of the interview guide, the interviewing and consent process, and human subject and safety concerns. We then conducted practice interviews between project staff on both the consent process and conducting the

interview. The Co-investigators observed the interviewers and provided feedback on their skills. We also conducted these interviews among project staff in the courthouse to allow them to get a sense of the environment in which they would be interviewing. Finally, interviewers conducted interviews with several participants during which they were observed by the Co-PI's. Again, feedback on engagement and interviewing skills was provided.

In addition to this formal training process, there were continual informal conversations amongst project staff regarding how to make participants comfortable, finding quiet spaces on the floor, assessing safety concerns, managing interview time, as well as feedback on how specific questions were working. Some minor modifications were made to the instrument as a result of this feedback. We also provided support and feedback to interviewers on the emotional impact of this interviewing work. We did have some staff turn over with interviewers. All new interviewers received a similar training procedure.

2.3.4 Data Extraction Methods

We extracted data from a variety of data sources. A major source of data extraction was the court files for each case selected. The court files for all cases randomly selected were copied at the time of case selection, meaning that we had copies of cases for women who showed to court and women who do not show. These case files included, at a minimum, a copy of the police report and the defendant's criminal history report (rap sheet). We extracted data from both of these reports.

Data extraction from the police reports included: defendant and victim demographic information (age, race, employment status), date and location of offense/arrest, victim/defendant relationship, whether the victim and defendant shared the same address at the time of the offense, use of weapons, defendant or victim substance use at the time of the offense, police officers'

description of location and type of injuries to both victim and defendant, defendant and victims' alleged actions during assault, presence of threats (verbal or with weapons), use of weapons, and final charges filed. The severity of the victims' injuries were rated on the following scale: no apparent injury, redness or welt, abrasions, bruise, contusions, lacerations, broken bones or teeth, burns, internal injuries, subdural hemorrhage or skull fracture.

Data extraction from the criminal history reports included: arrest and court date, court date, type of charges, court disposition for each charge, and if applicable, type and length of sentence. These data were used to determine the total number of prior arrests, charges and convictions; history of domestic abuse related charges; and history of other non-assault related criminal charges.

A manual with a detailed set of coding rules was developed to extract data from the police reports and criminal history sheets. Two research assistant received extensive training on how to reliably code the data, with each file coded by one assistant. To assess the accuracy of the data coding, a random sample of 10% of the coded cases were selected for verification. These cases were double-coded and responses were compared to determine the number of disagreements or errors in coding for the two raters. For the police report coding, we calculated a total error rate of 4.28%, or a coding accuracy rate of 94.7%. For the criminal history/rap sheet coding, we found an error rate of 7.39% or an accuracy rate of 92.6%. We consider these error rates to be quite low.

Since the police reports contained a set of subjective items that involve a higher level of coder inference, we looked at the error rate for these more subjective items separately. Subjective items included presence of threats, location and type of victim injuries, and defendants' alleged actions during the offense. The overall error rate for the subjective items was

5.41%, or a coding accuracy rate of 94.6%. We then examined the individual subjective categories and determined that the error rate for the coding of victim injuries was 15.9%. This error rate was unacceptably high. We therefore double-coded and verified the victim injury variables for all police reports.

2.3.5 Construction of the Follow-up Interview Guide

We began the construction of the follow-up interview based on the following questions:

- What types of contact did the women have, if any, with court personnel since their court date?
- Did they seek out services from any referrals they received?
- What was their current sense of satisfaction with the court process now that some time has passed?
- What kind of contact had they had with the defendant? Had they been physically assaulted again since the court date? Had they experienced any other types of emotional or psychological abuse?
- Had the defendant followed through with the conditions of his release? Had the woman found any of these conditions to be helpful? For example, did she see a difference from BEP or substance abuse counseling?
- Do the women feel "safer" since participating in the court process?
- Would the women use the court system again in the future?

We started with the original interview, identified key concepts to be assessed at follow-up, developed a draft of the instrument and received feedback on this draft from project consultants. We piloted the follow-up survey with project staff for length of the interview, to

assure flow of items, and to further modify the order of questions to encourage participant disclosure. We did training with staff on the differences between in-person and phone interviews and again reviewed the consent, safety, and human subjects procedures for these interviews.

2.3.6 Follow-up Case Tracking for Repeat Offenses

For each interviewed case, as well as a sample of no-show cases TAC and General cases, we tracked whether the defendant was re-arrested within a six-month period after the original target arrest. For this data, we had to rely on court staff to run these new criminal history reports. For each report received, we verified whether the report contained our original target arrest. On the initial run of our cases, we received numerous reports that did not contain our target information. We provided additional tracking information on the defendant to the court to re-run all the cases with missing data.

After this second run, we still had some reports that did not contain the target arrest. For the interviewed cases, we had invalid repeat offense data for 27 General cases and 12 TAC cases, or about 12% of both of these groups. For the TAC show/no show sample, we again had invalid data for about 12% of cases. For the General show group we were missing 34% (N=99) of General show cases and 9% (N=27) General no show cases. These cases with missing data had to be discarded from the repeat offense analyses.

2.4 Sample Selection and Data Collection Procedures for Quantitative Component

2.4.1 Case Screening and Selection

Our sampling frame consisted of all intimate partner² domestic violence misdemeanor arrests that came through bond court in Cook County, IL between December 2000 and August

² Program funding requires that only intimate partner cases are placed in the TAC program. Although the domestic violence court handles to domestic violence related cases (e.g., parent-adult child), we selected only intimate partner cases from all three prosecution conditions.

2001. Cook County uses a warrantless arrest procedure for domestic violence cases. Any person arrested for the offense of *domestic battery* or *violation of an order of protection* in the State of Illinois must appear before a judge for a bond hearing within 24 hours of their arrest. After the bond hearing, defendants are assigned an initial court hearing approximately two weeks later. As part of the TAC program, TAC prosecutors screen all the domestic violence misdemeanor cases that come through bond court to determine which cases will be assigned to the TAC, Vertical, or left on the General court call. TAC prosecutors review an average of 500 bond case files per week. Of these 500 cases, approximately 80 cases meet the TAC screening criteria. However, given limits on resources, the TAC team can prosecute only 30 TAC screened cases per week.

Our study cases were identified by randomly selecting between 50% and 75% of the cases from the case files screened by TAC prosecutors each day. The case files included a copy of the police report and defendant's criminal history report. Once the prosecutors' assigned the cases to a particular prosecution group, we then randomly selected cases for our sample from each group. Since the case files were not available to us after the court date, we made copies of these case files at they time we selected our cases. Since not all women came to court on the day their abuser's case was heard, we ended up with a sample of cases that included women who came to court (shows) and did not come to court (no-shows).

There is approximately a two week lag time between when the prosecutors screen the cases and when the case is heard in court. Once the cases were selected, we entered identifying information in to a master data base to keep track of when that case would be heard in court. The prosecutors' generate a list of TAC cases daily. The court call generates the list of General cases. We were able to use these prosecutor and court lists to double check when our cases would be heard in court.

2.4.2 Case Selection and the Vertical program

Our original intent was to randomly assign cases to both TAC and Vertical after selecting out the high-risk cases that would automatically stay in the TAC program. The General court call cases were to be randomly selected. We encountered a major obstacle to this random assignment procedure. This obstacle had to do with the issue of prosecutorial discretion and a change in TAC prosecutors. The Vertical prosecution program was developed to serve as a kind of overflow from TAC. This Vertical program is funded by a different source of funds than the TAC program. TAC funding requires that only intimate partner cases are assigned to TAC. The Vertical program has no such constraints regarding the relationship between the victim and defendant. Therefore, prosecutors can use their prosecutorial discretion in deciding what types of cases get assigned to the Vertical program. The prosecutors assigned to TAC at the time the grant application was written were using the Vertical program as an overflow of intimate partner cases from TAC. It was based on their information that we developed the procedures for randomly assigning TAC and Vertical cases.

Unfortunately for our purposes, TAC prosecutors rotate every 18 months. When we began data collection, we were working with a new set of TAC prosecutors. These prosecutors were attempting to keep as many of the serious intimate partner in TAC as possible, and were using the Vertical program as an overflow for serious non-intimate partner, such as abuse between an adult child and parent. From the time we began data collection in December 2000 through when they rotated to new positions, these prosecutors assigned only 40 intimate partner cases to the Vertical prosecution program, thus limiting the opportunity to randomly assign cases between TAC and Vertical, and further reducing the number of intimate partner cases available for random selection from Vertical. We did able to gather data on only 27 Vertical cases

therefore did not include a discussion of these cases in this report.

2.4.3 Participant Recruitment for Courthouse Interviews

Each day prior to court, the project director would generate a list of our selected cases that were scheduled for court that day. The list was divided by courtroom and each list was assigned to an interviewer. The interviewers rotated floors and on each floor they rotated through each courtroom on a regular basis. Each interviewer was responsible for covering a courtroom that day. A bilingual (English/Spanish) interviewer was assigned to each floor and conducted all the Spanish speaking interviews.

Following the procedures of all other court personnel, the interviewers would go up to the courtrooms and call out the women's names in the courtroom or the hall way outside the court. If a woman was there (54% of women selected did not appear in court) and responded, an interviewer would approach her and introduce herself and the project and ask if she would be interested in participating in the study. If the woman agreed to hear more, the interviewer would read the consent form and obtain formal permission for her participation in the study. During the consent procedure, we also asked for her permission to contact her for the six-month follow-up interview and to access her Hull House and Life Span records. Once permission was received, the interview would commence in a quiet, semi-private location on the floor. During this entire procedure the interviewers were careful not to interfere with the court process and made every effort to assure the woman felt safe participating in the interview.

Some women preferred to complete the interview by phone later in the day although not all of these women could be reached. There were also some interviews that could not be completed because the woman's court case was called and she was unable to or declined to finish the interview after the court hearing. These incomplete interviews (N=11) were discarded

from the sample. We interviewed the women as we could get them to agree to participate and had limited control of whether we could speak with her before or after her case was heard, thus women were interviewed at different points in their court process. Some women we talked to before their cases were called, other women we spoke to after their cases were heard, and some women we spoke to before and after. Thus their experiences with the court and their emotional state regarding the court process and their knowledge of the case differed.

2.4.4 Follow-up Interviewing Procedures

After the initial courthouse interview, the face sheet containing the participant’s contact information was placed in a file sorted by month and dated six months later to indicate when the follow-up interview was to be conducted. We attempted to conduct six-month follow-up interviews on all women who were interviewed in the courthouse. We experienced significant difficulties contacting many of the women. We were able to reach only 104 women for the follow-up interview and we completed interviews for only 55 women.

We were unable to interview women at follow-up for a variety of reasons (see Table 2.4.a).

Table 2.4.a: Follow-up Interview Status

	<i>N</i>
Completed follow-up interviews	55
Women we were unable to reach	215
Women who declined to participate when contacted	49
Interviewer refused for safety concerns	5
Unable to interview because Spanish speaking	26

Two hundred-fifteen women were unreachable by phone either because the contact information was no longer valid or the woman provided incorrect contact information when interviewed in the courthouse. Forty-nine women declined to participate when contacted and interviewers declined to interview five women because of safety concerns. We were also unable to interview 26 Spanish speaking women because our Spanish speaking interviewer had left the project. Given that our success rate of contacting women for follow-up interviews was only 30%, and only 16% of women agreed to participate, we elected not to pursue hiring and training another Spanish speaking interviewer.

2.4.5 Case Selection and Interviewing Procedures for Qualitative Interviews

At the time of the follow-up phone interview, any women we reached were asked if she wanted to participate in an additional in-depth interview. The majority of women who agreed to participate in the follow-up interview also agreed to be contacted for the qualitative interview. These women were then contacted by Dr. Frohmann to arrange the qualitative interview. Of the 55 women who agreed to be contacted for the qualitative interview, she was able to reach 23, and 17 of these women actually participating in the in-depth interview. Of these seventeen women, 8 women were in the TAC prosecution group, 7 women participated in the General prosecution process, and 2 women went through the Vertical prosecution. These qualitative interviews were conducted at a location of the woman's choosing. All but three interviews were conducted in the woman's home. One other interview took place at a restaurant and two women were interviewed at their work place.

The interview protocol was designed for women to elaborate on questions they answered at the courthouse and follow-up interviews. The topics queried included: violence in family of origin, violence with the perpetrator prior to and after the courthouse interview, use of legal

remedies since the courthouse interview, satisfaction with legal remedies, if chose not to use legal remedies why. Non-legal safety strategies women have employed, support networks, types of interactions with courtroom personnel before and after courthouse interview, satisfaction with those interactions, knowledge gained from interactions with legal agents and advocates, advice for other women in same situation and recommendations for changes in the court system.

Interview questions were often followed up with “probes” to elicit greater detail from the participant. Probing questions answer the who, what, where, when and how of an incident. The average interview lasted about one and a half hours.

2.5 Sample Characteristics

2.5.1 Courthouse Interview Sample

We conducted interviews in the courthouse from December, 2000 through February, 2002. Over the course of this time, we randomly selected a total of 3898 cases coming through bond court. Thirty-eight percent of the women associated with these cases attended the court hearing; 45% percent of these women failed to show in court, and for an additional 17% we could not determine whether the woman was in court that day (see Table 2.5.a). For the cases in which we knew the status (N=3279), we found different no-show rates depending on the prosecution group. Twenty-seven percent of the women in TAC, 41% of the women in Vertical, and 55% of the women in General failed to show up for court ($X^2(2, N = 3214) = 183.4, p \leq .001$).

Table 2.5.a: Case Selection Characteristics

	<i>N</i>
Total Number of Cases Selected	
Total cases	3898
General	3135
TAC	543
Vertical	218

Number of Women Failing to Show**	<i>N</i>	<i>%</i>
Total cases	1750	54.4
General	1544	60.2
TAC	129	27.2
Vertical	77	44.5

***p* < .001

As expected, not all selected participants who came to court agreed to be interviewed.

Overall, 26% of women who came to court agreed to participate in the study. Table 2.5.b provides a breakdown of the interview status of the women who came to court by prosecution group. Twenty-three percent of women in the General group agreed to be interviewed compared to 32% of women in the TAC group and 30% of women in the Vertical group. The percentage of women who refused or declined to be interviewed ranged from 40% (General) to 50% (Vertical). These differences between groups were statistically significant ($\chi^2(6, N = 1464) = 35.5, p \leq .001$). The numbers of women agreeing to participate were much lower than we expected. To compensate for this higher refusal rate, we had to increase the percentage of cases randomly selected from an initial 50% to 75%. Also, towards the end of the data collection period we concentrated our efforts on increasing the number of TAC interviews obtained. We still randomly selected these TAC cases, but used all available interviewers to interview TAC women and stopped data collection of the General cases.

Table 2.5.b: Women Interview Status by Prosecution Group

	General (N=1022)		TAC (N=346)		Vertical (N=96)		Total (N=1464)	
	<i>n</i>	<i>%</i>	<i>n</i>	<i>%</i>	<i>n</i>	<i>%</i>	<i>n</i>	<i>%</i>

Interview Status**

Women interviewed	234	22.9	112	32.4	29	30.2	375	25.6
Women who refused to be interviewed	417	40.8	157	45.4	48	50.0	622	42.5
Interviewer refusals	57	5.6	18	5.2	3	3.1	78	5.3
In court but unable to interview	314	30.7	59	17.1	16	16.7	389	26.6

**** $p < .001$**

In some cases, we were unable to interview a selected participant because the number of women who showed to court exceeded the number of interviews our four interviewers could conduct that day. We are also unable to interview women who do not speak English or Spanish. Chicago does have a fairly high Polish speaking population.

We anecdotally tracked information on women who declined to participate after the interviewer approached them. The women's reasons for declining typically fell in to the following categories: 1) the women said/or seemed too nervous, stressed, angry, or irritated to talk to any one; 2) the woman was worried about missing her case being called or confused about the process at the court; 3) the woman wanted the case dropped or was denying the abuse took place; 4) the woman felt uncomfortable signing the consent form or felt the questions to be asked sounded too personal; 5) the woman had children or someone else with her and did not feel comfortable speaking in front of that person; 6) time constraints, she needed to leave right after the case was heard for work or other commitments; and/or 7) she was afraid the defendant would find out she was participating.

The majority of interviewer refusals were because: 1) the interviewer deemed it unsafe to interview the woman because the defendant was with her or near by; 2) the woman appeared to

be in pain, too upset, and/or confused to participate; 3) the case turned out to not involve an intimate partner or the woman was under the age of 18; or 4) the woman appeared under the influence of alcohol or drugs.

2.5.2 Examining Sample Bias Due to Participant Refusal

To assess potential sample bias between the women who agreed to be interviewed and those who declined to participate, we coded refusal cases from the first three months of data collection and compared these cases to those that were interviewed during the same time period. We compared the cases on data from the police reports and criminal history sheets. The only significant differences between the women who were interviewed and the women who declined to be interviewed were for the race of the participant. Women of color were more likely to agree to be interviewed than Caucasian women (92.7% compared to 81.7%, Fishers exact test, $p < .05$). The two groups did not differ on the circumstances or severity of the current assault event or the defendant's prior criminal history.

2.6 Data Analysis Plan

The data analysis plan includes both quantitative and qualitative components. Professor Carolyn Hartley was responsible conducting all the quantitative analyses and writing all the quantitative results chapters. Professor Lisa Frohmann conducted the qualitative interviews, analyzed, and wrote the summary of the qualitative findings.

2.6.1 Quantitative Analyses

The quantitative analyses involved several different comparisons. The first set of analyses focused on the interviewed cases. TAC and General cases were compared on the courthouse interviews, police report, and criminal history data. We also compared the police report and criminal history data for a sample of cases in which women came to court, with a

sample of cases in which women did not show to court. These show/no show cases were analyzed separately for TAC and General cases. Finally, we examined outcome data for both the interviewed cases and the show/no show samples. Outcome data for the interviewed cases included conviction data for the current case, repeat arrest/offense data, compliance with sentencing, and the six month follow-up interviews with women. The outcome comparisons for the show/no show cases focused primarily on the convictions and repeat offending. All analyses involved bi-variate comparisons using cross-tabs for dichotomous or categorical variables, and t-tests for continuous data.

2.6.2 Qualitative Analysis

Interview transcripts were analyzed using the constant comparative method of analysis (Glaser & Strauss 1967). Material was coded for description and indigenous concepts. The purpose of descriptive coding was to identify women's experiences with the criminal justice system. This included identifying the chronology of abuse incidents and legal remedies employed and interaction with police and court personnel (investigators, prosecutors, victim witness specialists, domestic violence advocates, and civil attorneys. Across interview comparisons were then done to check for consistency of coding categories. Examples of coding categories were "support network", "batterer violence incident 1" "first OP" and "post courthouse interview interaction with prosecutor." "Indigenous" codes are concepts used by participants to make sense of experience. For example, what "supportive and "unsupportive" meant for women in the context of interacting with court agents and advocates; What do women meant when they described his behavior as "violent", "really violent" and "not that bad"? Comparisons were done across interviews for coding consistency. Across interview comparisons were then done to identify patterns and themes in the data. Codes were organized into categories

by theme and data were reanalyzed for category cohesiveness and distinctiveness.

CHAPTER 3. DETAILED FINDINGS OF INTERVIEWED CASES: TAC AND GENERAL COMPARISONS

3.1 Demographic Characteristics of TAC and General Cases

3.1.1 Demographic and Relationship Characteristics of the Women Interviewed

Most study participants were women of color (90%), with 65% of women identifying themselves as African American and 21% as Hispanic (see Table 3.1.a). The TAC and General groups did not differ significantly on race although there were slightly more Hispanic women in the General group. The TAC women were significantly older (33.63 compared to 30.23 years, $t(319) = 3.04, p \leq .01$) and had more children (2.73 compared to 2.12, $t(320) = 3.16, p \leq .01$) than the General women.

Table 3.1.a: Demographic Characteristics of Women Interviewed

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Race of woman						
Black	72	69.9	136	62.1	208	64.6
Hispanic	18	17.5	51	23.3	69	21.4
White	7	6.8	23	10.5	30	9.3
Other	6	5.9	9	4.1	15	4.6
Woman's education level						
Less than high school	27	26.2	51	23.3	78	24.2
High school graduate	40	38.8	65	29.7	105	32.6
Some college/vocational training	27	26.2	85	38.8	112	34.8
College graduate or more	9	8.7	18	8.2	27	8.4
Woman's employment						
Not employed	53	52.0	93	42.5	146	45.5
Employed part-time	12	11.8	29	13.2	41	12.8
Employed full-time	37	36.3	97	44.3	134	41.7

p* < .05. *p* < .01 + *p* < .10

Table 3.1.a: Demographic Characteristics of Women Interviewed, continued

	TAC (<i>n</i> =103)	General (<i>n</i> =219)
	<i>M</i> (<i>SD</i>)	<i>M</i> (<i>SD</i>)
Women's age	33.63 (9.55)	30.25 (9.25)**
Age of youngest child in the home (N=250)	4.85 (4.27)	5.10 (4.94)
Age of oldest child in the home (N=251)	9.47 (5.29)	9.23 (5.65)
Number of woman's children	2.73 (1.79)	2.12 (1.51)**
Number of children with defendant (N=273)	1.22 (1.39)	1.20 (1.20)

p* < .05. *p* < .01 + *p* < .10

With regards to education level, the two groups reported similar levels. A little over a third of the women had some college or vocational training, although a relatively small percentage of TAC and General women had a college degree (about 8% in each group). Half the TAC women were not employed at the time of the interview, whereas 42.5% of the General women were unemployed.

Forty-two percent of TAC women had some type of legal relationship with the defendant, either current or past, compared to 35% of women in the General group; however this difference was not statistically significant (see Table 3.1.b). Half the women in both groups described their relationship status as "current" although an overwhelming majority of women in both groups reported having been separated from the defendant at least once. The average length of the relationship for all women was six years. Over 80% of women stated that they had lived with the defendant at some point, although only one quarter of women in both groups acknowledged they

were living with the defendant at the time of the court interview.

Table 3.1.b: Relationship Characteristics of Women Interviewed

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Woman/defendant relationship						
Married	33	32.0	49	22.4	82	25.5
Separated	8	7.8	26	11.9	34	10.6
Divorced	2	1.9	2	0.9	4	1.2
Girlfriend/boyfriend	20	19.4	53	24.2	73	22.7
Ex-girlfriend/boyfriend	39	37.9	79	36.1	118	36.6
Dating	0	0.0	3	1.4	3	0.9
Other	1	1.0	7	3.2	8	2.5
Number of times woman/defendant have separated (N=311)						
None	7	7.1	28	13.1	35	11.3
One to five times	73	74.5	152	71.4	225	72.3
Six to ten times	12	12.2	15	7.0	27	8.7
Eleven or more times	6	6.1	18	8.5	24	7.7
Woman and defendant ever lived together	84	86.6	182	85.0	266	85.5
Woman and defendant living together at time of court interview	24	24.5	51	25.4	75	25.1
	<i>M (SD)</i>		<i>M (SD)</i>			
Length of relationship	6.21 (5.73)		6.63 (6.88)			

* $p < .05$. ** $p < .01$ + $p < .10$

Looking at women's income support, the majority of women in both groups reported earning most of all of their household income (see Table 3.1.c). Women in both groups reported an average monthly income of \$1400 (TAC) and \$1560 (General), however the standard deviations of income show incredible variation in these amounts. Women in the TAC group were

significantly more likely to be receiving some type of government assistance than General women (53.5% compared to 37.2%, Fisher exact test, $p \leq .01$). All women reported supporting an average of three people on this income, with TAC women expressing somewhat greater difficulty living on their family income, than women in the General group; however, this difference was not statistically significant. Almost all women stated they had full access to their household income.

Table 3.1.c: Income Characteristics of Women Interviewed

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Income woman brings in to the home (N=304)						
None	13	13.0	28	13.7	41	13.5
About half	16	16.0	35	17.2	51	16.8
Most or all	71	71.0	141	69.1	212	69.7
Woman receiving government assistance (N=308)	54	53.5	77	37.2**	131	42.5
Amount of women who bring in all the income	63	63.0	122	61.0	185	62.1
Woman has access to some or all of family income (N=241)	75	95.0	148	91.3	223	92.5
How hard is it to live on current family Income (N=309)						
Not at all difficult	18	18.0	52	24.9	70	22.7
A little difficult	19	19.0	48	23.0	67	21.7
Somewhat difficult	16	16.0	39	18.7	55	17.8
Very difficult	22	22.0	31	14.8	53	17.2
Extremely difficult	25	25.0	39	18.7	64	20.7
	<i>M(SD)</i>		<i>M(SD)</i>			
Average monthly income	1397.39 (1192.73)		1563.73 (1234.53)			

Number of people supported by income 3.43 (1.77) 3.32 (1.63)

* $p < .05$. ** $p < .01$ + $p < .10$

3.1.2 Defendant Demographic Characteristics

The defendant's demographic information is drawn from the police report data (see Table 3.1.d). There were no significant differences between the TAC and General groups on the race of the defendant, with the majority of defendants in the sample being African American (total 70%). A little over half of the defendants were known to be employed at the time of their arrest. The mean age of the defendant in the TAC group was significantly greater than the mean age of the defendant in the General group (36.60 compared to 32.34, $t(299) = 3.51, p \leq .01$).

Table 3.1.d: Demographic Characteristics of Defendant

	TAC ($n=103$)		General ($n=219$)		Total ($n=322$)	
	n	%	n	%	n	%
Race of defendant						
Black	78	75.7	146	66.7	224	69.6
Hispanic	14	13.6	57	26.0	71	22.0
White	11	10.7	15	6.8	26	8.1
Other	0	0.0	1	0.5	1	0.3
Defendant's employed (N=280)	47	52.8	117	61.6	164	58.8
	<u>$M(SD)$</u>		<u>$M(SD)$</u>			
Defendant's age (N=301)	36.60 (9.87)		32.34 (10.0)**			

* $p < .05$. ** $p < .01$ + $p < .10$

3.2 Characteristics of the Current Abuse Event and the Defendant's Prior Abuse

3.2.1 Characteristics of the Current Assault Event

From the interview data on the target assault event, over half the women reported being physically hurt by the defendant during this event, although less than a quarter reported needing medical treatment for these injuries (See Table 3.2.a).

Table 3.2.a Characteristics of Current Domestic Violence Offense

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Physically hurt by the latest assault	59	57.3	140	63.9	199	61.8
Needed medical treatment for current assault	22	21.6	51	23.4	73	22.8
Defendant threatened woman with weapon	16	15.5	17	7.8	33	10.2
Defendant used weapon	14	13.6	16	7.3	30	9.3
Defendant made threats toward woman or others	18	17.5	18	8.2	36	11.2
Woman sustained serious injury (N=301)	52	53.1	103	50.7	155	51.5
Current Charges						
Domestic battery	68	66.0	189	86.3**	257	79.8
Violation of no contact order	28	27.2	24	11.0**	52	16.1
More than one charge	31	30.4	50	22.9	81	25.3
	<i>M (SD)</i>		<i>M (SD)</i>			
Number of injuries to woman	1.59 (3.99)		1.26 (2.90)			
Severity of victim's injuries	2.51 (2.24)		2.30 (2.07)			

* $p < .05$. ** $p < .01$ + $p < .10$

Examining data from the police report for the current assault event, we find that TAC and General groups did not differ significantly on any of these variables. Only a small percentage of defendants were reported to have made threats, threatened the woman with a weapon, or used a weapon during the assault. There were also no differences between groups on the number or severity of the women's injuries police recorded as a result of the defendant's assault. The severity of the victims' injuries were rated from (0) no apparent injury, (1) redness or welt, (2) abrasions, (3) bruise, (4) contusions, (5) lacerations, (6) broken bones or teeth, (7) burns, (8) internal injuries, (9) subdural hemorrhage or skull fracture. Severity ratings of injuries were in the bruise to abrasion range.

When looking at the current charges, we do find significant differences between groups. Defendants in the TAC group were more likely to be charged with a violation of a no contact order and less likely to have been charged with domestic battery than defendants in the General group. Twenty-seven percent of TAC defendants were charged with a violation of a no contact order compared to 11% of General defendants (Fisher exact test, $p \leq .01$).

3.2.2 Prior Abuse History

TAC cases are screened by prosecutors based on the severity of the current assault event. However, when we examine the severity of the prior abuse reported by women, we see only a few differences between the TAC and General groups (see Table 3.2.b). As one would expect, TAC women were significantly more likely to have had an order of protection against the defendant than General women (46.6% compared to 27.9%, Fisher exact test, $p \leq .01$) and the defendant was significantly more likely to have violated that order of protection (63.3% compared to 43.3%, Fisher exact test, $p \leq .05$).

Table 3.2.b: Prior Abuse History

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Ever had an order of protection	48	46.6	61	27.9	109	33.9
Defendant ever violated an order of Protection (N=116)	31	63.3	29	43.3*	60	51.7
Prior abuse history, ever occurred:						
Kicked, hit or bit you with his fist	81	78.6	162	74.0	243	75.5
Threatened you with physical harm	83	80.6	152	70.0+	235	73.4
Constantly yelled at you	79	76.7	149	68.0	228	70.8
Tried to control your every move	78	75.7	147	67.1	225	69.9
Beaten you up	70	68.0	129	59.4	199	62.2
Threatened to kill you	62	60.2	94	43.3**	156	48.8
Injured you so you needed medical Treatment	50	48.5	79	36.1	129	40.1
Injured you so you couldn't go to work	48	46.6	73	33.3	121	37.6
Harassed you with calls at work	39	40.6	68	33.3	107	35.7
Scared you in to changing where you live	40	38.8	73	33.5	113	35.2
Prevented you from going to work (N=300)	40	39.6	70	32.3	110	34.6
Forced you to have sex	41	39.8	63	29.0	104	32.5
Shown up at your workplace	37	38.9	54	26.7	91	30.6
Threatened you with a knife or gun	44	42.7	44	20.2	88	27.4

* $p < .05$. ** $p < .01$ + $p < .10$

Table 3.2.b: Prior Abuse History, continued

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Physically hurt you while pregnant (N=286)	25	27.8	44	22.4	69	24.1
Has ever caused you to lose a job	21	21.0	35	16.2	56	17.7
Threatened to turn you in to child protection	29	29.0	25	11.9**	54	17.4
Has he ever made you drop charges	20	19.8	28	13.1	48	15.3
Cut you with a knife/fired a gun	12	11.7	11	5.1*	23	7.2
Made you do illegal things	11	10.7	7	3.2*	18	5.6

* $p < .05$. ** $p < .01$ + $p < .10$

With regards to the history of prior abusive behaviors the most frequent defendant abuse behaviors reported by all women were: kicked, bit or hit you with his fist (75.5%); threatened you with physical harm (73.4%), constantly yelled at you (70.8%), tried to control your every move (69.9%), and beaten you up (69.9%). The TAC and General women did not differ significantly on abuse behaviors that can be considered characteristic of non-physical power and control such as: tried to control your every move, harassed you with calls at work, prevented you from going to work, scared you in to changing where you work; or shown up at your workplace. The two groups did differ on some of the more serious threats and physically assaultive behaviors. Sixty percent of TAC women reported that the defendant had threatened to kill her in the past compared to 43.3% of women in the General group (Fisher exact test, $p \leq .01$); and 12% of TAC women reported the defendant cut her with a knife or fired a gun at her in

the past compared to 5% of women in the General group (Fisher exact test, $p \leq .05$). Two other significant differences between groups pertained to threats regarding child protection and being forced to do illegal things. More TAC women (29%) reported that the defendant threatened to turn her in to child protection compared to 11.9% of General women (Fisher exact test, $p \leq .05$) and 11% of TAC women stated that the defendant forced them to do illegal things compared to only 3% of General women (Fisher exact test, $p \leq .05$).

3.2.3 Defendant Behaviors Related to Domestic Violence

Women were asked to describe some of the defendant’s behaviors thought to be related to his domestic abuse history, such as substance abuse and gun ownership. TAC and General groups did not differ on the women’s report of these behaviors (see Table 3.2.c). A little over half the defendants had a history of alcohol or drug problems, about one quarter of defendants were known to own or possess a gun, about one third of defendants had threatened suicide, and about half had a history of being violent towards others.

Table 3.2.c: Defendant Behaviors Related to Domestic Violence

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Ever had an alcohol or drug problem	67	67.7	120	57.4	187	60.7
Defendant owns a gun	26	29.2	40	22.5	66	24.7
Defendant ever threatened to commit suicide	30	30.0	70	34.3	100	32.9
Defendant ever been violent with others	55	60.4	105	53.3	160	55.6

* $p < .05$. ** $p < .01$ + $p < .10$

3.3 Defendant’s Prior Criminal Arrest History

Using data from the defendant’s criminal history reports, we examined the defendant’s prior history of any criminal behaviors. The vast majority of defendants in both groups had a past history of criminal arrests (see Table 3.3.a). The TAC defendants were more likely to have a history of prior arrests than General defendants (92.2% compared to 82.2%, Fisher exact test, $p \leq .05$). TAC defendants also had significantly more prior arrests (11.73 compared to 6.90, $t(320) = 4.94, p \leq .01$), more charges (13.74 compared to 8.01, $t(320) = 4.90, p \leq .01$), and more convictions (2.75 compared to 1.45, $t(320) = 4.01, p \leq .01$), than General defendants. TAC defendants also had more prior simple and felony assault charges.

Table 3.3.a: Defendant’s Past Criminal History

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Past Violent Crimes						
Past history of any criminal arrest	95	92.2	180	82.2*	275	85.4
Prior domestic abuse charge	78	75.7	71	32.4**	149	46.3
Prior violation of order of protection	26	25.2	12	5.5**	38	11.8
Prior simple assault charge	84	81.6	130	59.4**	214	66.5
Prior felony assault	48	46.6	55	25.1**	103	32.0
<u>Other Criminal Offenses</u>						
Burglary	17	16.5	19	8.7+	36	11.2
Theft	52	50.5	61	27.9**	113	35.1
Other property crime	59	57.3	83	37.9**	155	48.1
Weapons violation	32	31.1	48	21.5	80	24.8
Other public offenses	71	68.9	109	49.8**	180	55.9

Criminal trespassing	57	55.3	82	37.4**	139	43.2
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* $p < .05$. ** $p < .01$ + $p < .10$

Table 3.3.a: Defendant’s Past Criminal History, continued

	TAC ($n=103$)	General ($n=219$)
	<u>$M(SD)$</u>	<u>$M(SD)$</u>
Total number of prior criminal arrests	11.73 (8.48)	6.90 (7.50)**
Total number of prior criminal charges	13.74 (9.94)	8.08 (9.06)**
Total number of convictions	2.61 (2.75)	1.36 (2.03)**
Total number of prior simple assault charges	4.20 (4.16)	1.16 (2.13)**
Total number of prior felony assault charges	.884 (1.32)	.539 (1.26)*

* $p < .05$. ** $p < .01$ + $p < .10$

When looking more specifically at the type of prior arrests, we find that TAC defendants had a significant prior history of domestic violence and simple assault offenses. Seventy-six percent of TAC defendants had a prior domestic violence arrest compared to 32.4% of General defendants (Fisher exact test, $p \leq .01$), although the prosecutor’s screening of TAC cases no doubt accounts for this difference. TAC defendants were more likely to have a prior simple assault charge (82%) and felony assault charge (47%), which may or may not have involved a domestic partner, compared to General defendants (59% had prior simple assault charges, 25% had prior felony assault charges; Fisher exact tests for both comparisons were $p \leq .01$).

Examining non-domestic violence or assault related charges, we find that TAC defendants also

have a significantly greater history of burglary, theft, other property crime, other public offenses, and trespassing charges.

3.4 Summary of the Courthouse Interview Data: Women's Experiences with Law Enforcement and the Criminal Justice System

The courthouse interview contained the following categories of information: women's and defendants' demographic and relationship information; defendant characteristics related to the violence (alcohol/drug problems, past suicide attempts, gun ownership); prior abuse history including prior orders of protection and violations of order; current assault information; who initiated police and what the woman wanted the police to do in response to the current assault; women's reasons for coming to court; for women who wanted the charges dropped, their reasons for wanting charges dropped; women's sense of empowerment with regards to the court process and in their relationship with the defendant; court personnel the women had contact with before court and her satisfaction (rated on a 5 point scale) with these contacts and whether they influenced her decision to attend the court hearing; and court personnel the women talked to in court and their satisfaction with these interactions.

3.4.1 Women's Contact with Police for the Current Assault Event

During the courthouse interview, women were asked a series of questions about their contact with police around the current assault event (see Table 3.4.a). The majority of both TAC and General women contacted the police directly. Almost all the TAC women wanted the police called (93.5%) compared to only 80% of General women. This difference was statistically significant (Fisher exact test, $p \leq .05$).

Looking more specifically at what women 'somewhat' or 'a great deal' wanted the police to do to the defendant or for the woman when called, the most frequently endorsed responses were: *wanted him to calm down*, *wanted him arrested*, *wanted him to leave her alone permanently*, *wanted him to leave for a while*, and *wanted him to go to jail*. Less than a third of

the women in both groups expressed a desire for help for them to leave. The groups did not differ significantly on the women’s expectations of police.

Table 3.4.a: Woman’s Contact with Police for Current Assault Event

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Who called police						
Woman called	61	62.2	148	68.8	209	66.8
Woman asked someone to call	10	10.2	13	6.0	23	7.3
Someone else called	27	27.6	54	25.1	81	25.9
Woman wanted police called	43	93.5	61	79.2*	104	84.6
For women who wanted police called:						
What did the woman want the police to do (somewhat/great deal):						
Wanted him to calm down	78	78.8	170	82.5	248	81.3
Arrest him	83	80.6	168	78.1	251	78.9
Wanted him to leave you alone permanently	79	77.5	144	67.6+	223	70.8
Wanted him to leave for a while	66	67.3	147	70.3	213	69.4
Wanted him to go to jail	74	71.8	141	65.6	215	67.6
Wanted help for you to leave	39	39.4	63	30.7	102	33.6

p* < .05. *p* < .01 + *p* < .10

3.4.2 Woman’s Reactions to Receiving a Subpoena

Women were asked a series of questions about how they were notified about court as well as an open-ended question about how they felt about receiving the subpoena (see Table 3.4.b). As is part of the TAC procedures, 93.2% of TAC women reported receiving a subpoena

for court compared to only 73.4% of General women (Fisher exact test, $p \leq .01$). Almost all the General women (95%) received their subpoena in the mail, whereas about 40% of TAC women received their subpoena from the TAC investigator who visited them at home (Fisher exact test, $p \leq .01$).

Table 3.4.b: Women’s Reasons for Coming to Court

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Got a subpoena	96	93.2	160	73.4**	256	79.8
How did you receive subpoena**						
In the mail	31	32.3	153	95.0	184	71.6
Investigator came to home	37	38.5	0	0.0	37	14.4
Police officer came to home	11	11.5	5	3.1	16	6.2
It was left with someone else	7	7.3	1	0.6	8	3.1
Other	10	10.4	2	1.2	12	4.7
Reaction to receiving subpoena						
Neutral/positive	61	64.9	100	64.5	161	64.7
Negative	33	35.1	55	35.5	88	35.3
Reasons women came to court (somewhat/great deal):						
you felt like you should be there	80	78.4	190	87.6	270	84.6
you wanted him to stop hurting you	83	82.2	173	82.0	256	82.1
you thought you would be protected	74	74.0	134	62.0*	208	65.6
you wanted to get help for him	62	60.8	141	64.7	203	63.4
you had concerns about children (N=250)	42	55.3	114	65.5	156	62.4
you wanted to teach him a lesson	61	59.8	134	61.5	195	60.9
got a subpoena	58	60.4	94	58.0	152	58.9
you wanted him to go to jail	44	43.1	85	39.0	129	40.3

you were afraid of him	42	41.6	81	38.0	123	39.2
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Table 3.4.b: Women’s Reasons for Coming to Court, continued

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
you wanted to get the charges dropped	24	23.3	86	40.0**	110	34.6
you thought that legally you had no choice	30	29.1	79	36.2	109	34.0
you were encouraged to come to court	24	23.8	55	25.3	79	24.8
you had concerns about financial support	11	12.5	36	18.5	47	16.6
you felt pressure from family	11	10.8	29	13.3	40	12.5

p* < .05. *p* < .01 + *p* < .10

Women’s reactions to receiving the subpoena were coded as either neutral/positive or negative. Neutral responses typically reflected either no reaction or an expectation that a subpoena would be sent and were therefore grouped with the positive responses. Overall, 65% of women reported a neutral/positive reaction to receiving the subpoena. The remaining 35% of women shared a negative reaction and there were no differences between TAC and General women on their reactions to receiving the subpoena.

Examples of positive reactions to being subpoenaed included: *expecting the subpoena, no negative feelings; knew she had to come or was planning to come to court; good; kind of glad, because it said 'the state vs. him', good; wanted to testify against him so he would stop battering; I wanted to let the court know he's been leaving me alone; felt more comfortable because it showed they were concerned; it let me know they were on the job; and happy because that meant she was being taken into consideration.* Examples of negative reactions reflected feeling scared,

sad, confused, nervous, feeling uncomfortable or not wanting to come to court, *upset because she had to miss work and lose money; did not want to come because of her children and moving; worried because we need his money to live on because I don't work; and did not understand the subpoena because it was in English.*

3.4.3 Woman's Reasons for Coming to Court for the Current Assault Event

Examining women's reasons for coming to court, the two most frequently reported reasons were: *you felt like you should be there* and *you wanted him to stop hurting you* (see Table 3.4.b). The two groups differed on only two reasons for coming to court. Seventy-four percent of TAC women *thought they would be protected* compared to 62% of General women (Fisher exact test, $p \leq .05$), and 23% of TAC women *wanted to get the charges dropped* compared to 40% of General women (Fisher exact test, $p \leq .01$).

When asked more specifically about whether or not they wanted the charges dropped, 42% of General women expressed a desire to have charges dropped compared to 31% of TAC women (Fisher exact test, $p \leq .05$) (see Table 3.4.c). Looking only at those women who wanted the charges dropped (N=122), the top three reasons for wanting charges dropped were: *you wanted it to be over, you didn't want him to go to jail, and you cared about him*. The two groups differed significantly for only one reason for dropping charges. General women expressed more concerns about the defendant having a criminal record than TAC women (36% compared to 17%, Fisher exact test, $p \leq .05$). The least reported reasons for wanting the charges dropped had to do with being dependent on the defendant for housing or transportation or pressure from family members.

Table 3.4.c: Women’s Desires for Charges Being Dropped

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
How much did you want charges dropped	31	31.0	91	41.9*	133	38.5
For women who wanted charges dropped, reasons (somewhat/great deal):						
	(n=38)		(n=112)		(n=150)	
you wanted it to just be over	26	70.3	83	74.8	109	73.6
didn't want him to go to jail	29	78.4	77	69.4	106	71.6
you cared about him	25	65.8	80	71.4	105	70.0
didn't want the children to lose their father (N=95)	10	47.6	45	60.8	55	57.9
didn't want him to lose his job	16	57.1	47	58.0	63	57.8
you depended on him for help with the children (N=114)	10	34.5	40	47.1	50	43.9
you didn't want to upset the children	8	28.6	39	47.0	47	42.3
he agreed to go to counseling	15	42.9	45	42.1	60	42.3
you depended on him for company	9	23.7	42	37.8	51	34.2
he calmed down after the arrest/ didn't want to upset him	11	30.6	37	33.9	48	33.1
you didn't want him to have a criminal record	6	17.1	40	36.0*	46	31.5
you depended on him for income (N=138)	10	26.3	18	18.0	28	20.3
you didn't want to have to go to court	11	30.6	16	14.5	27	18.5

$*p < .05.$ $**p < .01$ $+ p < .10$

Table 3.4.c: Women’s Desires for Charges Being Dropped, continued

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
you didn't think charges would make a difference	4	11.4	19	17.8	23	16.1
afraid he would be more violent	6	16.7	19	17.3	25	17.1
you depended on him for housing	4	10.5	12	10.8	16	10.7
you were threatened by him	1	2.8	10	9.0	11	7.5
you depended on him for transportation	3	7.9	5	4.5	8	5.4
you felt pressure from your family	1	2.8	6	5.4	7	4.8
you felt pressure from his family	1	2.8	6	5.4	7	4.8
he threatened to report you to a government agency (N=131)	0	0	2	2.0	2	1.5

p* < .05. *p* < .01 + *p* < .10

3.4.3 Women’s Sense of Empowerment and the Court Process

Women were asked a series of questions about what they thought might happen in the court that day and their feelings towards their partners during the court proceedings. These items were thought to measure women’s sense of empowerment going through the court process. An overwhelming majority of women in both the TAC and General groups reported a higher sense of empowerment with regards to the court process than expected (see Table 3.4.d). When asked about their expectations of the court process, they all expected to be treated fairly by the court, thought the judge and prosecutor would consider their rights, and felt they would be able to speak up for themselves in court. The majority did not feel they would have to agree to an

outcome they did not want with regards to the court case.

Table 3.4.d: Women Sense of Empowerment Regarding the Court Process

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Percent of women who somewhat/strongly agreed with the following statements about what they thought might happen in court that day:						
I think I can speak up for myself about my wishes regarding the outcome of this case	99	97.1	202	93.1	301	94.4
I expect the court will treat me fairly and listen to my side of the story	94	93.1	195	91.1	289	91.7
I think the prosecutor will consider my rights and wishes to be as important as [defendant's] rights and wishes	93	91.2	183	85.1	276	87.1
I think the judge will consider my rights and wishes to be just as important as [defendant's] rights and wishes	89	86.4	187	87.0	276	86.8
I will probably be forced to agree to an outcome to the case that I don't really want	21	21.6	57	26.5	78	25.0

* $p < .05$. ** $p < .01$ + $p < .10$

When asked about their feelings towards their partners during the court proceedings, about one third of women in both groups felt the defendant had *gotten back at her for getting what she wanted*. Less than a third of the women were *afraid they would be hurt by the defendant if they told their story, the defendant would get what he wanted by out-talking her, or she should agree with what the defendant wanted so she would not have to deal with him anymore*. Very few women felt *guilty* about asking the court for what they wanted.

Table 3.4.d: Women Sense of Empowerment Regarding the Court Process, continued

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Percent of women who somewhat/strongly agreed with the following statements about feelings they might have towards their partners during the court proceedings:						
He has gotten back at me when I've gotten my way in the past	34	33.0	74	34.4	108	34.0
I'm afraid to let him know I disagree with him or tell my story about what happened because he might hurt me or someone I care about if I do	27	26.2	60	27.6	87	27.2
He can get what he wants by out-talking me	27	26.5	66	30.3	93	29.1
I feel like agreeing to what he wants me to do so I won't have to deal with him anymore	22	21.4	56	25.8	78	24.4
When we argue, I get what I want	16	15.5	48	22.2	64	20.1
I feel guilty asking the court for what I really want	15	14.6	28	12.9	43	13.4

p* < .05. *p* < .01 + *p* < .10

3.4.4 Women's Sense of Empowerment in their Relationship with the Defendant

Women were also asked a series of questions about their sense of empowerment in their relationship with the defendant (see Table 3.4.e). The women in the TAC and General groups did not differ on any of these relationship questions. Reporting the number of women who said this often occurred in their relationship, over a third of women reported that the defendant often *decided who they could be friends with, if or when to have sex, how they used their free time, and*

how children were brought up. Less than a third of women reported that the defendant often decided how they spent their money, where they lived, how much contact they had with their family, and their work habits.

Table 3.4.e: Women's Sense of Empowerment in Their Relationship With the Defendant

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Percent who said this often occurred in their relationship with the defendant:						
who you could be friends with	40	39.2	72	33.0	112	35.0
if or when to have sex	44	42.7	67	31.2	111	34.9
how you use your free time	42	41.2	69	31.7	111	34.7
how the children were brought up (N=247)	20	26.0	54	31.8	74	30.0
how you spend money	36	35.0	56	25.7	92	28.7
where you lived	31	30.4	49	22.5	80	25.0
your contact or time with family	30	29.1	44	20.4	74	23.2
your work habits	26	25.5	46	21.1	72	22.5

* $p < .05$. ** $p < .01$ + $p < .10$

3.4.5 Women's Contact with the Defendant Before Court

Sixty-percent of both TAC and General women had contact with the defendant before court and almost half of these women reported that the defendant tried to talk her out of testifying in court (see Table 3.4.f). Twenty-three percent of TAC women and 32% of General women reported that the defendant followed, watched or checked up on her before court,

however less than ten percent of women in either group reported that the defendant threatened her in any way before court.

Table 3.4.f: Defendant Contact With Women Before Court

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Defendant had contact with woman before court	61	59.2	133	60.7	194	60.2
For women who had contact with the defendant before court						
Defendant tried to talk woman out of testifying (N=196)	29	46.0	61	45.9	90	45.9
Defendant followed, watched, checked up on woman (N=151)	10	22.7	34	31.8	44	29.1
Defendant threatened woman in any way (N=195)	6	9.5	11	8.3	17	8.7

p* < .05. *p* < .01 + *p* < .10

3.4.6 Women’s Experience’s with Court Personnel Before Court

One of the key differences between the TAC program and the General prosecution process is that TAC women are supposed to receive much more outreach from court personnel before court. Data from the courthouse interviews support these differences in outreach in regards to contact by the TAC investigator (see Table 3.4.g).

Table 3.4.g: Experiences With Court Personnel Before Coming to Court

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
People woman talked to before court						
an investigator	45	45.9	11	5.0**	56	17.7
victim witness specialist	21	21.0	21	9.6	42	13.2
court domestic violence advocate	14	14.0	16	7.3	30	9.4
other domestic violence advocate	7	7.3	13	6.4	20	6.7
prosecutor	21	21.2	23	10.6	44	13.9
How did the woman talk to the following people:						
Investigator (N=55)						
Phone	27	64.3	3	23.1*	30	54.5
In-person	15	35.7	10	76.9	25	45.5
Victim witness specialist (N=42)						
Phone	6	30.0	10	45.5	16	38.1
In-person	14	70.0	12	54.5	26	61.9
Court domestic violence advocate (N=29)						
Phone	7	53.8	10	62.5	17	58.6
In-person	6	46.2	6	37.5	12	41.4
Prosecutor (N=44)						
Phone	7	33.3	12	52.2	19	43.2
In-person	14	66.7	11	47.8	25	56.8
Other domestic violence advocate (N=21)						
Phone	3	42.9	6	42.9	9	42.9
In-person	4	57.1	8	57.1	12	57.1

p* < .05. *p* < .01 + *p* < .10

Forty-six percent of TAC women were contacted by an investigator before court compared to only 5% of General women (Fisher exact test, $p \leq .05$). Although more TAC women reported contact by a victim witness specialist, court advocate, and prosecutor before court than General women, the two groups did not differ significantly and relatively few women were contacted by these personnel overall. In addition, more TAC women were contacted by the investigator in person than General women (64.3% compared to 23.1%, Fisher exact test, $p \leq .05$).

Those women who did have contact with court personnel before court were asked to rate their satisfaction with their contact with court personnel before court on a scale five point Likert scale ranging from very dissatisfied (1) to neutral (3) to very satisfied (5). Although the two groups did not differ significantly, the TAC women generally reported greater satisfaction in their contacts with court personnel before court than General women (see Table 3.4.h). Women reported the highest mean satisfaction in their contacts with court advocates and the victim witness specialists and the least satisfaction with the investigators, although these means were still in the neutral to positive range. Women were also asked which court person they had contact with most influenced their decision to come to court. The majority of women in both groups reported that none of the court personnel most influenced this decision.

3.4.7 Women's Experience's with Court Personnel While in Court

Women were asked to identify which court personnel they spoke with in court that day (see Table 3.4.i). Keep in mind that we interviewed women at different stages in their court process, so it is possible that some women had not yet met with some court personnel at the time we interviewed them. As expected, the court member most women (69%) reported talking to during court was the prosecutor. Significantly more TAC women reported talking to the prosecutor than General women (83.5% compared to 61.5%, Fisher exact test, $p \leq .01$). TAC

women were also substantially more likely to talk to the victim witness specialist, court house advocate, and civil attorney than General women.

Table 3.4.h: Experiences With Court Personnel Before Coming to Court, continued

	TAC		General			
Mean satisfaction score regarding talking to court personnel before court:						
	<i>M (SD)</i>		<i>M (SD)</i>			
an investigator (N=58)	3.89 (1.64)		3.85 (1.21)			
victim witness specialist (N=42)	4.50 (1.19)		4.40 (1.10)			
court domestic violence advocate (N=32)	4.67 (1.05)		4.29 (1.11)			
other domestic violence advocate (N=20)	4.43 (1.51)		4.00 (1.58)			
prosecutor (n=41)	4.15 (1.23)		3.90 (1.22)			
	TAC (N=60)		General (N=58)		Total (N=118)	
	<i>n</i>	<i>%</i>	<i>n</i>	<i>%</i>	<i>n</i>	<i>%</i>
Person who most influenced woman's decision to come to court						
none	39	65.0	33	56.9	72	61.0
investigator	7	11.7	2	3.4	9	7.6
victim witness specialist	2	3.3	7	12.1	9	7.6
prosecutor	3	5.0	2	3.4	5	4.2
domestic violence advocate	4	6.2	7	12.1	11	9.3
police officer	2	3.3	6	10.4	10	6.8
all	3	5.0	1	1.7	4	3.4

* $p < .05$. ** $p < .01$ + $p < .10$

Women were then asked how much they felt listened to by the court personnel they spoke with in court, how much they felt this person took in to consideration what they wanted to have happen, and how well they felt the person answered their questions (see Table 3.4.i). Reporting the percentages of women who responded *a great deal*, we see that the women in both groups generally felt that the domestic violence advocates and the civil attorney were very effective at listening to women, considering their needs, and answering their questions. With regards to the victim witness specialist and prosecutor, TAC women reported significantly greater satisfaction in their interactions with these persons than the General women.

3.4.8 Overall Experiences with Court Participation

The final questions in the courthouse interview asked women about their perceptions of their time in court. Women in the TAC group were much more likely to report that they received new information as a result of participating in the court process compared to General women (80% compared to 61%, Fisher exact test, $p \leq .01$) (see table 3.4.j).

Table 3.4.i: Experiences With Court Personnel While in Court

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
People women talked to in court that day						
Prosecutor	86	83.5	134	61.5**	220	68.5
Victim witness specialist	67	65.7	28	12.8**	95	29.6
Courthouse advocate	76	73.8	18	8.2**	94	29.2
Defense attorney	21	20.6	23	10.5	44	13.7

Civil attorney	26	25.7	1	0.5**	27	8.4
Other domestic violence advocate	10	10.1	7	3.4*	17	5.6

* $p < .05$. ** $p < .01$ + $p < .10$

Table 3.4.i: Experiences With Court Personnel While in Court, continued

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
For the women who talked to court personnel, how much did you feel listened to a great deal to by :						
	n	%	n	%	n	%
Other domestic violence advocate (N=17) 100.0	9	100.0	8	100.0	17	
Court house advocate (N=91)	69	93.2	16	94.1	85	93.4
Civil attorney (N=25) ¹	24	96.0	1	50.0	25	92.6
Victim witness specialist (N=98) ¹	63	91.3	18	62.1	81	82.7
Prosecutor (N=220)	69	81.2	83	61.5**	152	69.1
Defense attorney (N=42)	11	55.0	9	40.9	20	47.6
How much do you feel each person took in to consideration what you wanted to happen (great deal):						
Other domestic violence advocate (N=17)	9	100.0	7	87.5	16	94.1
Court house advocate (N=93)	71	94.7	15	83.3	86	92.5
Civil attorney (N=27)	22	84.6	0	0.0	22	81.5
Victim witness specialist (N=97) ¹	63	91.3	16	57.1**	79	81.4
Prosecutor (N=220)	67	78.8	74	54.8**	141	64.1
Defense attorney (N=41)	9	45.0	7	33.3	16	39.0

*p < .05. **p < .01 + p < .10

Table 3.4.i: Experiences With Court Personnel While in Court, continued

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
How well do you feel each person answered your questions:						
Other domestic violence advocate (N=17)	9	100.0	8	100.0	17	100.0
Court house advocate (N=93)	72	96.0	15	83.3	87	93.5
Civil attorney (N=29)	25	96.2	2	66.7	27	93.1
Victim witness specialist (N=95) ¹	65	94.2	16	61.5	81	85.3
Prosecutor (N=214)	75	88.2	80	62.0**	155	72.4
Defense attorney (N=37)	12	66.7	9	47.4	21	56.8

*p < .05. **p < .01 + p < .10

When asked what they most wanted to have happen in court that day, the groups did not differ in their responses. The most commonly expressed outcome was for the *case to be dropped*, followed by *wanting an order of protection, the defendant sent to batterer counseling, jail time, and alcohol counseling* (see table 3.4.j).

Table 3.4.j: Women's Overall Experiences with Court Participation

	TAC (n=103)		General (n=219)		Total (n=322)	
	n	%	n	%	n	%
Did you get more information	74	80.4	103	60.6**	177	67.6
What did you most want to happen in court						
wanted case dropped	15	15.5	53	24.9	68	21.9
wanted an order of protection	16	16.5	48	22.5	64	20.6
wanted him to get batterer's counseling	17	17.5	43	20.2	60	19.4
wanted him to stay in jail	24	24.7	33	15.5	57	18.4
wanted him to get alcohol counseling	21	21.6	27	12.7	48	15.5
other	4	4.1	9	4.2	13	4.2
Did participating make you safer	68	78.2	120	68.2	188	71.5
	TAC (n=33)		General (n=52)			
	<i>M (SD)</i>		<i>M (SD)</i>			
How satisfied were you with the outcome	3.85 (1.62)		3.48 (1.72)			

* $p < .05$. ** $p < .01$ + $p < .10$

Regarding their perception of whether participating in the court process made them safer, 70% of women in both groups felt that it did. For those women who knew the outcome of their

case, they were asked to rate their satisfaction (on a 5 point scale) with the outcome. The mean satisfaction scores for both groups of women fell in the 3.00 or neutral range, indicating that responses were somewhat polarized; women were either very satisfied or very dissatisfied with the court outcome.

3.5 Summary of Advocacy and Civil Attorney Services

3.5.1 Courthouse Domestic Violence Advocate Services

The TAC team has domestic violence advocates that have contact with all TAC women. Domestic violence advocates are otherwise available in the court daily to meet with any woman from the other court calls who requests one. We searched the courthouse advocate files for records on all TAC and General women we interviewed. Advocates routinely record the amount of time spent with women, and the types of referral and/or information provided. When we looked at the total amount of time advocates spent with women, this did not differ between groups (see Table 3.5.a).

Table 3.5.a: Court Advocacy Services for Women Interviewed

	TAC (n=103)	General (n=219)
	<i>M (SD)</i>	<i>M (SD)</i>
Total number of hours advocate spent with woman	1.66 (.870)	1.62 (.769)
Number of hours advocate spent listening to woman’s account	.075 (.142)	.346 (.261)**
Number of hours advocate spent explaining various court procedures	.135 (.180)	.336 (.140)**
Number hours advocate spent referring woman to other services	.151 (.147)	.326 (.176)**

* $p < .05$. ** $p < .01$ + $p < .10$

Table 3.5.a: Court Advocacy Services for Women Interviewed, continued

	TAC (n=93)		General (n=34)		Total (n=127)	
	<i>M (SD)</i>		<i>M (SD)</i>			
Number of hours advocate spoke with persons involved in the case	.698 (.520)		.500 (292)*			
Number of hours advocate monitored woman's case in court	.651 (.466)		.439 (.480)*			
Number of hours advocate spent on other tasks pertaining to case	.250 (.500)		.150 (.224)			
Type of referrals given:	n	%	n	%	n	%
civil attorney or legal agency for divorce	68.5	68	73.1	19	55.9	87
legal agency for other legal services	61	65.6	19	55.9	80	63.0
public aid office for child support or aid	61	65.5	17	50.0	78	61.4
emergency food program	61	65.6	17	50.0	78	61.4
counseling services	75	80.6	21	61.8*	96	75.6
shelter	75	80.6	20	58.8*	95	74.8
Individuals advocate talked to regarding woman's case:						
State's Attorney	89	95.7	15	44.1**	104	81.9
Victim Witness Personnel	88	94.6	13	38.2**	101	79.5
Client	84	90.3	15	44.1**	99	78.0
Chicago Police	1	1.1	0	0.0	1	0.8
DCFS	2	2.2	0	0.0	2	1.6
Public Defender	2	2.2	1	2.9	3	2.4
Attorney for client	4	4.3	0	0.0	4	3.1
Shelter	1	1.1	0	0.0	1	0.8

* $p < .05$.** $p < .01$ + $p < .10$

Advocates spent about an average of 1.6 hours with women. However, there are differences when we look at the amount of time advocates spend doing certain tasks. Advocates spent significantly more time listening women's accounts, explaining various court procedures, and referring women to other services with the General women than they did for TAC women; but in the TAC cases advocates spent more time speaking to other persons involved in the case and monitoring the woman's case in court than they did for the General cases. These differences in the type of time spent may reflect a different function of the advocates in TAC cases. TAC women received substantially more contact with investigators before court, and are more likely to meet with a victim witness specialist, both of whose roles are to explain court procedures and to gather additional information about the woman's case. This may free up the advocates to provide other functions in their work with TAC women; whereas General women are often coming to court having very little prior contact with court personnel or information about the court process.

With regards to the types of information or referrals advocates provide, we see a whole host of different activities. Overall, advocates working with TAC women report providing more information than advocates working with General women and they provide significantly more referrals to counseling and shelter services. TAC team advocates are also more likely to talk with the client directly and have contact with the prosecutors and victim witness specialists working on the TAC woman's case. These findings clearly support the TAC team concept, where coordination on cases occurs between prosecutors, domestic violence advocates, and victim witness specialists.

3.5.2 Civil Attorney Advocate Services

All TAC women either meet with or our provided a referral to the civil attorney who is part of the TAC team; however not all TAC women meet with the civil attorney in court. The types of civil services typically provided include assistance with child custody, support and visitation, and assistance with civil orders of protection. For all the TAC women interviewed, we searched the civil attorney files to determine if the women contacted the agency for services. We found civil attorney files for 48 of our interviewed TAC women. Only 25% of these women had civil attorney needs.

CHAPTER 4. DETAILED FINDINGS OF SHOW AND NO SHOW CASES

The following analyses compare a sample of cases in which women showed to court with a sample of cases in which women failed to show for court. Comparisons are made separately for TAC and General show and no show cases. These analyses allow us to determine whether any sample bias exist between women who come to court and women who do not, and also to determine if there are any factors in the case file that would allow us to predict which women are more likely to engage the prosecution process. The data examined are from the reports that prosecutors review before court, the police reports and criminal history sheets.

4.1 Comparing TAC Show and No Show Cases

4.1.1 Demographic Characteristics of TAC Show and No Show Cases

The demographic information is drawn from the police reports (see Table 4.1.a). There were no significant differences between the TAC show and no show groups on the race of the defendant or victim, with the majority of both men and women being African American (total 73%). There was a significant difference for the type of relationship. TAC women were more likely to show for court if they had some type of current or past legal relationship with the defendant than TAC no show women (36.8% compared to 19.8, Fisher exact test, $p \leq .01$). Fifty percent of show defendants were known to be employed at the time of their arrest compared to 56% of no show defendants, although this difference was not significant. The two groups did not differ on the mean age of the defendant.

Table 4.1.a: Demographic Characteristics TAC Show and No Show

	TAC Show (n=107)		TAC No Show (n=107)		Total (n=214)	
	n	%	n	%	n	%
Race of defendant						
Black	79	73.8	77	72.0	156	72.9
Hispanic	15	14.0	20	18.7	35	16.4
White	12	11.2	10	9.3	22	10.3
Other	1	1.9	0	0.0	1	0.5
Race of victim						
Black	75	71.4	71	66.4	146	68.9
Hispanic	19	18.1	16	15.0	35	16.5
White	10	9.5	20	18.7	30	14.2
Other	1	1.0	0	0.0	1	0.5
Defendant/victim current or past legal Relationship (N=207)						
	39	36.8	20	19.8**	59	28.5
Defendant's employed (N=189)						
	47	50.0	53	55.8	100	52.9
Defendant's age						
	<i>M (SD)</i>		<i>M (SD)</i>			
	36.06 (9.81)		34.31 (9.16)			

p* < .05. *p* < .01 + *p* < .10

4.1.2 Characteristics of Current Abuse Event for TAC Show and No Show Cases

Examining data from the police report for the current assault event, we find that a small percentage of defendants were reported to have threatened the woman with a weapon, used a weapon during the assault, or made threats towards the woman or others at the time of the offense (see Table 4.1.b). The TAC show and no show groups did not differ significantly on any

of these variables. There were no differences between groups on the number or severity of the women’s injuries police recorded as a result of the defendant’s assault or whether the woman required medical attention for her injuries.

Table 4.1.b Characteristics of Current Domestic Violence Offense TAC Show and No Show

	TAC Show (n=107)		TAC No Show (n=107)		Total (n=214)	
	n	%	n	%	n	%
Defendant threatened woman with weapon	15	14.0	18	16.8	33	15.4
Defendant used weapon	13	12.1	21	19.6	34	15.9
Defendant made threats toward woman or others	16	15.0	15	14.0	31	14.5
Woman sustained serious injury	47	45.6	45	43.3	92	44.4
Woman needed medical attention	19	18.8	15	14.9	34	16.8
Current Charges						
Domestic battery	73	68.2	92	86.0**	165	77.1
Violation of no contact order	28	26.2	18	16.8	46	21.5
More than one charge	32	30.5	32	29.9	64	30.2
	<i>M (SD)</i>		<i>M (SD)</i>			
Number of injuries to woman	1.40 (3.26)		1.59 (4.10)			
Severity of victim’s injuries	2.60 (2.32)		2.51 (2.15)			

*p < .05. **p < .01 + p < .10

When looking at the current charges, the TAC no show defendants were more likely to have been charged with domestic battery than the TAC show defendants (80% compared to 68%,

Fisher exact test, $p \leq .01$). The TAC show group had a somewhat higher percentage of defendants charged with a violation of a no contact order, but this difference was not significant.

4.1.3 Defendant’s Prior Criminal Arrest History for TAC Show and No Show Cases

The vast majority of defendants in both groups had a past history of criminal arrests (see Table 4.1.c) although the show and no show defendants did not differ on whether they had any prior arrests. About three-quarters of defendants in both groups had a prior domestic abuse charge, and over 80% had a prior simple assault charge.

Table 4.1.c: Defendants Prior Criminal History TAC Show and No Show

	TAC Show (n=107)		TAC No Show (n=107)		Total (n=214)	
	n	%	n	%	n	%
Past Violent Crimes						
Past history of any criminal arrest	99	92.5	102	95.3	201	93.9
Prior domestic abuse charge	81	75.7	78	72.9	159	74.3
Prior violation of order of protection	21	19.6	16	15.0	37	17.3
Prior simple assault charge	87	81.3	92	86.0	179	83.6
Prior felony assault	51	47.7	53	49.5	104	48.6
<u>Other Criminal Offenses</u>						
Burglary	18	16.8	17	15.9	35	16.4
Theft	56	52.3	56	52.3	112	52.3
Other property crime	66	61.7	65	60.7	131	61.2
Weapons violation	33	30.8	33	30.8	66	30.8
Other public offenses	74	69.2	72	67.3	146	68.2
Other drug offenses	57	53.3	65	60.7	122	57.0

Criminal trespassing	60	56.1	60	56.1	120	56.1
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* $p < .05$. ** $p < .01$ + $p < .10$

Table 4.1.c: Defendants Prior Criminal History TAC Show and No Show, continued

	TAC Show (n=107)	TAC No Show (n=107)
	<i>M (SD)</i>	<i>M (SD)</i>
Total number of prior criminal arrests	11.93 (8.30)	13.63 (8.54)
Total number of prior criminal charges	13.92 (9.50)	15.41 (9.85)
Total number of convictions	2.69 (2.83)	2.83 (2.63)
Total number of prior simple assault charges	4.23 (4.02)	4.17 (3.60)
Total number of prior felony assault charges	1.00 (1.43)	1.15 (1.67)

p* < .05. *p* < .01 + *p* < .10

When looking more specifically at the type of prior arrests, we find no difference between the two groups on non-domestic violence related charges (burglary, theft, property crime), weapons violations or drug offenses. Again, we note that many offenders had a substantial history of these other criminal offenses. The mean number of prior arrests was 11.93 for the show group and 13.63 for the no show group.

4.2 Comparing General Show and No Show Cases

4.2.1 Demographic Characteristics of General Show and No Show Cases

Next we looked at differences between the General show and General no show cases. There were no significant differences between the General show and no show groups on the race of the defendant or victim, with the majority of both men and women being African American (total 63%) (see Table 4.2.a). Sixty-two percent of show defendants were known to be employed at the time of their arrest compared to 70% of no show defendants. This difference was

significant at the 0.10 level. The two groups did not differ on the mean age of the defendant.

Table 4.2.a: Demographic Characteristics General Show and No Show

	General Show (n=292)		General No Show (n=302)		Total (n=594)	
	n	%	n	%	n	%
Race of defendant						
Black	191	65.4	189	62.8	380	64.1
Hispanic	70	24.0	72	23.9	142	23.9
White	28	9.6	35	11.6	63	10.6
Other	3	1.0	5	1.7	8	1.3
Race of victim						
Black	180	62.7	189	63.2	369	63.0
Hispanic	63	14.6	63	21.1	126	21.5
White	42	22.0	43	14.4	85	14.5
Other	2	0.7	4	1.3	6	1.0
Defendant/victim current or past legal Relationship (N=582)						
	88	30.4	83	28.3	171	29.4
Defendant's employed						
	160	62.5	189	69.7+	349	66.2
	<i>M (SD)</i>		<i>M (SD)</i>			
Defendant's age						
	32.51 (9.60)		33.39 (9.63)			

*p < .05. **p < .01 + p < .10

4.2.2 Characteristics of Current Abuse Event for General Show and No Show Cases

Examining data from the police report for the current assault event, we find that a small percentage of defendants were reported to have threatened the woman with a weapon. The General show cases reported a significant difference at the 0.10 level on this variable (see Table 4.2.b).

Table 4.2.b Characteristics of Current Domestic Violence Offense General Show and No Show

	General Show (n=292)		General No Show (n=302)		Total (n=594)	
	n	%	n	%	n	%
Defendant threatened woman with weapon	20	6.8	11	3.6+	31	5.2
Defendant used weapon	20	6.8	18	6.0	38	6.4
Defendant made threats toward woman or others	27	9.2	21	7.0	48	8.1
Woman sustained serious injury	126	42.8	123	42.7	239	42.8
Woman needed medical attention	32	12.1	19	6.5*	51	9.1
Current Charges						
Domestic battery	252	86.3	285	94.4**	537	90.4
Violation of no contact order	31	10.6	6	2.0**	37	6.2
More than one charge	64	22.2	38	12.6**	102	17.3
	<i>M (SD)</i>		<i>M (SD)</i>			
Number of injuries to woman	1.23 (2.67)		1.11 (2.10)			
Severity of victim's injuries	2.33 (2.08)		2.41 (2.06)			

* $p < .05$. ** $p < .01$ + $p < .10$

The groups did not differ on the defendant's use of threats towards the woman or others at the time of the offense or whether the woman sustained a serious injury. The two groups did differ on whether the victim required medical attention. Police reported that medical attention was needed more in the show group than the no who group (12% compared to 6.5%, Fisher exact test, $p \leq .05$).

When looking at the current charges, we find that the General show cases are significantly more likely to involve a violation of a no contact order and more than one charge than the General no show cases and less likely to involve a domestic battery charge.

4.2.3 Defendant’s Prior Criminal Arrest History for General Show and No Show Cases

Once again, we see that the vast majority of defendants in both the General show and no show groups had a past history of criminal arrests (see Table 4.2.c). Defendants in the show group were more likely to have a prior history than no show defendants (significant at the 0.10 level). About one third of defendants in both groups had a prior domestic abuse charge. When looking more specifically at the type of prior arrests, we find a few significant differences at the 0.10 level. Defendants in the General show group were more likely to have a prior theft charge and drug violations than General no show defendants.

Table 4.2.c: Defendants Prior Criminal History General Show and No Show

	General Show (n=292)		General No Show (n=302)		Total (n=594)	
	n	%	n	%	n	%
Past Violent Crimes						
Past history of any criminal arrest	246	84.2	238	78.8+	484	81.5
Prior domestic abuse charge	105	36.0	94	31.1	199	33.5
Prior violation of order of protection	14	4.8	7	2.3	21	3.5
Prior simple assault charge	177	60.6	171	56.6	348	58.6
Prior felony assault	84	28.8	84	27.8	168	28.3

*p < .05. **p < .01 + p < .10

Table 4.2.c: Defendants Prior Criminal History General Show and No Show, continued

	General Show (n=292)		General No Show (n=302)		Total (n=594)	
	n	%	n	%	n	%
<u>Other Criminal Offenses</u>						
Burglary	28	9.6	32	10.6	60	10.1
Theft	100	34.2	82	27.2+	182	30.6
Other property crime	140	47.9	136	45.0	276	46.5
Weapons violation	96	22.6	64	21.2	130	21.9
Other public offenses	161	55.1	159	52.6	320	53.9
Other drug offenses	140	47.9	123	40.7+	263	44.3
Criminal trespassing	127	43.5	113	37.4	240	40.4
	<u>M (SD)</u>		<u>M (SD)</u>			
Total number of prior criminal arrests	7.62 (7.66)		6.76 (7.33)			
Total number of prior criminal charges	8.80 (9.02)		7.81 (8.53)			
Total number of convictions	1.50 (2.14)		1.44 (2.28)			
Total number of prior simple assault charges	1.68 (2.12)		1.70 (2.31)			
Total number of prior felony assault charges	.596 (1.23)		.586 (1.38)			

* $p < .05$. ** $p < .01$ + $p < .10$

CHAPTER 5. PROSECUTION OUTCOME AND FOLLOW-UP DATA

One of the goals of this project was to examine whether different prosecution programs led to different outcomes with regards to conviction, sentencing, compliance with court conditions, and repeat offending. To examine some of these outcomes, we recorded the outcome of our current case and tracked all interviewed and no show cases for repeat offenses six months after our courthouse interview. We also looked at convicted defendants' compliance with their conditional discharge for all TAC and General interviewed cases. In this chapter we also report the findings of our follow-up interviews with the women we interviewed in court; although as we indicated in the Methods sections, we were only able to obtain follow-up interviews for 18 women from the TAC group, and 29 women from the General group, so these findings must be viewed cautiously as they represent on 16% of the interviewed cases.

5.1 Comparisons of TAC and General Interviewed Cases

5.1.1 Conviction and Sentencing for TAC and General Interviewed Cases

We attempted to record the disposition of each case at the time we interviewed the women in the court, but in some situations, the case was not resolved at that time. Therefore we used a combination of data to determine the conviction status. The six months post re-offense data usually included our target arrest. For each arrest in this data, information is also recorded on the type of sentence. Thus, we were able to use both the repeat offense data and our master file data to determine the final court outcome and sentencing for most interviewed cases. The final conviction could not be determined for 12 of our TAC and General interviewed cases.

As the TAC program has already shown, their conviction rates are significantly higher than General program (see Table 5.1.a). Seventy-one percent of defendants in the TAC

prosecution group were convicted compared to only 50% of General defendants (Fisher exact test, $p \leq .01$).

Table 5.1.a: Defendant Conviction and Sentencing Variables

	TAC (n=98)		General (n=212)		Total (n=310)	
	n	%	n	%	n	%
Convicted of current offense	70	71.4	106	50.0**	176	56.8
Sentencing	(n=67)		(n=106)		(n=173)	
Conditional discharge	15	22.4	37	34.9+	52	30.1
Probation with special conditions	11	16.4	12	11.3	23	13.3
Jail time	21	31.3	7	6.7**	28	16.2
Court supervision	1	1.5	14	13.2**	15	8.7
Time considered served	4	6.0	7	6.6	11	6.4
Probation	2	3.0	2	1.9	4	2.3
	(n=21)		(n=70)		(n=91)	
	n	%	n	%	n	%
Defendant violated conditional discharge	6	28.6	19	27.1	25	27.5

* $p < .05$. ** $p < .01$ + $p < .10$

For those defendants who were convicted, we looked next at the type of sentences they received. We had missing data on only a few cases. The most frequent sentences defendants received were conditional discharge, probation with special conditions, and jail time. Twenty-

two percent of TAC defendants receive conditional discharge compared to 35% of General defendants. This difference was significant at the 0.10 level. The two groups did not differ on whether defendants were sentenced to probation with special conditions, but TAC defendants were significantly more likely to receive jail time than General defendants (31.3% compared to 6.7%, Fisher exact test, $p \leq .01$). General defendants, on the other hand, were significantly more likely to receive court supervision than TAC defendants (13.2% compared to 1.5%, Fisher exact test, $p \leq .01$).

5.1.2 Defendant Compliance with Court Conditions for TAC and General

Interviewed Cases

For those defendants who were convicted, we searched social service data to determine if the defendant violated his conditional discharge or court supervision. Since we were primarily interested in the conditions set for our current defense, we only looked at social service data for our defendants that reasonably matched our court dates. Some defendants had social service data that significantly pre-dated our target arrest. These cases were excluded from the analyses.

Thus, we looked only at defendants who were convicted, sentenced to some type of court supervision, probation, or conditional discharge, who had valid social service data matching our target arrest (N=91). We found that approximately one third of defendants had at least one violation of their conditional discharge within six months of our target court date (see Table 5.1.a).

5.1.3 Defendant Re-Arrest Six Months after Target Arrest for TAC and General

Interviewed Cases

All interviewed cases were searched for re-arrest data at six-months after the target arrest. In some cases, we did not find our target arrest in this re-offense data, and therefore decided to

exclude these cases from the analyses. We found valid repeat offense data on 229 of our original 322 interviewed cases.

When we examined the re-offense data for defendants at six months, we found that 30% of defendants in both groups were arrested at least once during this six month period (see Table 5.1.b). Eighteen percent of TAC defendants and 12% of General defendants were arrested for some type of domestic violence related offense during this time period. This difference was not statistically significant. When we look specifically at violations of protective orders, again there are no differences between groups. Ten percent of TAC defendants and 8% of General defendants were arrested for this charge. We also looked at the time span between the target arrest and the first post-target arrest. The average time span for both groups was about one month.

Table 5.1.b: Defendant Repeat Offense Data Six Months After Target Arrest

	TAC (n=73)		General (n=156)		Total (n=229)	
	n	%	n	%	n	%
Defendant had any arrest six months later	23	31.5	50	32.1	73	31.9
Defendant re-arrested for a domestic violence related offense	13	17.8	20	12.8	33	14.4
Violation of no-contact order	7	9.6	13	8.3	20	8.7
	<i>M (SD)</i>		<i>M (SD)</i>			
Length of time between target arrest and first re-arrest (in days)	33.31 (58.36)		29.38 (52.57)			

p* < .05. *p* < .01 + *p* < .10

5.2 Comparisons of Show and No Show Cases for TAC and General

5.2.1 Conviction and Sentencing for Show and No Show Cases for TAC and General

We examined the conviction rates for show and no show cases in the TAC and General prosecutions groups (see Table 5.2.a). In the TAC group, we found that defendants in the show condition (where the victim came to court) were significantly more likely to be convicted than defendants in the TAC no show condition (victim did not come to court) (73% compared to 22.9%, Fisher exact test, $p \leq .01$). For defendants in the General group, we also found that defendants whose victim showed to court were more likely to be convicted. Forty-nine percent of defendants in the General show group were convicted compared to only 2% of defendants in the General no show group (Fisher exact test, $p \leq .01$).

Table 5.2.a: Defendant Conviction for Show and No Show Cases

	TAC Show (n=93)		TAC No Show (n=96)		Total (n=189)	
	n	%	n	%	n	%
Defendant convicted	68	73.1	22	22.9**	90	47.6
Defendant had any arrest six months later	32	34.8	37	38.9	69	36.9
Defendant re-arrested for a domestic violence related offense	19	20.7	17	17.9	36	19.3
Violation of no-contact order	11	12.0	6	6.3	17	9.1
	<u>M (SD)</u>		<u>M (SD)</u>			
Length of time between target arrest and first re-arrest (in days)	29.87 (50.67)		27.17 (46.21)			
Number of post-six month arrests	.456 (.702)		.778 (1.35)*			

* $p < .05$. ** $p < .01$ + $p < .10$

Table 5.2.a: Defendant Conviction for Show and No Show Cases, contuned

	General Show (n=217)		General No Show (n=300)		Total (n=517)	
	n	%	n	%	n	%
Defendant convicted	106	48.8	7	2.3**	113	21.9
	(n=193)		(n=275)		(n=468)	
Defendant had any arrest six months later	56	29.0	78	28.4	134	28.6
Defendant re-arrested for a domestic violence related offense	24	12.4	25	9.1	49	10.5
Violation of no-contact order	16	8.3	4	1.5**	20	4.3
	<i>M (SD)</i>		<i>M (SD)</i>			
Length of time between target arrest and first re-arrest (in days)	23.12 (46.01)		22.14 (45.36)			
Number of post-six month arrests	.409 (.745)		.400 (.764)			

p* < .05. *p* < .01 + *p* < .10

5.2.2 Defendant Re-Arrest Six Months after Target Arrest for Show and No Show Cases for TAC and General

Again we looked at whether defendants were rearrested in a six-month period after the original arrest for both the show/no show comparisons (see Table 5.2.a). In the TAC group, we find no differences between the show and no show conditions for whether the defendant had any re-arrest or had a new domestic violence related charge. The average time span between the target arrest and the next subsequent arrest is about one month. However, when we look at the number of arrests during this six month period, we find that the TAC no show defendants have a significantly greater number of post-arrests than the TAC show group (.778 compared to .456,

$t(185) -2.05, p \leq .05$).

Examining the General show/no show cases, we did find a higher percentage of violations of no contact orders in the General show group compared to the General no show group (8.3% compared to 1.5%, Fisher exact test, $p \leq .05$), however this difference may be due to the fact that a no contact order is often part of a defendant's sentence if convicted. Thus, General show defendants may be more likely to leave court with a no contact order against them, and therefore more likely to violate that order later.

5.3 Follow-up Interview Data

We were able to contact and conduct follow-up interviews with 18 TAC women and 29 General women. These interviews represent a very small percentage (16%) of the total number of cases interviewed. As such, the data presented here are for descriptive purposes only and should be viewed very cautiously as they do not adequately represent the total percentage of women originally interviewed. In addition, because of the small sample, we were not able to determine statistical significance for many of the variables.

5.3.1 Changes in Women's Relationship/Income Status since Court

Almost half the women reported at follow-up that their income had changed since we spoke to them in court (see Table 5.3.a). Most of the women who experienced a change in income reported that their income had decreased. One of the main reasons for this decrease in income was that women were working less at the time of the follow-up interview. About 70% of all women were also supporting a child under the age of 18 on their current income.

Table 5.3.a: Changes in Women’s Relationship/Income Status Since Court

	TAC (n=18)		General (n=29)		Total (n=47)	
	n	%	n	%	n	%
Has woman’s income changed since coming to court	8	44.4	15	53.6	23	50.0
How has income changed (N=23)						
Increased	3	37.5	3	20.0	6	26.1
Decreased	5	62.5	12	80.0	7	73.9
Children under age 18 living with woman	14	77.8	18	62.1	32	68.1
Current relationship status						
still together	5	27.8	10	34.5	15	31.9
separated	5	27.8	6	20.7	11	23.4
relationship ended	8	44.4	13	44.8	21	44.7
Are they currently living together	2	11.1	8	28.6	10	21.7
Defendant pressuring you to reunite (N=28)	3	30.0	6	33.3	9	32.1

*p < .05. **p < .01 + p < .10

With regards to relationship status, 28% of TAC women and 34% of General women were still in a relationship with the defendant. Fewer TAC women were living with the defendant at the time of follow-up than General women, but this difference was not significant. For those women who were separated or no longer with the defendant, about one third of them were experiencing pressure from the defendant to reunite.

5.3.2 Women’s Report of Repeat Abuse/Offending since Court

Women were asked again to describe the types of abuse the defendant perpetrated against them since court. There were no differences between the TAC and General groups on the amount

of repeat abuse they experienced. The most commonly reported defendant repeat offense behaviors were: *constantly yelled at you, harassed you with calls at home, followed you against your will, tried to control your every move, and shown up places and harassed you.* Overall women reported that defendants were less likely to use *physically* abusive behaviors against her, although 21% of TAC women did report being beaten up by the defendant since court (see Table 5.3.b).

Table 5.3.b: Women’s Report of Repeat Abuse Since Court

	TAC (n=18)		General (n=29)		Total (n=47)	
Since court, has the defendant:						
Constantly yelled at you	8	57.1	10	41.7	18	47.4
Harassed you with calls at home	3	37.5	3	21.4	6	27.3
Followed you against your will	4	28.6	5	20.8	9	23.7
Tried to control your every move	3	21.4	5	21.8	8	21.1
Shown up other places/harassed	2	22.2	3	18.8	5	20.0
Threatened you with physical harm	3	21.4	4	16.7	7	18.4
Threatened to kill you	3	21.4	4	16.7	7	18.4
Has ever caused you to lose a job	21	21.0	35	16.2	56	17.7
Since court, has the defendant:						
Harassed you with calls at work	3	25.0	2	10.0	5	15.6
Has he ever made you drop charges	20	19.8	28	13.1	48	15.3
Kicked, hit or bit you with his fist	3	21.4	2	8.3	5	13.2

Scared you in to changing where you lived 2 14.3 3 12.5 5 13.2

p* < .05. *p* < .01 + *p* < .10

Table 5.3.b: Women’s Report of Repeat Abuse Since Court, continued

	TAC (n=18)	General (n=29)	Total (n=47)
Damaged your property	1 11.1	2 12.5	3 12.0
Beaten you up	3 21.4	4 4.2	4 10.5
Threatened to turn you in to child protection	2 14.3	2 18.3	4 10.5
Threatened your loved ones/pets	1 7.1	3 12.5	4 10.5
Threatened you with a knife or gun	2 14.3	1 4.2	3 7.9
Shown up at your workplace/harassed	1 8.3	1 5.0	2 6.3
Prevented you from going to work/school	1 7.7	0 0.0	1 2.9
Injured you so you needed medical treatment	0 0.0	0 0.0	0 0.0
Injured you so you couldn’t go to work	0 0.0	0 0.0	0 0.0
Forced you to have sex	0 0.0	0 0.0	0 0.0
Physically hurt you while pregnant	0 0.0	0 0.0	0 0.0
Cut you with a knife/fired a gun	0 0.0	0 0.0	0 0.0
Made you do illegal things	0 0.0	0 0.0	0 0.0

p* < .05. *p* < .01 + *p* < .10

Over a third of women reported that the defendant tried to make her feel guilty for cooperating with the prosecutor in the previous court case (see Table 5.3.c). Seventy-three percent of TAC women and 50% of General women still had an order of protection against the defendant. A substantial portion of defendants had violated that order of protection since the court date. TAC women were significantly more likely to report that the defendant had violated some condition of his release compared to General women (91% versus 47%, Fisher exact test, $p \leq .05$).

Table 5.3.c: Other Defendant Offense Behaviors

	TAC (n=18)		General (n=29)		Total (n=47)	
	n	%	n	%	n	%
Tried to make you feel bad/guilty for cooperating with prosecutor’s office	6	42.9	9	37.5	15	39.5
Have current order of protection	11	73.3	12	50.0	23	59.0
Defendant violated order of protection (N=23)	7	63.6	9	75.0	16	69.6
Defendant violated conditions of his release (N=28)	10	90.9	8	47.1*	18	64.3

* $p < .05$. ** $p < .01$ + $p < .10$

5.3.3 Referrals Received and Contact with Court Personnel since Court

Significantly more TAC women reported receiving referrals to other services while in court than General women (84% compared to 35%, Fisher exact test, $p \leq .01$) (see Table 5.3.d). Most of the referral information was provided by the courthouse advocates with TAC women receiving referrals from the TAC advocate and many of the General women received referrals

from another domestic violence advocate. Women most often requested and/or received referrals for counseling, housing, and other non-specified referrals. However, a small percentage of the women reported actually contacted the referral agencies. Of the women we were able to contact at follow-up, very few of them reported any contact with court personnel since court. What few contacts were made were primarily with domestic violence advocates

Table 5.3.d: Referrals and Contacts with Court Personnel Since Court

	TAC (n=18)		General (n=29)		Total (n=47)	
	n	%	n	%	n	%
Offered referrals in court	14	84.2	10	34.5**	24	52.2
Type of referral received						
Counseling	7	53.8	6	66.7	13	59.1
Housing information	4	30.8	4	44.4	8	36.4
Other referrals not specified	4	30.8	4	44.4	8	36.4
Civil attorney	4	30.8	0	0.0	4	18.2
Income assistance	3	23.1	0	0.0	3	13.6
Child care assistance	3	23.1	0	0.0	3	13.6
Employment assistance	2	15.4	1	11.1	3	13.6
Substance abuse treatment	1	7.7	1	11.1	2	9.1
Number of women who contacted referrals	3	27.3	2	22.2	5	25.0

*p < .05. **p < .01 + p < .10

Table 5.3.d: Referrals and Contacts with Court Personnel Since Court, continued

	TAC (n=18)		General (n=29)		Total (n=47)	
	n	%	n	%	n	%
Contact with court personnel since court:						
Hull House advocate	5	27.8	0	0.0	5	10.6
Another domestic violence advocate	3	16.7	1	3.4	4	8.5
Victim witness specialist	2	11.1	1	3.4	3	6.4
Prosecutor	2	11.1	0	0.0	2	4.3
Life Span attorney	0	0.0	0	0.0	0	0.0

p* < .05. *p* < .01 + *p* < .10

5.3.4 Women’s Perceptions of the Usefulness of the Court

Women were asked a series of questions about the satisfaction with the court process at follow-up. Generally, the women were pretty satisfied with the court process, with how the prosecutor handled the case, and the outcome (see Table 5.3.e). With regards to their sense of control during the process, responses really varied, with women ranging from feeling no control to a lot of control over the court process and outcome. When asked more specifically about the effect of participating in court on their overall safety, three quarters of women reported a decrease in the amount of abuse they experienced since court.

Table 5.3.e: Women’s Perceptions of the Usefulness of the Court

	TAC (n=18)		General (n=29)		Total (n=47)	
	n	%	n	%	n	%
Women who were somewhat/a great deal:						
satisfied with the court process	12	66.7	23	79.3	35	74.5
satisfied with how the prosecutor handled the case	14	77.8	22	75.9	36	76.6
satisfied with outcome of the case	11	61.1	21	77.8	32	71.1
Women’s sense of control:						
control over court process						
no control	4	22.2	11	37.9	15	31.9
a little control	2	11.1	1	3.4	3	6.4
some control	5	27.8	9	31.0	14	29.8
a lot of control	7	38.9	8	27.6	15	31.9
control over the outcome of court						
no control	6	33.3	10	37.0	16	35.6
a little control	2	11.1	2	7.4	4	8.9
some control	2	11.1	3	11.1	5	11.1
a lot of control	8	44.4	12	44.4	20	44.4
What effect has participating in the court process had on current abuse						
decreased the abuse	12	75.0	21	77.8	33	76.7
no change in abuse	3	18.8	5	18.5	8	18.6
increased abuse	1	6.3	1	3.7	2	4.7
How likely do you think the defendant is to abuse you in the future						
Definitely not	5	31.3	8	33.3	13	32.5
Probably not	4	25.0	10	41.7	14	35.0
Probably will	3	18.8	5	20.8	8	20.0
Definitely will	4	25.0	1	4.2	5	12.5

*p < .05. **p < .01 + p < .10

Women were then asked how likely they would be to engage the criminal justice system in the future (see Table 5.3.f). An overwhelming majority of women said they were likely to come to court if the defendant abused her again. In a series of more specific questions about which criminal justice actions would definitely keep the defendant from ever harassing, threatening, or assaulting her again, women perceived any jail time, prosecution, and arrest to be the most effective potential responses. Finally, when asking whether they thought participating in the court process made them safer, 77% of women agreed that participating in the court process made them safer.

Table 5.3.f: Women’s Satisfaction with Court Since Hearing

	TAC (n=18)		General (n=29)		Total (n=47)	
	n	%	n	%	n	%
How likely are you (somewhat or much more) to come to court again	12	80.0	24	96.0	34	90.0
Women’s belief that any of the following actions will definitely keep the defendant from ever harassing, threatening, or assaulting her again						
spending a long time in jail	11	64.7	14	53.8	25	58.1
spending a night or two in jail	9	50.0	14	53.8	23	52.3
prosecutor pressing charges	9	52.9	12	44.4	21	47.7
police arresting him	9	52.9	9	33.3	18	40.9
an order of protection	8	47.1	7	25.9	15	34.1
mandatory counseling	5	29.4	6	23.1	11	25.6

Safety:

Overall has participating in court

made you safer	13	76.5	20	76.9	33	76.7
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p* < .05. *p* < .01 + *p* < .10

CHAPTER 6. QUALITATIVE INTERVIEWS

As part of our process of learning more about women's experiences with the criminal justice system, we conducted in-depth qualitative interviews with 17 of the 375 women we interviewed originally in the court. Of these seventeen women, 8 women were in the TAC prosecution group, 7 women participated in the General prosecution process, and 2 women went through the Vertical prosecution. In these interviews, we explored women's experiences with various components of the criminal justice system (police, prosecutors, advocates) and their perceptions of how they used these system components in their efforts to keep themselves safe from their batterer's violence. The women we met at the courthouse all decided to use various legal remedies to stop the violence, including calling the police, obtaining a no contact order, and participating in the prosecution process.

6.1 Calling the Police

Women described a variety of different reasons for calling the police, although not all of them expressed a goal of having the abuser arrested. In her interviews with battered women, Wittner (1998) found that battered women often use the legal system in measured ways, calling on only as much as they need at the time to accomplish their goals. For many women, using legal remedies is part of a negotiation with the batterer to stop his violence (Ford, 1991; Ford & Regoli, 1993). The women interviewed in this study followed the same strategy.

The first legal remedy available to women is calling the police. The quantitative data we collected show that women in the TAC and General prosecution groups called the police because they 'somewhat' or 'a great deal' *wanted him to calm down, wanted him arrested, wanted him to leave her alone permanently, wanted him to leave for a while and wanted him to go to jail*. The

women who participated in the qualitative interviews called the police more often because they wanted him to leave her alone and have the abuse stop. Their requests for arrest were much less frequent. One of the TAC women described not calling the police for fear of retaliation. Five other women described calling the police regularly, however only one woman acknowledged that she usually pressed charges. Another woman said she never called the police but her neighbors did on a regular basis. She did not press charges. Two Vertical women reported calling the police, but again, one woman said she usually did not file charges. The other woman wanted to but had jurisdiction problems because she made the calls from a cell phone.

Those women who did call the police but did not request arrest or press charges all felt that calling the police was sufficient to accomplish their goals of having him leave or for the abuse to stop. The following excerpts illustrate some of the differences for women who did and did not call the police. In both cases, their purpose in calling the police was to stop the harassment and abuse. They accomplished their goals because the abuser would leave when he heard the police were on their way. Note in the first quote the woman warns/threatens if he does not leave then she will call the police. The success of her warning hinges on the abuser's belief she will call the police. In this instance he knows she will call based on her previous behavior. In the second excerpt, she tells him she has called the police in hopes he will leave. In these instances threatening, warning, or telling the batterer she called the police is key to getting him to leave.

(BV) So any time I would call it seemed like I would alert him. I called the police "you've got to get off my bell. Get off my door." And then he would leave because he knows that I would call the police in a minute. ... And now I call them the escort. "If you don't leave when I ask you to leave then I will get you escorted." So that's what I call it. But they will leave. They will leave.

(AT) Because I told him to leave. Even when he drove around again I told him that I called the cops ... "they were here already ... just go. Just leave." And I'm yelling from

on top of the stairs and he's out in the street. "Just go ... just go." I didn't want any problems. I just wanted him to go.

Although women in the TAC and General groups reported that they earned the majority of the income for the household, two women in the qualitative interviews cited financial reasons as the rational for either not calling the police or not requesting he be arrested. In the next excerpt when the police ask DG if she wants him arrested she says no for financial reasons.

(DG) I didn't want him to be arrested because then he couldn't go to work the next day. Then we wouldn't have money or he would get fired. If he didn't go to work the next day ... I remember them asking "we'll arrest him now" and I was "just take him out of here. I don't want to have him arrested. If he doesn't go to work tomorrow he loses his job." That was the source of the family income.

The decision not to call the police is often a cue that women believe calling the police would lead to worse abuse. It is not necessarily an indicator that she does not want the police to intervene and remove him from the location. In the next excerpt the woman never called the police though her neighbors frequently did to report their fighting. When the police arrived they told the couple to keep it down and left. She was hoping they would have noticed the problem and arrested him.

(PG) ...and I always thought that if they're called enough ... if they come out enough and they see this they'll see that there is a problem. ...[I wanted them] to take him away. But I didn't want to be the cause of it. I didn't want to be the one to say to take him away. I didn't want to be ... I didn't want my family to hate me and I didn't want his family to hate me. I didn't want to be the one who said to take him away. I thought obviously there's enough people around here to see him doing this ... me, as his wife, didn't want to be the one to have him put away. ...
... I was afraid of what he was going to do to me when he got out. I was afraid of all the anger that built up in him and all the rage and everything ...it was going to be directed at me.

PG's decision not to speak up and request he be arrested was due to feelings of insecurity, guilt, fear and her perception of what it meant to be a wife. Thus, women's descriptions of their experience with police all suggest they are using police powers in measured

ways; only requesting the dosage necessary to meet their goals. In many instances this means not having him arrested.

The decision to move from police presence as an intervention to requesting the defendant be arrested is critical if women are to have access further legal resources. For the women in all prosecution groups these include an order or protection and case prosecution and for those in the TAC program advocacy and civil legal services as well.

6.2 The Decision to Arrest

All the women interviewed had their batter arrested for the current assault event. Two TAC women routinely called the police and had him arrested for violating an order of protection. One Vertical woman described being frustrated because she could not report his violations. This was due to the fact that she was using a cell phone and the police districts kept passing her off saying it was out of their jurisdiction. Two General women stated that this was the first time they had had the defendant arrested, and both women were afraid at the time of his retaliation. Since that first arrest, these women have decided not to call or have him arrested again because of this fear.

The women described a variety of reasons for having the abuser arrested. You may recall that PG 's neighbors frequently called the police to report their fighting. When the police arrived they told the couple to "keep it down" but the police never addressed the obvious violence that was occurring. This woman wished they would have taken note of the abuse and arrested him. Finally, one night when the police arrived, she told them to arrest him. She notes that this incident of abuse was different because he tried to stab her and she knew he would be in jail for a while because he had an outstanding warrant.

(PG) He got physically violent. He tore down our bedroom door. He had a knife. And he went to stab the knife at me. If I wouldn't have moved it would have hit

me. It ended up in the door. Not even an inch away from my head. He had kicked me. He had broken my ribs. He had kicked me in the face. He had broken windows. ... He told me that it was a good thing that my mom died because she would be so disgraced at what I had become. That my mom would have been so ashamed of me. And that she's better off dead than living with a daughter like me running around. When the cops asked me if I wanted to press charges it was like ... I was numb and it just ... yes came out. I didn't even realize what I had said until after I had said it. I guess the other thing is I knew my husband had a warrant out for his arrest for a DUI. Not appearing in court for his DUI that he had received a year before. So I knew that he had this warrant out for him and he was going to do some time. So they arrested him. He spent from the 7th to the 22nd in jail. . . . I had to go sign some papers stating that I really didn't want him released on bond or I was afraid and I wanted an order of protection. I didn't want him coming near me and all this other stuff. ... I felt guilty leaving him at County ... it's not a very nice place. But he deserved it. And then I don't know what else to do. The help he needs. I needed to protect myself. I had very mixed feelings. I didn't know if what I did was right or what I did was wrong.

PG's fear is evident by the role his warrant had on her decision to have him arrested and request he be denied bail. The complexity of the relationship, with its dynamics of control and caring, fear and guilt, is expressed in the mixed feelings she has about her decision. This foreshadows the difficulty she and other women have going forward with the prosecution process.

A concern about the amount of time a batter is in jail is also an important consideration when women make the decision to have the batter arrested. Below, AT references the short time he is kept in jail and retaliation as the reason she does not call the police and have him arrested.

(AT) And they [her brothers] have the security with the Chicago police and everything. And they're like "just call us." Even their friends ... "just call us. We will get somebody there so fast." I'm like and then they let him go. So I'm like "why am I even going to call you to put him in and then two days later he's out." I go "I'm not going to do it." And I told them that I'm not going to do it because I don't need him any angrier.

In the next example MT had been experiencing significant amounts of abuse for many years. Her abuser has made several attempts on her life. At these times she would call the police but never pressed charges. This was a combination of their response and her fear. After she got

her nursing degree and gained a level of financial independence she began to stand up to him and she had him arrested. In the next example MT talks about her decision to press charges after he runs her over with his car.

(MT) See, when I became a nurse and I knew that I could take care of myself that's when I started getting a little more ... telling him that this is not going to happen to me no more. "I could leave you ... I don't need this."

(MT) I know that I called the police a very small amount of times. But I never pressed charges. That was one of the biggest mistakes that I ever made. I let him get away with it. Until he ran me over. That was the end. That was the very end. Or should I say the beginning of my life away from him.

In some instances the police remove the arrest decision from the woman based on what they witness at the scene. In the next case the abuser took an ax through the house and was hacking everything apart. Her sister, who was visiting, called the police. When the police arrived and saw the destruction in the house and bruises on the woman they made the decision to arrest him.

(TG) And they want to talk to him and he's gibbering and he's in a delusional state. And they said, "Look, he doesn't need to be here. He's obviously crazy. We're going to take him in for the night." No, what they said to me was "we're going to take him somewhere so he's not here and things can calm down here" because it really looked bad here. I had on a white shirt ... because from the rain my shirt is bloody. There's blood down the walls where I'm trying to come down the stairs. And they said, "You know what ... he's going to jail. Period. Whether you want him to go to jail or not ... we witnessed how you look ... he's going to jail."

Although the women did not request that the batter be arrested very often many link their personal safety with his incarceration. For the two women speaking below, the only time they felt safe was when he is in jail.

(MT) The only time I feel safe is when he's in jail. And I can actually walk down the street and not worry about if he's going to be following me or what's going to happen. Or if he's going to call me or if I'm going to call him.

(DGG) I was calling the police department every day to make sure that he was still in there. And this one police officer ... I had talked to him so much that he said "ma'am ... you don't even have to worry ... he's not going anywhere for awhile." Okay, and then the State's Attorney's office called and told me when my court date was coming. So for three

weeks I knew that I was totally safe. But it took me three days ... the first three days I was waiting on him to come climbing through my window or something.

Some women decided to have the batter arrested when there was a shift in the type of violence he was using, as was the case for PG and MT above. Other women had had enough of the emotional and physical abuse and called the police, and for one woman the presence of a child was the tipping point in her decision to have him arrested.

6.3 Orders of Protection

Orders of protection are a staple of legal intervention for domestic violence. All the women interviewed had current criminal orders of protection.³ The majority of women reported that their abusers did not abide by the order of protection. This concurs with previous research that restraining orders, whether civil or criminal, are not sufficient to protect women from future abuse (Ptacak 1999; Harrell & Smith 1996; Chaudhuri & Daly 1992). For the women who went through the General prosecution process, only two men have abided by the order. One of the TAC women chose to violate the order herself so the couple could work on their marriage, and only one other TAC defendant had not violated the order of protection. The two Vertical women interviewed both reported that their abuser had violated the order. With the exception of one TAC woman, all the women called the police when the defendant violated the order of protection.

All the women talked about how their sense of safety was linked to whether the batter abided by the order of protection. For these women safety was a fluid concept; they were only safe if the batterer respected the order. If he does follow the order, the level of danger can

³ Women can get a civil order of protection without having the batter arrested. In our study, because we were in the criminal courts, women usually got a criminal rather than a civil order. For those participating in the TAC program, the Lifespan attorney did tell women about the option of getting a civil order of protection if they did not want to press criminal charges.

escalate depending on his reaction to her response to the violation. Thus, as is always the case, her safety is contingent on his behavior.

The following excerpts illustrate this fluidity of safety and the order of protection's role in that safety. Initially JG saw the order as protection, putting copies of the order in several locations like an amulet to ward off evil. When her abuser decided to ignore the order, her amulet lost its power, and her safety evaporated.

(INT) Did having the order of protection make you feel more comfortable?

(JG) Yes and no [having the order of protection made me feel more comfortable]. It did for a while. What I did in the beginning is I made lots of copies of it and placed them everywhere. Like by my door and in my car. And I gave one to my mother. And I have one at work. And that made me feel protected, except that when he violated it made really no difference at all. And it's just a piece of paper. I mean he could just come crashing through here at any time he wanted to.

For DG, as with the other women, safety is tied to his response to the protective order. She began to feel safer when he stayed away because he did not want to return to jail.

(INT) Did you feel any safer because you had the order of protection?

(DG) In a way but not right away because I still wasn't convinced that a sheet of paper is going to save me ... was going to protect me. How is this sheet of paper sitting in my cabinet going to stop him from breaking through the ... he didn't want to go to jail.

In the next excerpt, TG decided she wanted to try and work out her marriage. She and her abuser decided to live together even though she had an order of protection that stated he could not be in the home. The protective order limitations and her prior decision to have him arrested are always present in their interactions. She uses the order explicitly to control his behavior. He references it to explain his behavior, in this way indicating he is complying with the order.

(TG) Like if we have a dispute ... instead of him just saying that he'll leave ... he'll say "I'm going to leave so that things don't get ugly." Or "I'm going to leave so that I don't go to jail." He's going to constantly remind me that. ... And it's like I'll say "oh what ... you're raising your voice? Do you want me to call the police"? And he looks at that as me threatening him. And he says, "no ... you know what ... I'm just going to leave before that happens. Before things get ugly I'm just going to leave." It's not a threat to me ... it's like he's taking the power away from me. Because he knows that the restraining order

still stands. He knows. He knows that he really can't be comfortable in his own house. And it's like I'll say "oh what ... you're raising your voice? Do you want me to call the police"?

For many women getting, having, and using the order of protection is not just about safety. It is also about power. Two women in general protocol, three women in TAC and both women in Vertical protocol talk explicitly about how getting the order is a statement that they are standing up to the abuser; they are taking control of their lives. Thus, the protective order is a power resource for women (Ford, 1991). In this next excerpt DG talks about the duality of safety and power.

(DGG) I knew that piece of paper wouldn't protect me if he walked up behind me. But to me it was just that it showed that I asked for help. That's why I went and got it. I know the piece of paper was not going to be the answer to someone else's behavior. But it would be documented that I asked for help. ... I want him to understand that what he did was unacceptable and I want some help.

At the same time DGG views the order of protection as a statement of power she also recognizes that it is only as good as the person who honors it. One of the ways she takes control is by focusing on the actions she took, not on whether she can control her abuser's behavior.

In the next two quotes the women discuss how their abusers were taken aback by their action to obtain an order or protection; taking that step meant they were standing up to him.

(EG) It was a shock to him when I got a restraining order. Like "whoa, she initially did it." And even still it didn't scare him enough to keep him away from me.

(DG) [He was] very surprised. Like he called me up and said "I had the sheriffs come to my house ... what is this about"? Kind of like laughing but not like ... how would I say it...he was surprised...upset that he got them. But more surprised like "why would you go and do this?" Like "why would you go to this extent?"

Another way that an order of protection empowers women is by giving them the power to have him arrested. The order allows her to indirectly punish him for his actions. In the case below, MT had not called the police very often until she got her order of protection. Now she

calls the police every time he violates it. For MT, the order of protection provides an avenue through which she can indirectly administer consequences for his actions. Every time she calls the police he is arrested. On the other hand she, like DGG above, notes the order of protection does not keep her safe because he is not afraid to violate it.

(MT) He knew I had the order of protection. I told him one more time he hits me that that's it. "You're not getting away with this."

(Interviewer) You called the police after every violation?

(MT) Yes. Because I was not putting up with that. ... [On the other hand orders of protection] don't mean a thing. It's just a piece of paper. Obviously ... I mean if you can violate it five times.

Like MT, SG talks about how the order of protection helps her feel safer. It empowers her "not to be a victim," it insures that the police will arrest him immediately.

(INT) And do you feel like the order of protection has helped you be safer?

(SG) In my eyes, yes, because it's a quicker arrest. It's an automatic arrest. It's not ifs, ands, what did you do? I just see him ... the order of protection helps me in that case because they'll immediately arrest him. They don't play any more. Because I'm not going to be a victim.

Having an order of protection does not mean women decide to activate it by calling the police. Some women choose not to call the police because they are fearful their abuser will retaliate. Women's fear of retaliation is frequently cited as the reason they may not use legal remedies or stop using them at certain points in the criminal justice process (Fernandez, Iwamoto, & Muscat 1997). AT is terrified of her abuser as he is constantly stalking her.

(AT) No, he hasn't done anything right now. Which maybe he has but I just would rather just have him like where I know he's at. I want to know where he is at too. I want to know if he's watching me. I want to know if he's following me. [I'm afraid if I call] he'll come back.

Orders of protection are available to women as a legal remedy designed to keep them safer. For the women who participated in these qualitative interviews, safety is tied directly to whether the abuser abides by the order. Whether or not he violates the order, the order of

protection is an important symbol of women's power. She is standing up and saying "no you can't do this anymore." As noted in the previous section, whether and when women call the police if he violates may be part of her measured use of the law as a safety strategy.

6.4 Case Prosecution

Prosecutors frequently cite victim non-cooperation as a serious problem when talking about the prosecution of domestic violence cases.⁴ Many jurisdictions have instituted no drop policies and victimless prosecution as ways to deal with the problem. In the quantitative interviews we found that the most frequent reasons women in all three prosecution groups (TAC, General, and Vertical) came to court were because *they felt like they should be there, they wanted him to stop hurting her, and they thought they would be protected*. Women in the TAC group were significantly more likely to believe they would be protected in court, and were less likely to want charges dropped than General women.

Of the women who participated in the qualitative interviews, more than half decided to go forward with their cases. Four of these women were in the General protocol, one woman was in the vertical protocol and six women were in the TAC program. In order to prosecute a case the woman has to come to court. Below MTT states she did not go to court in 1995 but she did in 2000 because she lacked information about the court process at the earlier time. The need for more information is the most frequent recommendation made by victims regarding their interaction with police (Weisz, 1999).

(MTT) In 1995 I don't think I showed up for court because I didn't know the system. They [police] just handed me a brochure ...they didn't really say. Whereas in 2000, the woman who came out said "you don't have to deal with this. You need to get an order of protection." And that's how ...she actually told me what I should do.

⁴ Research by Davis (1983) and Ferraro and Boychuck (1992) challenge the idea that victim cooperation is critical for conviction.

One of the reasons women talk about going to court is to get the abuser help (Hanna, 1998). In the next excerpt YV states she went to court because once she became pregnant and realized the abuser was going to be in her life forever she wanted him to get help. She was hoping through the courts he could get counseling. If they did not get back together at least he would be a better father.

(YV) [I wanted to go to court because I wanted to get him counseling] Because now no matter if he's in my life for me or in my life because we have a child ... he's going to be in my life in some kind of way for the rest of my life. Whether it's he's in my life and he's absent and she's asking or she's twenty and here he comes. Or she's twelve ... here he comes. Or she's fifty ... here he comes. Somewhere he's there. So if he can get better and maybe he'll get better and we'll get back together, which I really doubt. But maybe he'll get better and he'll at least know how to communicate with me and he'll know how to be a better father.

As discussed in the literature review chapter, one of the great frustrations of criminal justice personnel is victim “non-cooperation.” Our findings show that women in the General prosecution group are significantly less likely to come to court and more likely to want charges dropped than women in the TAC group. The top three reasons they state for dropping the charges were: *wanting it to be over*, *not wanting the batterer to go jail*, and *caring about the defendant*. These reasons for wanting charges dropped are also found in other studies (Bennett, et al., 1999). The General women also had more concerns about the defendant having a criminal record.

The women in the qualitative interviews further illustrated these reasons for wanting charges dropped. In the first excerpt SG talks about how she felt sorry for him because he was in jail. Talking on the phone and visiting him led to her decision to drop the charges.

(SG) I dropped the charges. He called all the time [from jail]. I felt sorry for him. I felt really sorry for him. I didn't even think about myself. I just felt sorry for him being in there. And I felt that no one deserves to be in jail. . . [When I went to visit him] I couldn't believe ... it was just like something off TV. And I looked around me ... I don't think I'm better than anyone but the type of people that were there visiting people ... it was not like the type of people that I would have like as a friend. And their conversations ... it was like overhearing their conversations and the things they were talking about. It's just like a

normal part of life to them ... to visit people in jail. And I just felt like this isn't the place for me. But I also felt like this isn't the place for him. [Visiting him contributed to my idea of dropping the charges.] I saw him and he had on the outfit that they give all the prisoners. I thought that it was sad. I walked away feeling really bad for him. I felt like ... although I know that he is the one that hit me ... I felt that it was my fault that he that he did it.

Another reason women may drop the case is because of the amount of time it takes to prosecute (Bennett, et al., 1999). Continuances translate into women having to take time off from work, loss of income, childcare problems, etc. After two continuances, BG describes why she had to consider financial issues as a reason to drop the case.

(BG) The one reason is ... even now ... when I went through all this to get the restraining order. They gave me the first court date ... I went. They gave me the second date ... I went. And then the third date I was like I'm going to stop it because I told you that he has this business. And he's a truck driver and you can't drive a truck if you have a police record. And he has a clean record and I mean to be honest ... (unclear) have a hard enough time as it is. If he's going to be paying child support and doing all the stuff that he's supposed to be doing I'm just going to stay away from him. I told him "you don't have to worry about no police coming to your house any more." (Unclear) [I didn't go the third court date] for one, it interfered ... I wouldn't have gotten paid for work because I had used all my sick time days. And it was the last week of school. And that's why I went ... my job said "you better come to work." And my boss knew about everything that was going on. But even with her knowing it was like "you've been off a lot." And I thought about the fact that he would lose his job and I tried to become a little bit more, I guess, compassionate to his needs. And I thought about how it would affect my kids if we couldn't get child support. Between the money I get from him ... from both of their fathers ... that money pays my rent. And it pays my lights. So I thought about that.

In the next three excerpts women described dropping charges because they did not want the court interfering in their relationships. In the first example MV wanted a divorce and did not want the criminal court involved. In the second and third excerpts TG and BV made up with their husbands so they no longer wanted to press charges.

(MV) I just already had it set in my head that I'm not going to do it like this. If I'm going to get a divorce ... if we're going to get separated or whatever we're going to do ... I'm just not going to get them involved any more. The court. I just want to get rid of it and not deal with it. If I am going to get divorced then I am going to do it on my own and I am not going to have this on my head.

(TG) And so while he was in jail I'm thinking, "okay" ... so okay, he was in jail. I thought he would be out the next day. They told me I had to get a thousand dollars bail if I wanted him out. I didn't have a thousand dollars. I wasn't sure that I wanted him even out. Because I had never in the eight/nine years that I had known him seen him react that way. And I'm like he doesn't need to be here then. ... And I spent like the next day trying to figure out what I wanted to do as far as the marriage. And as far as being with him. Because I said, "oh no ... if you just let that go you ought to be together." And I went back and forth "okay, what do I want to do ... what do I want to do"? And then finally I said "okay, I'm going to bail him out of jail and then we'll decide from there what we're going to do." And that's what we did. And when we went to court ... the attorney ... he said, "so what do you want to happen?" I said, "Well, we worked out our difference. I don't want to press charges."

(BV) That's when I went down there and dropped the charges. Because we had made up and they just come and get him.

Another way to understand why women might not prosecute is to listen to how they talk about how difficult it is to go forward. Although not in the top three reasons women mentioned for coming to court, the women in the qualitative interviews did cite concerns about their children as reasons they came to court. All the women, except one, talk generally about their concern that their children are witnessing violence. In the next excerpt DT states that it was his attempt to kidnap her son that motivated her to go to court.

(DT) Because when he took my kids in October he could be anywhere with them. That's what made me panic ... "oh my G-d ... my daughter, my son. He could be anywhere and I'll never see them again."

(INT) Is that the reason you decided to go to court?

(DT) Oh yeah.

(INT) Because of the kids.

(DT) Yes. Yes. Because I have a fear that he would take the children and I might not see them again. Never see any of the three ... they would have to lock me up in a nuthouse if I don't see my children because of him. Not knowing where or when. No.

As noted before, the relationship between the woman and the abuser is complex. She often has feeling for him, even if she does not want to continue living with him. These feelings of caring, concern and love coupled with her fear of him make it difficult for women to see the defendant in court. Thus, support people become crucial in a woman's ability to proceed,

regardless of what she wants to do (Erez & Belknap, 1998). In the following excerpt PG is talking about the complexity of feelings she has for her partner. She is both in love with him and cares for him while simultaneously being afraid of him. It is the presence of her sister and brother that helped her actually make it to the courtroom.

(PG) I felt guilty leaving him in County ... it's not a very nice place. But he deserved it. And then I didn't know what else to do. He needs the help. I needed to protect myself. I had very mixed feelings. I didn't know if what I did was right or what I did was wrong. . The day I went to court my sister and my brother went with me. And I had seen the bus pull up in front where the prisoners were going to be released and I'm like "I can't see him. If I see him I'm not going to do this ... I'm going to run." I go "I can't see him." And I started crying and I walked away and I didn't know what to say. I didn't know what to do. But I made it to the courtroom.

Similar sentiments are expressed by MT when talking to her attorney.

(MT) "I told her (the attorney) that I'm afraid of the man ... I don't want to see him. I don't want to look at him. I don't want to ... he gives me the creeps is what he does. And then if I do see him and I start feeling sorry for him it will blow the whole thing. (Unclear) "I love you ... I'll never hurt you" and all this garbage. None of it is true. Thank G-d I can finally realize it.

Another issue that may make it difficult for women to follow-through is the length of the court process and the conflict between court hours and work. Below MTT talks about how time made it difficult for her to follow-through. In her recommendations for change she suggests ways the court might accommodate women's lives more.

(MTT) [Follow through was difficult for me.] You're supposed to ... when you're working ... I mean I work three jobs. When you're working how do you find the time? They're only open nine to five and if you're working those hours how do you find the time to take off work and go and do those things. But I think it's important to, at least, follow through and talk to somebody. To guide you of what you need to do because at the time I didn't know what I needed to do. I was busy and I just thought I'm not going to follow through. ... [Maybe they need to be open] just in the evening ... one night. Because if you report ... if you call the police my understanding is that you have to be ... you have to report it to the court like the following day. That's what it said in the pamphlet. And that's hard.

7.5 Women's Experiences with the TAC Program

In order for legal remedies to be invoked, women have to engage the police and courts. The TAC program is designed to encourage women's participation in the court system once the abuser is arrested. The assumption is that using legal remedies will make women safer. Yet the relationship between legal remedies and safety is complex. Even if women want to use legal remedies, they have to feel secure enough to come to court. The next section examines TAC participants' experiences with the TAC program and whether they perceived the TAC program as encouraging them to engage in the system and achieve a resolution they found beneficial to their safety.

The TAC program is designed to provide women with consistent and integrated criminal justice response to their batterer's violence. The TAC team includes coordination between prosecutors, domestic violence advocates, police investigators, victim witness specialists, and civil attorneys. As our quantitative data show, TAC women receive substantially more outreach from investigators before court, and have significantly more contact with prosecution, advocates, victim witness specialists, and the civil attorney in court.

6.5.1 The Role of the Investigator and Outreach before Court

Outreach is an important part of advocacy. Outreach to women before they come to court can make it easier for women to participate in the legal process and increases their commitment to prosecution (Hart, 1993.) In the TAC program, the specialized investigators attempt to contact women before court to assess her safety and conduct additional investigation. They personally serve each woman with a subpoena to appear in court and provide a letter and a folder of written materials explaining the court process and the TAC program. Although not an advocate, they do provide information and encouragement that may assist women in following through with prosecution. As Erez and Belknap (1998) found criminal justice agents' stance when interacting

(AT) [When they called they asked me] if I wanted to go through with it. [They told me] what was going to go on that day. And some people would talk to me. Just letting me know what to expect. [I found it helpful] because I had never been through any of this before. [The call helped me decide to go to court because] because before that I felt like ... is this something serious? And it's like when you change schools but you know one person in the classroom. And that's all you need. And that's how I felt. Like I knew one person in that whole building. And that's all I needed was to know somebody.

6.5.2 Contact with The TAC Team During Court: The Role of the Victim Witness

Specialist

The victim witness specialist provides the human connection between the woman and the court. She is often the first person to introduce herself to the woman in court. As AT continues, she talks about how the victim specialist found her out in the hallway waiting for the court to call her name.

(AT) Well, she was busy with other people inside the court and stuff and she came out and she called out my name and she told me "I'm the one that called you." And then everything felt like more at ease. She told me that I didn't have to say anything. I talked to them and then it was just so ... like I had been there before. I wasn't going to ... I was afraid of talking but I didn't have to talk now so I was like this is great. So I did it.

AT's comments reveal how talking to the victim witness specialist put her at ease, creating a level of familiarity with the court. She also states that she went forward in part because she was assured she would not have to speak in court if she did not want to.

Below DT is talking about how important a support person the victim witness specialist's support was for her when she went up in front of the judge.

(DT) Yeah, because then somebody was behind me. Instead of me just sitting ... standing up there and little bitty me with some person I don't know. Not that I know Brenda but somebody that talked to me

In the next excerpt DT is referring to her disappointment with the sentence the defendant received for violating an order or protection.

(DT) [victim witness specialist was helpful] because she calms you down. I mean not that I was hysterical. I just was so disappointed because he got day for day. And I was like

with women have an important impact on whether women follow through with a complaint.

In MT's comments below, her fear of retaliation was making her hesitant to go forward with her complaint. She notes that if it had not been for the intervention of the investigator, she would not have overcome her fear of retaliation enough to proceed. She also discusses how her lack of familiarity with the court system contributed to her hesitation. Women often describe a lack of information as a reason for not proceeding with prosecution (Bennett, et al. 1999); thus this outreach by investigators and advocates assists women in overcoming this hesitation by providing information on the legal process.

(MT) Probably if that woman ... the detective ... never came up to my house I probably never would have done it. I probably would have let it ride. But she shined the light in my eyes. She said, "Here, look at this ... look right at it." ... She had the incident circled. She goes ... she said straight out ... "doesn't this tell you something? This is really serious. Your dealing with someone here that you don't even ... you're just overlooking at really what it is." This man is very dangerous." Yeah they're petty helpful. Because you're scared ... you don't know what is going on. You don't know ... I don't know anything about the legal system. It's all very frightening. It's a frightening thing to do. And especially the repercussions that come from it. Because when he comes out he's like a mad man. They keep telling me that I need to show him that I'm not going to take what he's giving me. So that he needs to know that there's punishment for what he does also.

In this case, if MT had not spoken with the investigator it is very possible she would have dropped the case. It was the personal interaction with the detective that emboldens her to proceed.

In addition to the investigators the victim witness specialist attempts to call women prior to the court date to answer any questions she may have. For some women, the phone call they received from the victim specialist was the reason they came to the court. The victim witness specialist providing information about the court process increased women's familiarity about an otherwise strange process. Below AT discusses the importance of that phone contact for her in reducing her fear of court and pointing out the seriousness of the incident.

"oh, this is not fair at all. This is not fair at all." Because one time he's going to come out and who knows what he's going to do.

6.5.3 Contact with The TAC Team During Court: The Role of the Domestic

Violence Advocates

Research suggests that advocacy plays an important role for women by providing information about the legal process, community services and emotional support. Working with an advocate facilitates women's participation in the legal process, increases her commitment to case prosecution, increases her ability to access community services, decreases the amount of violence experienced by women over time and increases her quality of life. Talking with an advocate also decreases a woman's sense of isolation and confusion. The knowledge she receives from an advocate can be very empowering (Weisz, 1999; Davis & Srinivasan, 1995; Hart, 1993). Our quantitative data show that, while substantially more women in TAC had contact with the domestic violence advocate while in court than General or Vertical women, across the board, when a woman spoke with an advocate she was very satisfied with the support she received.

The advocate's role is to listen to the woman's concerns and ensure these concerns are not lost in the court process. The advocate also reviews confusing court procedures, provides referrals, and makes contacts for emergency shelter, housing, employment, child care and counseling. Below, MT speaks about the importance of advocate in her ability to proceed even when she was very scared.

(MT) I wanted to (prosecute). But I was scared because when you do then they, in turn ... he comes out worse than he ever went in. I mean he's just (unclear). [She helped me be able to go forward] Emotionally. Like listen to me and tell me the things that I really needed to do for myself. Which I never did before. I mean what does stop them? I don't know. So I mean ... but sooner or later you've got draw the line somewhere. My life is important too. I got a lot of help.

In addition to their participation in the TAC program, the courthouse advocates are also available

to women in the General court call. Sometimes women are able to speak with them. Below, DGG, who was in the General call, talks about how important talking with an advocate was to her willingness to proceed with the case.

(DGG) Yeah. The ladies at Hull House ... because if you didn't run into them first you might (unclear). Because it's scary and it's a lot of people and then you having your own doubts whether you should be doing this or not. And the first thing that the people at Hull House tell you is that it was wrong for whatever he did and no, you're not doing anything wrong by seeking help for yourself. She puts you at ease. Believe me ... if it wasn't for them I don't think I would have went through the process.

Another important role advocates play is providing women with information about the legal process. The woman below was not initially assigned to the TAC project. She was subsequently moved into the program. Here she speaks about her interaction with an advocate while her case was part of the General court call. She notes she found the advocate to be very helpful, but felt confused after leaving the advocate.

(MTT) Right. And she was very helpful and I really liked her. And I thought she did a good job. But once I left her then you're just in this whirlwind of people that you don't know what you're doing and when.

The woman in the next quote was in the General court call. She made numerous trips to the courthouse. Here she compares her first trip when she did not speak with an advocate to her second trip where she did talk with an advocate.

(BG30) [Did you understand what was going on the first time you went to court?] No. ... That lady did it like step-by-step. You're at this step so you find out what is going to happen at the next step. You're at A so you find out what is going to happen at B. I don't like it that way. ... If I hadn't talked to the advocate (the second time) it would have been like each step and trying to listen to what happens the next step. I liked it better with the advocate. I felt more comfortable with the advocate. I felt that they were there to help me and they were looking out for my best interest.

The domestic violence advocates provide information in a lot of areas in addition to how the court system works. Below women speak to the types of information they received and its value.

(BG23) [What kind of information did you learn from them?] A lot of information. Like

information about shelters. Counseling ... maybe seeking out counseling for my kids ... which I am still pursuing. Things to expect at court. Just a lot of ... that they would be there at court and if I needed any help. They were very good.

Weisz (1999) talks about the role advocates play in providing empathic support to women. Below, BV speaks directly to this.

(BV) You know ... what I learned [talking with the advocate] is there's people out here that will help. ... She was real patient. Real understanding. Real concerned. I felt really cared about.

6.5.4 Contact with The TAC Team During Court: The Role of the Prosecutor

The states attorneys' role on the TAC team is to prosecute the cases. One of the hallmarks of the TAC program is vertical prosecution. Vertical prosecution, where the same attorney handles the case from start to finish, assures that the attorney is knowledgeable about the case and the woman's life history. When asked about their experiences with TAC attorneys, the women spoke positively about their interactions. They stated they were informed about the court process, they understood their legal options, the attorneys were respectful of their decisions, they felt the attorneys were working on their behalf and they trusted them with the case. Their responses tended to be direct and to the point. For example:

(INT) Just when you talked with the district attorney ... what did they do ... they introduced themselves?

(TT) And she just explained the case to me and what would happen.

(INT) Now did she ask you what you wanted to happen?

(TT) Yes, she did.

(INT) And did she tell you about the various options beforehand?

(TT) Yes.

(INT) Would you say that what you wanted to happen was what the attorney recommended? Or did the attorney not make a suggestion?

(TT) She didn't make a suggestion. She just asked me what it was that I would like to do.

(INT) So you felt the attorney was kind of impartial and not pushing in one direction or the other.

(TT) Right.

(INT) And did you feel like that attorney was working with your best interest in mind?

(TT) Yes, I did.

(INT) So you think you that you trusted the attorney with the case?
 (TT) Yes.

The success of the vertical prosecution system in TAC can be seen in the excerpt below. The defendant has just been arrested for a violation of an order of protection. The woman had worked with the TAC attorney for a while on other violations of the order of protection. She came to see the TAC prosecutor as someone who would advocate to the judge on her behalf. The importance of this relationship is seen in her frustration when the TAC prosecutor was not able to be there when she was called in front of the judge. The other prosecutor who presented the case to the judge was a court attorney who was not familiar with her case.

(DT) He had whispered in my ear "we're going to offer him 330." But he wasn't there when the case was called. He had another case. And I thought maybe he could have been enough to tell the judge "look at this guy's record." The same judge we had ... I mean, judge, come on ... stop. Look at the record. You could see that it's a history. But he wasn't there. " But I thought if the John would have been there I could have gotten more time.

For the two General women who described negative experiences with prosecution, they walked away feeling frustrated, alienated and "helpless." In the following excerpt, the woman described the prosecutor as pressuring her to go forward. She is trying to explain that not all cases are alike, that her case does not fit his mold of battering. Her sense of "helplessness" occurs when he threatens to go forward without her. Her sense of the definition of the situation is being challenged and undermined. She feels she is not being listened to. As a result she does not feel the system is behind her.

(TG) They called my name in the courtroom and took me into a small room and he asked me what happened. That's the first thing he asked me. And then he asked what do I want to do about it and I told him nothing. And he seemed to be very cocky. Very upset that I didn't want to press charges. It upset him. Like that's dumb. He kept trying to reason with me that I'm physically in danger. That it was not a good environment for me to be in. That he could kill me. That he could do anything. Did I want that to happen? And he said

"well, if you don't want to do it I have enough evidence where I can override you." And I told him that that wasn't necessary. I told him what he's used to dealing with was not what this was. This was not one of his typical domestic violence cases where the woman is getting beat all the time and she's not saying anything and she needs you to do that for her. I said that it's just one time. It had been at that time a month. It had not happened again. I said that I was confident that it would not happen again.

(INT) And did you feel like the prosecutor was listening to you at all?

(TG) No. No.

(INT) And that was because?

(TG) I felt probably because he sees it all the time. That he felt like ... like maybe he saw a lot of women who were in situations that they didn't need to be in and he felt he had to speak for them. And so it was like all the same to him. There wasn't any gray area that ... there wasn't any one time ... if he did it once he'll do it again and again and again. One of those types of attitudes.

(INT) And how did you feel when he said, "I can override you"?

(TG) I felt helpless. Like there was nothing I could do about it. And I don't like to feel that way. I felt like he should have respected my opinion. My response ... just as I respect his.

Below, PG expresses how she felt that that the way the system operates disregards her experiences; instead feeling like it was about her abuser playing the system.

(PG) The State's Attorney called my name to meet in this little room. He asked me like two or three questions and said, "Okay, go have a seat ... we'll call you again." And I said, "well, is there anything else you want to know." And it's like "no, we don't need to know any more." I was like "okay ... fine." I sat there for another hour or two ... I don't feel that the law worked on my side. I feel that everybody in that courtroom was for him. The State's Attorney didn't want to hear everything I had to say. It was open and shut. It was okay ... he's pleading guilty. Well, why is he pleading guilty? Well, his lawyer already informed him the only way he's getting out of County is if he pleads guilty. Well gee ... why not make him be guilty because he is guilty and not give him that option. Why would you ever tell a prisoner the only way you're getting out of jail is if you plead guilty? I don't understand that. I mean there was his option. You can go in there and tell the truth to what you did and see what happens or you can just plead guilty and we're going to let you go home today. Anybody who spent a day in County would go in there and plead guilty just to get out. And that's what he did. He didn't plead guilty because he knew he was or because he was going to admit to what he did wrong. He did it just to play the system.

Although the numbers are small, women's satisfaction with their interactions with prosecutors seems reflected in their decisions to proceed with the case. All the TAC women went forward, whereas two of the four General women and one of the two Vertical women dropped

their cases.

6.5.5 Contact with The TAC Team During Court: The Role of the Civil Attorney

The final member of the TAC team is the civil attorney. These attorneys administer civil legal counseling and services. Of woman in TAC interviewed, two used the civil attorney services. One woman remembered meeting a civil attorney but stated she was not interested in talking to anyone at that time. The other woman did not recall meeting the civil attorney. It is possible that these TAC women did not meet the civil attorney because of the way these services are structured in TAC. Unlike the other members of the TAC team, there is only one civil attorney present in the court who handles all the TAC cases and is therefore not able to meet with all the TAC women while in court. The two who used their services spoke to how central they were in changing their lives. One of the women who spoke to the civil attorney for help with a divorce. She wanted the divorce because of the abuse in their relationship.

(RT) And Sharon ... I met Sharon. Sharon was the one ... they (Lifespan) helped me get my divorce. She was with me one hundred percent there. So thank the Lord I got it.

6.6 Conclusion

Women in this study report that engaging with the court made them feel safer. The women that were interviewed discussed how they used legal remedies as resources to keep themselves safer but were not naïve about the remedies limitations. They had chosen to use legal remedies, in measured ways, to handle the batterer.

The goals of the TAC program are to engage women in the system while keeping them safe and to hold the abuser accountable for his actions. The women in the TAC program engaged the court system more than other women. The more women interacted with court personnel the more knowledge they gained and support they received. All the women who participated

reported feeling empowered by their interactions with the courts. If women's participation in the legal system is to continue, legal agents and advocates will need to continue listening to supporting and respecting their choices. The more empowered women feel by the system the more likely they are to turn to it as a resource.

CHAPTER 7. SUMMARY AND CONCLUSIONS

The purpose of this study was to examine women's experiences in the prosecution process and to assess the effectiveness of the TAC program. The research design combined quantitative and qualitative methodologies, including courthouse and follow-up interviews with domestic violence victims, data extraction from court records (police reports and criminal history sheets) and court services files, and case tracking for defendant re-arrest and compliance with sentencing conditions. There are several limitations of the study which we discuss first before providing a summary of findings and recommendations for practice and future research.

7.1 Limitations of the Study

7.1.1 Limitations of the Sample Procedures and Interviewed Cases

With regards to the interviewed cases in this study, there are several limitations to be considered. First, when recruiting women, we experienced a much higher refusal rate than expected. Between 40% and 50% of women in all prosecution groups declined to participate. While the only significant difference we found between the women agreeing to participate and those who refused was for race (African American women were more likely to agree to participate), we were only able to examine the case characteristics from the police reports and criminal history sheets to determine possible sample bias due to participant refusal. We cannot determine if there were other reasons beyond the case characteristics that may have accounted for these refusal rates.

The non-appearance rates of women also posed some challenges to the sample selection. We initially began by randomly selected 50% of the cases that came through bond court. Over time we had to increase this selection percentage to 75% to ensure sufficient numbers of women in our sampling pool to be recruited in court. In addition, since fewer numbers of cases are placed in the TAC program, towards the end of the data collection we had to concentrate our interviewing efforts on the randomly selected TAC cases to ensure a sufficient sample of TAC cases for analysis.

Another limitation with regards to sample selection involved the Vertical cases. We had hoped to gather a sufficient sample of Vertical cases, but because of prosecutorial discretion regarding what types of cases were placed in the Vertical program, we were unable to obtain an adequate number of these cases to compare with both the TAC and General groups.

The timing of the interviews in the courthouse also presented a potential limitation. Women were interviewed at different points in their court process. Because of the number of women we were attempting to interview each day, as well as the fluid nature of the court with people coming and going, we had to talk with women whenever the opportunity presented itself. Thus, we may have interviewed some women before her case was called. Since some of our questions asked about women's satisfaction with their interactions with various court personnel and the outcome of the case, we may have missed some opportunities to obtain this information if women had not yet met with some court members or had her case resolved. Although we tried to speak to these women again after they completed the court process, we were not very successful because we were either conducting other interviews or women needed or wanted to leave the courthouse after her case was completed. Other limits of the sample to keep in mind are that our data represent only those women whose abusers came to the attention of the criminal

justice system and only those women who chose to engage the prosecution process by coming to court that day.

7.1.2 Limitations of Data from Police Report and Criminal History Sheets

This study involved coding of police reports and criminal history sheets. The information contained in the police reports is limited to what police officers are required to and/or choose to record. Since victim injury and use of weapons are legally relevant to the criminal case, we can have some confidence in the consistency of recording of this information. However, other information that is not legally relevant to the charge, such as current legal relationship between the victim and defendant, and defendant employment status might not be consistently recorded. The criminal history reports are limited in that they contain information on the defendant's criminal record in the City of Chicago and State of Illinois. They do not include information on arrests in other jurisdictions. The criminal history reports also do not make clear how many prior domestic abuse charges the defendant had against the same victim in the study.

7.1.3 Limitations of Service Provision and Follow-up Data

As mentioned previously, we were only able to locate and interview 16% of participants from the original courthouse interview for the follow-up interviews. This represents a very small percentage of our original population, thus restricting our conclusions about women's experiences with the court process six months later.

There are also some limitations to the court follow-up data we collected. We were not able to obtain valid repeat offense data for all of our cases. In general, there are limitations in using existing records as the accuracy of this data collection and entry cannot be assessed. Also with regards to the repeat offense data, we were only able to track cases at six months post-target arrest.

7.2 Summary of TAC and General Comparisons

Many of the study findings can be characterized in three categories: findings that were expected based on the TAC screening process; findings that confirm the TAC screening process; and findings that were contrary to what we expected to find.

7.2.1 Demographic Differences

The demographic differences between TAC and General cases (TAC women and defendants were older, TAC women had more children) appear to indicate “older” relationships between TAC women and their abusers than between General women and their partners. These “older” relationships could mean that TAC defendants are further along on their abuse trajectories, as indicated by the greater history of prior domestic violence assaults and severity of the current incident. Thus, it may be that TAC and General cases are ultimately not that different, but General defendant’s are in an earlier stage of their progression of violence and contacts with the criminal justice system.

Regarding economic factors, previous research has shown that income concerns are often a factor that influences women’s reasons for engaging the court system (Erez & Belknap, 1998). Other than the finding that TAC women were receiving more government assistance than General women, we did not find differences in the women’s overall income or access to that income. In addition, economic factors were not related to women’s reasons for coming to court. Thus, for women *who do come to court*, economic concerns is not related to her use of the criminal justice system. However, we do not know what effect economic factors had on those women who chose not to attend the court hearing.

7.2.2 Case Characteristics and Prior Abuse History

The TAC prosecutor’s screening of the domestic violence cases uses prior history of

domestic violence, injury to the woman, use of weapons with threats, and domestic battery accompanied by threats such as threats to kill, to inflict bodily harm, and/or to harm the woman's family as its screening criteria. Thus, we expected to find that the description of the seriousness of the current assault event would differ between the TAC and General groups, but that was not the case. TAC women were not significantly more likely to be injured during the current assault or need medical treatment for any injuries. The severity of the women's injuries also did not differ, nor did the use of threats or weapons.

Other findings in the comparison of TAC and General cases confirm, to an extent, the accuracy or effectiveness of the TAC screening process in identifying more serious domestic abuse cases. In the women's descriptions of prior abuse, we found more use of protection orders and more defendants violating those orders. With regards to the defendant's prior abuse behaviors, we found some support for the accuracy of TAC screening. TAC women were significantly more likely to report prior defendant threats to kill and use of knife and gun in assaults than General women, however these two groups did not differ on very many other reports of the defendant's prior abuse tactics.

TAC offenders had more prior history of domestic violence charges and violations of no contact orders, a greater number of other violent crimes, and overall a more extensive criminal history than General defendants. However, we should note that all the defendants in this study had significant and varied prior criminal histories. It is possible that these differences between TAC and General defendants on prior history could be a function of age, rather than an indication that TAC defendants are more violent than General defendants. The TAC defendants were significantly older than the General defendants, and therefore have had more time to engage in criminal behaviors.

7.2.3 Women's Expectations Regarding Police Involvement

TAC women were more likely to want the police called than General women, but again, it does not appear that women wanted greater police involvement due to the seriousness of the assault. This difference may have more to do with her having had prior contact with the criminal justice than the characteristics of the current assault event. The presence of an order of protection is some indication that TAC women have had prior contact with the criminal justice system. This prior contact may increase the likelihood that she will contact the police again because of subsequent assaults by the defendant.

In addition, many more women wanted the defendant arrested than prior research would indicate. However, this finding should be viewed cautiously since the data are from women who attended the court hearing against the defendant. Her choice to come to court may indicate a higher willingness to engage the criminal justice system than the women who did not attend.

7.2.4 Women's Expectations and Experiences Before Court

Who the women talked to before court also confirms TAC procedures. Women in TAC get more outreach from TAC personnel before court, in particular from the TAC investigators. More TAC women reported contact with the investigator before court, and they were more likely to have received a subpoena delivered in some fashion other than by mail. Women who had before-court-contact reported being at least somewhat satisfied with these contacts, however women did not indicate that it was the court personnel that most influenced their decisions to come to court.

When we examined women's expectations for the court process, we found that General women were more likely to want charges dropped, than TAC women. We cannot say whether this desire for dropping charges is related to a fear factor, as other research has shown (Bennett,

et al., 1999; Cahn & Lerman, 1991; Erez & Belknap, 1998; Hart, 1993), or whether General women are simply in an earlier stage of engaging the criminal justice system as a resource for dealing with the batterer's violence. When asked about their reasons for wanting the charges dropped, the only difference between the groups was that the General women had more concerns about the defendant having a criminal record than TAC women.

Overall for women who wanted the charges dropped, the main reasons were: they just wanted it to be over but had mixed feelings about caring for him along with concerns about him going to jail and possibly losing his job. Perhaps women who want charges dropped still feel connected to the defendant in some way and are maintaining hope that he will change his abusive behavior. These women were not concerned that he would become more violent, did not state that he was threatening her, were not experiencing pressure from others to drop, and did not identify economic dependency issues (income, housing, or transportation) as their primary reasons for wanting the charges dropped. Those women with children did express a concern about the children losing their father and their losing his help with the children as more prominent reasons for dropping charges.

7.2.5 Women's Sense of Empowerment

Assessing women's sense of empowerment interacting with the court process was an important focus of this study. Much to our surprise, all the women we interviewed came to court with very high perceptions of "justice." They expected to be treated fairly by the court and prosecutors, felt they would be allowed to tell their story, and did not feel they would have to compromise on the outcome of the case. While some women had concerns about the defendant "getting back at her" after the court process, most felt they could express their concerns, did not feel the defendant could get what he wanted by "out talking" her, and did not say they would feel

guilty for getting what they wanted. We cannot conclude that all domestic abuse victims feel similarly about the criminal justice system. Our interview data are from women who chose to come to court. It may be that this sense of justice is part of what influences women's decisions to engage the prosecution process, and the women who feel less empowered about the court process are those who did not to come to court.

7.2.6 Women's Decisions to Come to Court

Since almost half the women reported that the defendant tried to talk them out of testifying, it is impressive that these women still came to court. They did not, however, report that a substantial number of defendants threatened them prior to court. The most frequently cited reasons for coming to court were: *they felt they should be there, they wanted him to stop hurting her, and they thought they would be protected*. TAC women's greater endorsement of the belief they would be protected may be reflective of the outreach TAC women receive before court.

7.2.7 Women's Experiences in Court

Our findings confirm that TAC women have substantially more contact with all of the regular courthouse TAC team members (advocate, victim witness specialist, prosecutor, civil attorney) than General women. The coordinated TAC team approach is clearly reaching more women, and women report that these contacts are generally positive. When women have contact with a domestic violence advocate, across the board they are very satisfied with experience. What is worrisome, given the satisfaction women report, is that very few General women had any contact with a domestic violence advocate or victim witness specialist. The bottom line is that court advocates do a consistently good job in their encounters with women regardless of the prosecution program they work in. For the other court personnel, we seem to have some support that their role in the TAC team contributes to the women's satisfaction. TAC women were more

satisfied with their contacts with prosecutors and victim witness specialists, and this higher level of satisfaction is no doubt a function of a greater amount of time that TAC personnel are able to spend with women, or their greater familiarity with the case because of the use of vertical prosecution. We would also note that much fewer women are talking to a prosecutor in the General group even though you would expect every woman to have some contact with the prosecutor.

Another support for the function of TAC is that TAC women state that they are getting substantially more information when they come to court as a result of having the opportunity to talk to more people when they are there. Most of the women we spoke with, regardless of prosecution group, reported they felt safer participating in the court process. Overall satisfaction with the court process, however, was somewhat polarized; women were either pretty satisfied or pretty dissatisfied.

7.3 Summary of Show and No Show Comparisons

The examination of show and no show cases was done to whether any of the case characteristics available to prosecutors would predict which women would come to court. The findings indicate there is very little in the information typically available to prosecutors at the time of case screening regarding which domestic abuse victims will attend the court hearing and which will not. The only substantial differences we find for the General category is that for women who show, the charges against the defendant are more likely to involve a violation of a no contact order and more charges overall.

This finding may support the conclusion that women who have prior contact with the court system (as indicated by the presence of a no contact order) are more likely to subsequently engage the court system. For the TAC group, TAC women who had some type of past or current

legal relationship with the defendant were more likely to come to court. The finding for TAC cases is consistent with prior research. Women who have some type of legal relationship with the abuser are more likely to follow through with the court process (McLeod, 1983). However, the data in this study are somewhat limited as the police do not differentiate whether the woman had a current or past legal relationship with the defendant at the time of the arrest. The show/no show findings also confirm the TAC goal of increasing the number of women who attend the court hearing. In our study, the victim appearance rate for TAC was 73% compared to an appearance rate of only 40% for the General court call.

7.4 Outcomes of Prosecution

7.4.1 Conviction Rates and Sentencing

As the TAC program has already demonstrated, TAC is successful at achieving a higher defendant conviction rate than the General prosecution program. TAC defendants also received more jail time than General defendants, although we cannot determine if the higher percentage of jail time is due to TAC prosecutors seeking more aggressive sentences or whether TAC defendants are more likely to receive jail time because of their longer history of repeat domestic violence offenses.

As one would also expect, defendants whose victims show up for court are more likely to be convicted than defendant's whose victims do not show to court. Although not compared directly, it does appear that TAC prosecutors are more successful at gaining a conviction for some of the no show cases. We do not know, however, how many of these cases involved the prosecutor proceeding with a victimless prosecution, or whether the case was continued and additional efforts we made to encourage the victim to appear.

For defendant's who were convicted and sentenced to conditional discharge or court

supervision, there is no difference on their compliance with these court conditions and six months post-target arrest. There are also no differences between the TAC and General defendant's on whether they are re-arrested for a domestic violence or other offense within six months after the target arrest. About one third of the defendants in both of these groups were arrested for some offense within six months.

7.4.2 Follow-up Interviews with Women

Our follow-up interviews with women must be viewed cautiously since we were only able to reach 16% of the women. We present a summary of the findings only as a means of identifying themes for future follow-up research with women after the court process. The women we talked with at follow-up did not report substantial amounts of repeat physical abuse from the defendants, and instead reported that the most commonly used abuse behaviors involved power and control type behaviors rather than physical violence. A possible area to examine in future research is whether the criminal justice system is truly a deterrent for future abuse or whether it services more as a socialization process for defendants, teaching them which abuse behaviors are and are not criminally prosecutable. According to the women in our follow-up, the defendants are engaging in more behaviors that he is not as likely to get arrested for.

For the 47 women we talked to, for most part, looking back over six months they were fairly satisfied with participating in court process, their interactions with prosecutors, and the outcome of their case. They experienced decreased amounts of abuse and perceived less risk of future abuse by defendant. Almost all the women said they would be more likely come to court again in response to the defendant's violence against her.

With regards to service referrals, a fair number of TAC women requested or received referrals, most of which were provided by the domestic violence advocates in the courts. It

appears that the more contact women have with advocates, the more likely they are to receive these referrals. Even if they chose not to access these services, they at least became more aware of the services available to them.

Women were also asked at follow-up what court actions they thought would be most useful in keeping defendants from harassing or abusing them again. Women did express some confidence in the criminal justice system, in that they felt that some jail time and prosecution would be helpful strategies. Overall, the majority of women felt that participating in court process made them safer.

7.5 Implications for Practice and Future Research

7.5.1 Assessing Lethality and the Limits of Criminal Justice Interventions

The TAC program focuses on high-risk domestic violence cases at the misdemeanor level, with the goal of stemming the escalating violence used by many abusers. The batterers targeted by TAC already have prior histories of domestic violence arrests and rather extensive criminal histories. While TAC clearly meets its goals of engaging more women in the prosecution process and increasing batterer accountability through higher conviction rates, one could argue that TAC's resources might be better spent on defendants that have the potential for, but have not yet escalated the behavior; rather than expending resources on defendants who have already demonstrated an extensive disregard for the law and its consequences. Obviously, the ideal system is one that aggressively prosecutes the most dangerous case and offers extensive protective services to victims of these most dangerous offenders (Bennett, Goodman, & Dutton, 2000). Questions remain, however, about effectiveness of lethality or dangerousness assessments for identifying high risk cases (Bennett, et al., 2000) and the deterrent effects of legal sanctions and batterers intervention programs (Tsai, 2000).

We need to consider whether screening systems like TAC's, that draw information primarily from current offense data in police reports, is sufficient for assessing high risk cases. The current offense may not adequately reflect the history of abuse in the relationship, and police do not record some of the types of information found to be associated with lethal violence. Campbell's (1995) review of risk factors for assessing lethality or dangerousness identified the following factors agreed upon by a majority of experts in the field: access to/ownership of weapons, use of weapon in prior abusive incidents, threats with a weapon, threats to kill, serious injury in prior abusive incidents, threats of suicide, batterer drug or alcohol abuse, forced sex of a female partner, and obsessiveness, extreme jealousy or extreme dominance. A greater number of these risk factors does not necessarily mean greater danger (Bograd & Mederos, 1999). There are some factors by themselves that are adequate indicators of dangerousness. Weapon involvement, whether brandished or used, is sufficiently associated with life threatening or lethal violence (Aldarondo & Strauss, 1994; Sonkin, Martin and Walker, 1985; Saltzman, Mercy, O'Carroll, Rosenberg, & Rhodes, 1992) to be used as a single indicator of dangerousness. Another more recent lethality factor identified after Campbell's review is the victim's perception or sense that the batterer will seriously injure or kill her (Weisz, Tolman, & Saunders, 2000).

In the police reports available in this study, information about injury, threats, and use of weapons for the *current* offense is typically all that is available. We found that prior domestic violence arrests and no contact orders most often differentiated the TAC from the General cases, whereas the cases did not differ on other TAC screening procedures such as injury, need for medical treatment, threats, or use of a weapon. It is possible for a potentially lethal batterer to have limited contact with the criminal justice system and such a case would not likely be screened in to TAC. In fact, 43% of General women reported their abuse made a prior threat to

kill.

While the current TAC screening procedures represent an important first step in identifying batterers who have already escalated their abusive behavior, TAC and other specialized prosecution programs could further their effectiveness by developing procedures to contact victims for screening interviews to assess the other factors shown to be associated with severe and lethal violence and identify potentially lethal batterers who have not yet had extensive contact with the criminal justice system.

As discussed previously, research on the effectiveness of legal sanctions for reducing repeat violence are inconclusive. The strongest support for effectiveness indicates that the cumulative effect of various coordinated legal interventions (arrest, prosecution, court monitoring, and court ordered treatment) has the greatest likelihood of reducing future violence. In addition, it appears that the batterer's "stake in conformity"⁵ is related to repeat violence and re-arrest. Batterers with less of a stake in conformity are more likely to recidivate (Feder & Forde, 2000).

The issue regarding the effectiveness of batterers' intervention programs and its relationship to victim safety is a complicated one. The assumption behind BIP programs is that domestic violence offenders are challenged to examine their use of power and control tactics in interpersonal relationships, take personal responsibility for their abusive behavior, and learn non-controlling behaviors and communication skills (Healy, Smith, & Sullivan, 1998). While many of the women in this study came to court to get help for their abuser to change his violent behavior, the research on the effectiveness of BIP programs is inconclusive (Healy, et al., 1998).

⁵ Stake in conformity refers to a person who has more stable connections in relationships or a community. Stake in conformity variables often include: being married, employed, older, and having a stable residence.

One should be concerned about the extent to which women abused by their partners understand what BIP offers. The judicial monitoring of offenders as a result of being court ordered to treatment may be the key factor in reducing re-offending behavior (Berman & Gulick, 2003), rather than an actual change in the batterers' beliefs and choice to use physical abuse against his partner. Once the court monitoring ends, the batterer may resume his abusive behavior. Lacking more conclusive evidence about what batterers intervention programs can and cannot do, court personnel have an obligation to assure that victims understand the limits of these programs so they can make appropriate safety plans.

7.5.2 Victim Empowerment and the Use of Subpoenas

We found that women coming to court brought with them an expectation of being treated fairly and felt empowered with regards to their ability to tell their story and get their needs met in court. When encountering the system, our data support that more contact with court members and more time during these contacts contributes to women's satisfaction with the prosecution process. This contact no doubt contributes to women's sense of empowerment participating in this process. Empowerment is a key feature of therapeutic interventions with battered women (Herman, 1992; Mills, 1999; Mills, 1998; Parsons, 2001). Empowerment encompasses receiving acceptance and validation in interactions with professionals (Parsons, 2001). Essential components of empowerment for battered women entail giving battered women "voice," or an opportunity to tell their story (Parsons, 2001); helping the victim feel like a survivor, rather than a victim; demonstrating that she is not alone, there are support systems available; and communicating that she is not responsible for her batterer's violence against her (Busch & Valentine, 2000). While not measured directly, the additional time spent by TAC team members with women likely contributed to this satisfaction and thereby served as an empowering

experience.

The subpoenaing of women, a key component of the TAC program, does present a potential contradiction to efforts to help women feel empowered through the court process. The use of subpoenas for domestic violence victims is a controversial tactic in field. Like the use of no-drop prosecution policies, subpoenaing a victim takes away her control or choice regarding participating in the prosecution process. By taking away her choice, subpoenaing can have the anti-therapeutic effect of disempowering victims participating in the court process (Mills, 1999; Winick, 2000). While the majority of women in the study expressed a positive or neutral reaction to receiving the subpoena, one third of the women had a decidedly negative reaction. We can only surmise whether one of the reasons some women did not come to court was because of a negative reaction to being subpoenaed. More extensive research on the use of subpoenas for victims of domestic violence is urgently needed.

7.5.3 The Role of Advocate

Our study clearly indicated that women were more satisfied with their contacts with court personnel in the TAC program than with court personnel in the General prosecution program. We also found, that across the board, any woman who had contact with a domestic violence advocate found this contact to be very helpful and satisfying. Our data would support, as do other authors (Tsai, 2000; Weisz, 1999), that victim advocacy services are essential to help women with support and information to deal with legal proceedings, as well as to provide referrals to necessary non-legal services in the community.

As is the case in TAC, it is important that these domestic violence advocates be independent of but accessible in the court. While many courts provide victim-witness specialists to assist women, court-associated specialists may be seen as aligning themselves more with

prosecutors than victims (Koss, 2000). Thus, victims need independent advocates who are there to support their needs and concerns in the process. In her study of legal advocacy, Weisz (1999) found that advocates were particularly successful at addressing battered women's needs because they were able to meet her relational needs within the context of an empathic relationship. Weisz suggests that "to be effective, those who attempt to help survivors of battering should work within the context of the culture of relationships rather than within the culture of autonomy, power, rationality, and "facts" that generally pervades the legal system" p. 139.

7.5.4 The Issue of Race and Culturally Competent Criminal Justice Responses

Eighty-nine percent of the women interviewed in this study were women of color. With regards to the racial breakdown in the City of Chicago, 26% of the population is Hispanic/Latino, 31% are Black/African American, and 31.3% are white. Thus, it does appear that we have a disproportionate minority representation in this court. This higher percentage of persons of color using the courts reflects the disproportionate percentage of minorities confined in our criminal justice systems. The percent of racial and ethnic minorities in the US in 2000 was 31% while the percentage of new minority inmates between 1985 and 2000 was 70% (US Department of Justice, 2000).

The issue of disproportionate minority representation in the criminal justice system is an issue that is being examined at both state and federal levels, particularly as it pertains to the confinement of youth. As our focus was on the women/victim's use of the criminal justice system, we offer some recommendations for court personnel serving minority and immigrant populations. More specifically, we would advocate for cultural competency training for all court personnel to increase their cultural sensitivity generally and to develop or improve skills for interacting with clients in a culturally competent manner (Erez & Hartley, 2002; Hartley &

Petrucci, in press). Such training fits well with the therapeutic jurisprudence focus of specialized domestic violence courts. When lawyers increase their cultural competency skills they will increase the quality and effectiveness of their interactions with culturally diverse clients. This will, in turn, lead to more satisfactory and therapeutic outcomes for clients using the criminal justice system (Hartley & Petrucci, in press).

7.6 Implications for Future Research

Domestic violence is a very complicated issue that differs from other forms of violence in many important ways (Fagan, 1996; Ferraro & Pope, 1993). Strong emotional ties between victims and batterers, financial dependence, children in common, and legal ties through marriage and possessions in common, are all part of this complexity (Fagan, 1996) and clearly influence women's decisions to engage the criminal justice system.

What we still cannot answer is: what factors influence women's decisions to engage the prosecution process. Further research, looking beyond the circumstances of the case or the defendant's prior criminal history, is needed to more fully explore domestic violence victims' decisions to initially engage with the court system. Data from police reports and criminal histories reflect the defendant's characteristics and describe his abusive behavior. They tell us little about the victim's characteristics or factors influencing her decision making. Tangible supports, such as transportation and child care, which have been shown to be related to women's continued participation in the process (Goodman, et al., 1999), may be more related to women's decisions to come to that first court hearing. Thus, future research needs to find and interview women who do not "show" up in the system after the batterer's arrest to better determine how to empower these women to use the court system if needed.

Additional research is also needed regarding how women's experiences with the court process assist her over time. We were able to find so few women at follow-up to draw definitive conclusions. Domestic abuse victims are a difficult population to find for research, so substantial resources and tracking would be needed to maintain contacts with women for such a follow-up study.

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