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FINAL REPORT:

A LONGITUDINAL STUDY OF BATTERED WOMEN IN THE SYSTEM:

THE VICTIMS' AND DECISION-MAKERS' PERCEPTIONS

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ABSTRACT

Although a growing body of research has focused on the law enforcement and criminal justice response to woman battering, relatively little scholarly work has attempted to understand the victims' experiences in the criminal processing system and, in particular, how the courts respond to battered women and their batterers. The major objectives of the current study were to (1) better understand the impact of prosecution, with and without survivor participation, on battered women's satisfaction with the prosecutorial system (process and outcome); (2) better understand other factors that impact battered women's satisfaction with the criminal processing system; (3) examine the long-term impact of prosecution with and without survivor participation on subsequent violence and survivors' subsequent interactions with the criminal processing system; and (4) examine prosecutors' self-reported experiences, behaviors, and attitudes regarding woman battering cases.

This study helps fill the knowledge gap about what happens with woman battering cases from the point of the final disposition in the courts through the ensuing year. Between March 1999 and December 2000, 178 battered women from three sites (Boulder County, Colorado, Ingham County, Michigan and the city of Denver, Colorado) were interviewed three times: shortly after their final court dispositions, and six months and one year post-disposition. Moreover, we interviewed prosecutors in the three sites regarding their perceptions about experiences with these cases. Results suggest that the way women are treated by the various actors in the system is strongly related to their overall satisfaction and intent to use the system again. While most women faced a variety of personal and structural barriers to participating in prosecution, many women did still participate in this process. Research, policy and practice implications of the study are discussed.

INTRODUCTION

Up until the 1970s, most people considered intimate violence against women in the United States to be a "family problem." Social welfare agencies handled domestic violence situations for the most part, and the criminal processing system played a minimal role (Buzawa & Buzawa, 1996). Woman battering first was constructed as a significant social concern deserving of legal attention in the late 1970s and early 1980s (Belknap, 1995; Buzawa & Buzawa, 1996; Ford et al., 1996; Pleck 1987). At this time, feminist groups, victim advocates and concerned criminal justice workers criticized the reluctance of police departments and the criminal processing system to provide protection to battered women and demanded reforms (Belknap, 1995; Buzawa & Buzawa, 1996; Hilton, 1993). As a result of this pressure, changes in the criminal processing system included: the removal of procedural barriers to official action (such as the elimination of a federal law in the 1970s mandating that battered women must initiate divorce proceedings before requesting a temporary restraining order); new substantive domestic violence laws (such as the legislation of "domestic violence statutes" by many states that created a separate domestic violence criminal offense); increased use of arrests and restraints on offenders; and court-sponsored mediation and counseling programs (Buzawa & Buzawa, 1996; Chauddhuri & Daly, 1992; Halsted, 1992).

Ford et al. (1996) argue that during the past two decades the criminal processing system has moved away from its initial rehabilitative orientation in its attempt to stop domestic violence and has instead adopted a control perspective. They maintain that this change stems from two separate political movements that have called for a punitive stance towards domestic violence: (1) the "law and order" movement, which has

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advocated for harsher punishment toward crime in general; and (2) the feminist movement, which has called for the punishment of woman battering to assert the seriousness of it as a crime. Feminist groups also called for the implementation of policy mandating a uniform response to domestic violence. The reasons for this were twofold: (1) when left to their own discretion, many police officers and prosecutors had a tendency not to take domestic violence very seriously and therefore treated batterers leniently; and (2) problems with victim reluctance to participate in prosecution, as well as an overemphasis on victim participation over using other evidence to try cases, resulted in dropped charges and case dismissals (Belknap, 1995; Davis & Smith, 1995).

These movements resulted in an increase in the legal responses to woman battering. Substantial policy changes took place in the 1980s and 1990s. In 1984, the U.S. Attorney General's Task Force on Family Violence recommended that family violence be treated as a "criminal activity" (Ferraro & Pope, 1993). Additional changes included the removal of procedural barriers to official action, new substantive domestic violence laws, increased use of arrest of and restraints on offenders, and court-sponsored mediation and counseling programs (Belknap, 1995; Buzawa & Buzawa, 1996; Jones & Belknap, 1999). Police were also challenged to intervene in domestic violence situations more proactively.

To date, the vast majority of criminal justice focused research on woman battering has focused on the police response, and the vast majority of data have been collected from the "system" (e.g., police reports) rather than from the victims (see Erez & Belknap, 1998). Official police reports, however, have been found to be minimally correlated with victim reports of the same incidents (Fleury, Sullivan, Bybee, & Davidson, 1998). For a

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number of reasons, the study described herein is a significant contribution to the current understanding of woman battering and the ways the system can improve responses to battered women. First, the data are largely woman/victim-centered. Rather than relying on system records to find out what happened to battered women, we asked the women about their experiences both with battering and with the formal criminal legal system (e.g., victim advocates, police, prosecutors, and judges). A second major contribution of the study is that, to our knowledge, this is the first study to examine both the police and the court responses to domestic violence within the same study. The longitudinal data, collected by re-interviewing women 6 and 12 months after their court cases ended, allowed an unprecedented means of examining how women's battering experiences and how their experiences with the criminal processing system (particularly the police and courts) were related to their subsequent experiences with violence and their subsequent choices in using the system.

OVERVIEW OF THE LITERATURE

Police Response to Domestic Violence

As a result of the women's movement, changing laws and policies, the Violence Against Women Act of 1994, and empirical research, today most police departments' policies favor arrest over other strategies when handling domestic violence incidents. Mandatory arrest laws, which require an officer to make an arrest when there is probable cause to believe that an assault has occurred regardless of whether the officer witnessed the event and regardless of the survivor's desires or preferences, have been enacted in

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many states across the nation (Miller, 1998). Even more ubiquitous are preferred arrest policies that strongly encourage, but do not mandate, arrests in these situations. Despite the proliferation of laws and policies mandating police action, however, arrest continues to remain the exception rather than the rule in domestic violence cases–with only 20 to 30% of domestic violence calls resulting in arrest (Feder, 1997).

Victims' attitudes about the police. Studies continue to find that police demeanor and behavior is strongly related to victim satisfaction with the law enforcement response (Buzawa & Austin, 1993; Shoham, 2000; Stephens & Sinden, 2000). One study based on victim perceptions classified police demeanor into four negative categories (minimizing the situation, disbelieving the victim, uncaring, and macho cop) as well as a positive category (Stephens & Sinden, 2000). Police who were viewed positively by victims were more likely to be empathic, nonjudgmental, and to listen to the victims' side of the story.

Understanding survivor satisfaction with the law enforcement response, as well as the entire criminal legal system response, is extremely important, since survivors may change their future help-seeking strategies depending on their experiences with the system (Lewis, Dobash, Dobash, & Cavanagh, 2000; Rigakos, 1998). If the police response is not helpful, survivors may be less likely to contact them about any future assaults. Moreover, survivors who are not satisfied with the police response may be less likely to participate in the court system (Lerman, 1992). Conversely, if survivors find any component of the criminal legal system helpful, they may be more likely to contact the police again.

Court Response to Domestic Violence

The widespread adoption of mandatory or preferred arrest policies in cases of domestic violence has produced a dramatic increase in cases referred for prosecution (Cahn, 1992). In a number of states and jurisdictions (Corsilles, 1994; Hanna, 1998), prosecutors have adopted mandatory (or "no-drop") prosecution policies as a logical extension of mandatory or preferred arrest policies. These policies require that prosecutors pursue cases regardless of the wishes of the survivor. In other words, the prosecution of domestic violence cases is no longer dependent upon the willingness of the survivor to testify. Instead, many times these cases are treated as are murder cases (Hansen, 1995; Mills, 1999), with other evidence (e.g, testimony of police officers, witnesses, medical records, photographs) presented in lieu of the survivor's testimony.

Some researchers have also argued that no-drop policies are not always in victims' best interests and may actually increase their risk of abuse (Davies et al., 1998; Ford, 1991; Hilton, 1993; Hoyle, 1998; Mills, 1996). Not only have courts sometimes punished women who refuse to testify against their batterers by charging them with contempt of court (Hilton, 1993), but many researchers and battered women advocates argue that no-drop and mandatory arrest policies disempower women because they limit women's agency by ignoring their opinions and prohibiting their ability to make choices (Ferraro & Pope, 1993; Ford, 1991). There are many reasons a woman may not want her batterer to be jailed—she may depend on him for income, child support and/or housing, she may be afraid he will be even angrier when he gets out of jail and his violence against her will escalate, she may not trust the system, or she may not want to end her relationship with him (Erez & Belknap, 1998; Hart, 1996; McLeod, 1983).

In one of the few studies to ask survivors about their decisions around prosecution, Ford (1991) found that many women used prosecution as a power resource. For instance, survivors would decide to pursue or to drop charges if the perpetrator did certain things, such as promising to get counseling. Based on the concept of the ability to pursue or prevent prosecution as a source of power for survivors, Ford cautioned against policies that may result in disempowering survivors by taking away their choice to pursue prosecution or not.

Moreover, Ford and Regoli (1992) found that those assailants who went through an initial hearing were less likely to commit later violent acts against the same survivor than those who did not. Women who had the opportunity to drop charges but did not were less likely to be assaulted six months later than those who did request charges be dropped. At the time of the study, survivors were only permitted to drop charges if they had initiated the complaint; if the assailant had been arrested, survivors were not able to drop charges. The authors argued that it may be that the "preventive policy impact derives from her power to drop rather than from judicial action" (p. 204).

In contrast, some areas have experimented with prosecution even without survivor participation. Lerman (1992; Cahn & Lerman, 1991) argues that the best way to help survivors may be to pursue prosecution of assailants whether or not the survivors want prosecution. By prosecuting the assailant, the criminal legal system sends the message that the community will not tolerate violence. Shifting responsibility for prosecution from the survivors to the prosecutors also may give survivors a better opportunity to control the rest of their lives, to the extent that prosecution keeps them safer.

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For some women, then, having control over prosecution and deciding to prosecute may protect them, as Ford (1983; 1991; Ford & Regoli, 1992) has argued. For other women, deciding to participate in prosecution may put them in more danger. Women who have been battered are more likely to be killed when they are trying to end the relationship or when they are pursuing prosecution (Browne, 1987; Mahoney, 1991). In addition, assailants may threaten survivors specifically to keep them from participating in prosecution (Hart, 1993; Mahoney, 1991). In such cases, taking that power to decide about prosecution away from survivors may keep them safe and thus allow them more control over other aspects of their lives.

Victim Participation in the Criminal Legal System

Given the potency of the stereotype of battered women as "non-cooperative" with criminal processing officials, it is necessary to examine what is termed victim/witness cooperation-- the degree to which a victim/witness participates in the prosecution process - as applied to woman battering.[1] McLeod (1983, p. 400) offers a definition of this general phenomenon (not as it might be solely applied to woman battering):

> Victim noncooperation can be operationalized in several manners--failure
> to call the police, failure to cooperate at the time of the police intervention,
> failure to sign the formal complaint, failure to appear at the district
> attorney's office to formally document the charges, and failure to appear at
> the scheduled court hearing (McLeod, 1983, p. 400).

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[1] The authors are uneasy using the term "cooperation" in terms of the victim/witness response to the criminal processing system personnel, and prefer the less pejorative term "participation."

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Furthermore, McLeod argues that policies designed to change the criminal processing system's responses to woman battering "will be meaningless if the victim refuses to cooperate in the prosecution" (McLeod, 1983, p. 400). Victim/witness "cooperation," however, is complicated, particularly when applied to woman battering. Research findings on woman battering emphasize the keen role that "fear of reprisal" plays in battered women's reluctance to involve the criminal processing system personnel, particularly with more violent batterers (see Sherman & Berk, 1984; Ewing, 1987; Singer, 1988). Hart (1993) points out that battered women require all the information and assistance other victims and witnesses need for informed participation, but that they *also* require increased advocacy and protection. Further, she states that the greatest commonality among the varied victims and their differences in experiencing battering "is that battered women confront significant barriers to safe and effective participation as victim-witnesses in the criminal justice process" (p. 625).

Actions and assumptions of criminal justice officials themselves have been found to inhibit battered women's participation in the system. For example, there is considerable documentation of disproportionate victim-blaming by the police, prosecutors, judges and other court staff in woman battering cases (Hart, 1993).

There are many other barriers to women's participation in the criminal legal system if their perpetrators are arrested. Some women fear that they themselves will be arrested if they have outstanding warrants or are in the country without documentation. Some women of Color are concerned that their perpetrators will be handled especially harshly by a traditionally racist system. Still other women do not believe that probation or jail time will rehabilitate the abuser. Structural barriers such as lack of transportation,

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inability to take time off work, or lack of childcare impede some women from participating in the criminal legal system. In short, there are a myriad of reasons women have for either wanting or not wanting their perpetrators arrested and/or prosecuted and there are numerous variables affecting women's abilities to testify. This study was designed to explore these issues in more detail.

THE CURRENT STUDY OBJECTIVES

The major objectives of the current study were to: (1) describe the experiences of battered women whose cases reach the courts (findings reported in Chapter 1); (2) examine battered women's satisfaction with the prosecutorial system and the factors associated with this (findings reported in Chapter 2); (3) examine the long-term impact of prosecution, with or without survivor participation, on subsequent violence and survivors' subsequent interactions with the criminal processing system (findings reported in Chapter 3); and (4) examine prosecutors' self-reported experiences, behaviors, and attitudes regarding woman battering cases (findings reported in Chapter 4).

METHOD

Research Sites

This longitudinal study utilized a multi-site sample and multi-source design. One hundred seventy eight victims of misdemeanor domestic violence whose cases had gone through the criminal processing system were interviewed three times after their final court dispositions in Ingham County, Michigan; Boulder County, Colorado; and Denver,

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Colorado. The study included only female victims of domestic violence over the age of eighteen whose male intimate partners (husband, ex-husband, boyfriend, ex-boyfriend, lover, or ex-lover) had been arrested for violent or attempted violent crime against them. Using a naturalistic design, victims varied in both demographics (e.g., economic levels, race, relationship with the defendants, etc.) and in court outcomes (e.g., victims whose cases ended in dismissal, conviction, or original charge, conviction of lesser charges, etc.).

The three sites were chosen to maximize sample size and to obtain a heterogeneous sample of battered women. The three sites differed in terms of their class and racial/ethnic make-up. The city of Lansing in Ingham County, Michigan is a medium-sized industrial city with 130,000 residents. Approximately 70 percent of the residents are white, 20 percent are African American, and 8 percent are Latino. The median income is just over $26,000 and 20 percent of residents live at or below the poverty line. Boulder County, Colorado has approximately 255,000 residents, with approximately 85 percent white, 7 percent Latino, 3 percent Asian or Pacific Islander, and less than 1 percent each African American and Native American and 3 percent other races. The median household income in Boulder County is $35,000, with 11 percent of the population living below the poverty line. It is a fairly rural county with the exception of the city of Boulder. Denver is an industrialized city with a population of almost half a million residents, with 62 percent white, 23 percent Latino/a, 12 percent African American, 2 percent Asian/Pacific Islander, and less than 1 percent Native American. The median household income is about $25,000 and 17 percent of the population lives below the poverty line.

The sites also differed in their structures. For example, Boulder County has had a coordinated, multi-system response to domestic violence in place since 1986. Part of this involves law enforcement officers throughout the county charging domestic violence under the state statute rather than municipal ordinance. Boulder County has 17 prosecuting attorneys, and approximately 3 of them deal with the 1,000 misdemeanor domestic violence cases Boulder County has per year. Denver has both a City's Attorneys Office that has 10 prosecutors who process the majority of the 5,000 domestic violence cases per year, as well as a district attorney's office. In contrast, Ingham County, Michigan has 8 prosecutors that deal with the more than 1,000 domestic violence cases they get per year. Moreover, both Boulder County and Denver have dedicated domestic violence units within the District Attorney's and City Prosecutor's offices, while Ingham County, MI does not.

Data Collection

Data collection began in March of 1999 and ended in December of 2000. The respondents were recruited from the Boulder County District Attorney, Denver Prosecutor/District Attorney, and the Lansing District Attorney's offices after their final case disposition. After domestic violence cases closed, potential respondents were mailed a flyer briefly describing the research with a phone number to call for more information, as well as a stamped self-addressed return postcard. Only women who contacted the project by either calling or returning the postcard were included in the study. In addition, in Ingham County, Michigan due to a low response rate, staff members of the project went to the final disposition of domestic violence cases and

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handed out the flyers in person. In Denver, the victim advocates themselves also handed out flyers in addition to sending them.

A total of 178 women who had been abused by their partners or ex-partners and whose cases had gone through the criminal justice system in any of the three sites were recruited and interviewed at Time 1. Ninety-two of these women were from Denver, 48 from Boulder, and 38 from Ingham County. At Time 2, the retention rate was 90 percent, with 36 respondents from Lansing, 46 from Boulder County, and 78 from Denver. At Time 3, the retention rate remained high at 83 percent: 34 respondents from Ingham, 44 from Boulder County, and 70 from Denver. The drop in retention was most significant in Denver—the most populous of the three sites in the study.

The participants were interviewed by extensively trained and supervised undergraduate student interviewers, along with four graduate students, just after their final disposition, six months later, and one year after their final disposition. Interviews were conducted in research participants' homes or in locations they deemed to be safe. The participants were paid forty dollars for the first interview and fifty dollars for each of the subsequent interviews.

In addition to the longitudinal interviews with abused women, this study also included qualitative interviews with district attorneys/prosecutors in the offices of the sites. In total, 21 district attorneys/prosecutors were interviewed.

<u>Measures</u>

Several major types of variables were measured in the face-to-face survivor interviews. The first type was indicators of the violence and resultant injuries. The second type was contextual variables that described the context of women's lives,

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including race, relationship with the assailant, and economic dependence. The third type was variables that described survivors' experiences with the legal system processes and outcome. The fourth described the survivors' perceived control over and satisfaction with the different aspects of the criminal legal system.

Two pilot tests were conducted in Boulder County, one in Denver, and two in Lansing, Michigan in order to examine the degree to which the interview questions were clear and comprehensive. In addition, feedback on the interview items was obtained from service providers in all three sites.

Violence Variables:

Physical violence An extended version of the Conflict Tactics Scale (CTS) (Straus, 1979) was used to examine which of twenty two types of violence occurred during the incident that led to the court case. Two items were dropped from the scale: "shot" was dropped because no women had been shot and "drove recklessly in order to scare or hurt you" was dropped due to low reliability. A count of the number of types of violence women experienced during that assault was created (Cronbach's alpha = .85).

A severity scale for the incident that led to the court case was created (see Sullivan & Bybee, 1999), with 0 = No violence, 1 = Less severe violence (e.g., pushed, slapped), 2 = Severe violence (e.g., kicked, beat up) and 3 = Highly severe violence (e.g., choked, stabbed). This third category is consistent with Straus's (1979) factor analysis of the CTS.

To examine the validity of this coding, a series of t-tests were conducted comparing women who experienced "severe" violence with women who experienced

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"highly severe" violence. Women who experienced highly severe violence during the assault that led to the court case had more injuries from that assault than women who experienced severe violence (t (123) = -2.08, p < .05; severe $\underline{M}$ = 3.08 ($\underline{SD}$ = 2.24); highly severe $\underline{M}$ = 4.05 ($\underline{SD}$ = 2.95)). Women who experienced highly severe violence during the target assault were also threatened with death more often over the six months before the target assault (t (123) = -3.90, p < .001; severe $\underline{M}$ = .84 ($\underline{SD}$ = 1.19); highly severe $\underline{M}$ = 2.02 ($\underline{SD}$ = 2.08) where 0 = "never" and 7 = "every day").

Injuries Survivors were asked to indicate which of seventeen injuries, such as soreness without bruising, black eyes, and broken bones, resulted from the assault that led to the court case. On average, women received 2.7 injuries from that assault ($\underline{SD}$ = 2.63), though this ranged from no injuries to 13 different injuries. Cronbach's alpha for this scale was .79.

Contextual Variables:

Relationship to assailant Survivors were asked what their relationship was with the assailant when the assailant was arrested (e.g., married, divorced, living together, dating).

Economic dependence For some survivors, arrest and conviction of their assailant can lead to economic hardship. Because even a small loss of the total income can impact survivors' lives, survivors were asked to rate how important the economic contribution of their assailant was on a four point Likert-type scale (0 = "not at all important" to 3 = "very important").

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Social support Survivors were asked if friends, family, and agencies or systems (e.g., domestic violence shelters, religious leaders, hospitals) knew about the violence, and if so, how supportive those people or agencies were of them (0 = "very unsupportive" to 4 = "very supportive"). A mean social support scale was created as the average supportiveness among those people who knew. On average, women reported that 5.9 individuals or agencies (other than the police and prosecutor) knew about the violence (SD = 2.8). The mean supportiveness among those who knew was 3.1 (somewhat supportive; SD = .70).

Criminal Legal System Variables:

Police contact Survivors were asked how many officers responded to the incident that led to the court case, and how many were female. Survivors were asked to indicate on a five point scale how supportive the police were of them (0 = "very unsupportive" to 4 = "very supportive"). Survivors were also asked to indicate on a five point scale how satisfied they were with the police response to that incident (1 = "very dissatisfied" to 5 = "very satisfied").

Court contact Survivors were asked multiple questions about what happened in the court process. All survivors were asked how much time (if any) they spent talking with the prosecutor. They were also asked to indicate on a five point scale how supportive the prosecutor was of them (0 = "not at all supportive" to 4 = "very supportive"). Survivors were asked to indicate on a five point scale how satisfied they were with the way the prosecutor handled the case (1 = "very dissatisfied" to 5 = "very satisfied"). They were asked the final outcome of the case (e.g., assailant pled guilty,

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charges dismissed), how satisfied they were with the court process (the way things were done in the hearings and/or trial), and how satisfied they were with the outcome of the case (1 = "very dissatisfied" to 5 = "very satisfied").

Control and Satisfaction Variables

For each of the four components of the criminal legal system (the police response, the prosecutor response, the court process, and the court outcome), participants were asked how much control they felt they had (0 = "no control" to 3 = "a lot of control"). Women also were asked to indicate on a five point scale how satisfied they were with each of these four aspects of the criminal legal system (1 = "very dissatisfied" to 5 = "very satisfied").

Qualitative Interviews with Prosecutors

In-depth qualitative interviews were created to examine prosecutors' experiences with and attitudes toward domestic violence cases. Questions pertained to prosecutors' perceptions of (1) victims, (2) defendants, (3) how domestic violence cases differ from other cases, and (4) how the system could be improved. Interview questions were open-ended and encouraged the attorneys to formulate their own narratives of their experiences.

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RESULTS

CHAPTER ONE

Research Objective #1:

Describing Abused Women's Experiences

Univariate and Bivariate Findings from the Interviews with Abused Women

Demographic characteristics of the sample of abused women are presented in Table 1.1 in the Appendix. More than half of the respondents were white (55.1%), 22.2 percent were African American, 16.3 percent were Latina, and 8.4 percent identified as bi-or multi-racial, Native American, Asian American, and European immigrant (non-citizen). The average age of the respondents was 32, with a range from 18 to 60 years old. The majority of the respondents either had a high school diploma or attended some college by the time of the first interview. Specifically, 25.3 percent graduated from high school, 30.3 percent attended some college, and 15.2 percent graduated from college. Furthermore, 15.3 percent of the respondents either attended trade school, received an associate's degree, or had a professional degree. Only 14.0 percent of the respondents received less than a high school education. The majority of the respondents (48.6%) reported a household income level between $1000.00 and $2999.99 per month at the first interview. One-eighth (12.4%) made less than $500.00, 19.2 percent between $500.00 and $999.99 dollars, and 19.7 percent made $3000.00 a month or more. The income levels remained fairly constant throughout the three interviews. Most of the respondents had a least one child (72.5%), with a range from no children to six children (see Table 1.1).

With regard to relationship with the abuser, close to 70 percent of the respondents reported that they were no longer with the abuser at each of the three interviews. The respondents were most likely to refer to them as their ex-boyfriends (46.1% at Time 1, 46.3% at Time 2, and 47.3% at Time 3), second most likely as their husbands from whom they were separated (14.0% at Time 1, 10.6% at Time 2, and 11.5% at Time 3), and third most likely as their ex-husbands (10.1% at Time 1, 12.5% at Time 2, and 15.5% at Time 3). A smaller percentage reported being in a relationship with the abusers at the time of the interviews—married (9.6% at Time 1, 10.6% at Time 2, and 8.8% at Time 3), girlfriend/boyfriend (13.5% at Time 1, 12.5% at Time 2, and 10.1% at Time 3), or dating (1.1% at Time 1; 0.6% at Time 2; 2.7% at Time 3). Notably, an increasing number of respondents reported that they did not remain in a relationship with the abuser over the course of the three time periods. For example, the divorce rate went from 10.1 percent at Time 1 to 15.5 percent by Time 3. Finally, a number of respondents reported to be involved in some "other relationship"—5.6 percent at Time 1; 6.9 percent at Time 2; and 4.1 percent at Time 3. This last category included common-law relationships and non-intimate relationships in which the respondents continued to live together as roommates (see Table 1.1).

No significant differences in terms of race, age, income, education level, and number of children were found between the women who participated in all three interviews and the women who did not. However, significant differences were found in terms of the geographical location of the women. Compared to the respondents from Ingham County and Boulder, significantly more women from Denver dropped out of the study. This is likely because Denver is a much larger city than either Lansing or Boulder.

In other words, because a larger city offers more places to move, the population may necessarily be more mobile and more difficult to locate. Also, due to its size, Denver may be an easier place in which to "disappear," making it more difficult to track respondents over time.

Frequencies were also obtained for certain variables relating to the criminal processing system (refer to Table 1.2 in the appendix). Specifically, we examined the victim's use of the system, her participation in the criminal processing system, and the case outcome and case sentence at all three time periods. The sample sizes for each of these variables are defined as follows: (1) the variable titled "victim contacted the police" represents the number of cases at each time period in which the police were contacted, regardless of whether the abuser was arrested; (2) the variable titled "did she go to court" is a measure of court attendance; and (3) the variables "case outcome" and "sentence" represent the number of cases that had gone through the system at the time of the interview.

Across all three time periods, between eight- and nine-tenths of the women who needed police assistance initiated contact with the police. Almost two-thirds of the women went to court in Time 1, and almost half did at Time 2. However, as noted later in Table 1.13, some of the women did not know when the court date was (refer to Table 1.2). The 170 respondents who knew the case outcome at Time 1 reported that almost one-quarter (22.4%) of the defendants were found "not guilty" or had the case dismissed, while the majority of the defendants (77.8%) were found guilty—either having pled guilty or "no contest," or having been convicted after a trial (refer to Table 1.2). At Time 2, of the 14 cases with new charges and in which there was a known outcome, two

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defendants (14.3%) were found not guilty or had the case dismissed, while 12 (85.7) were found guilty or pled guilty. At Time 3, of the 9 cases in which the outcome was known, one-fifth (22.2%) were found not guilty or had the case dismissed, while about four-fifths (77.8%) were found or pled guilty. Sentences were known in 116 cases at Time 1. Just over half of the defendants (53.1%) received probation or some other "light" sentence (including paying restitution or attending domestic violence classes). Over one-third of the defendants (36.2%) received at least some jail time (often time served). At Time 2, sentences were known in 11 cases. One-third of the defendants (33.3%) received probation or some other "light" sentence. More than half of the defendants (58.3%) received jail time. At Time 3, sentences were known in all 6 cases. One-third (33.3%) of the defendants received probation or some other "light" sentence, while two-thirds received some jail time (refer to Table 1.2).

Table 1.3 presents the rates of physical violence the women reported at Time 1, Time 2, and Time 3. The reported levels at Time 1 (six months before the abuser was arrested) indicates patterns of quite serious violence. Although the violence significantly decreased by Time 2 (between the court date and six months later), and held steady from Time 2 to Time 3 (six months after the court date to a year later) a sizable portion of respondents were still experiencing violence. At Time 1, the most common violent behavior experienced was "being grabbed" (87.1%). "Pushed/shoved" was close behind at 84.3 percent. Over half of the respondents reported having something thrown at them, being driven recklessly, being beaten up, hit with a fist, and/or slapped. Close to half reported their abusers trying to hit them with an object, choking them, and tying them up or physically restraining them. Over forty percent reported having their arms or legs

twisted, their hair pulled, and/or their clothes torn or glasses broken. Slightly less than two-fifths reported being kicked (37.1%) or hit with an object (35.4). A sizeable percentage of women (21.3%) reported being raped by their partners or ex-partners at Time 1. The same number reported being threatened with a knife. Almost one-fifth (18.0%) reported experiencing other violence not covered in this scale—behaviors such as being slammed into the wall, thrown down stairs, and so on. About one in seven (15.2%) respondents reported being threatened with a gun, 11.2 percent being bitten, 5.6 percent being burned, and 3.4 percent being stabbed. Although the experiences with violence decreased by Times 2 and 3, violence continued for a significant number of women.

Paired-samples t-tests (refer to Table 1.3) indicated that the means for each physical violence variable (except for burned and shot) significantly decreased between Time 1 and Time 2, but not between Time 2 and Time 3. *Notably, the violence significantly decreased between Time 1 and Time 2—the time period in which every domestic violence respondent experienced criminal justice intervention.* However, it is important to emphasize that while the violence decreased, some women still reported serious levels of victimization from their abusers after the target incident which drew the police and subsequent court filing (how the women qualified to participate in the study). Indeed, these findings confirm the importance of advocating for battered women well after the initial incident to which the police responded that resulted in the court case tagged through our research method:

- 44% of the women were stalked after the target arrest and before the case closed

- 19% of the women were assaulted after the target arrest, and before the case closed

- 36% of women were assaulted within the first six months after their court case closed

- 32% of women were assaulted between six months and one year after their court case closed

Table 1.4 presents a summary of the injuries sustained in the "target" event, the abuse incident that led to the court case from which the woman was recruited into the study. The two most commonly reported injuries, reported by about three-fifths (58%) of the sample were "soreness without bruising" and "cuts, scrapes, bruises." The next mostly commonly reported injury, reported by over a quarter (27%) was nausea/vomiting, followed by about a fifth who reported "strains/sprains" (21%) and "concussion or head injury" (18%). Approximately one in six women reported "bald spots or hair loss (16%) and "black eyes" (15%). About one-eighth (13%) reported "permanent scarring," and one-in-nine women (11%) reported "burns, including rug burns." Six percent of the women reported broken bones, 5 percent reported internal injuries, and 3 percent reported each of the following injuries: bite wounds, dislocated joints, and pregnancy complications/miscarriage. Two percent reported knife or gunshot wounds and 1 percent reported broken teeth. It is important to remember that these are injuries *solely* from the target incident, and yet they include a wide range of injuries, including some very serious ones.

In an attempt to measure the abuse batterers perpetrated between the arrest and the court case, women were asked to report injuries from their abusive partners or ex-partners during this time period (see Table 1.5). While these data suggest that injuries are

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fewer post-arrest in many cases, they also suggest a serious amount of abuse that continues between arrest and the court date for a subsample of women.

In addition to physical abuse and injuries, the survey included questions to examine power, control, and threats reported by women abused by their intimate partners in the 6 months prior to the target arrest. Table 1.6 reports rates of power and control tactics and Table 1.7 reports rates of threats. These tables indicate the importance of including non-physical abuses when studying intimate partner violence. Almost the entire sample reported being "called names," and about nine-tenths reported being "ridiculed/criticized," "lied to," and "accused of being crazy." Over four-fifths reported the abuser "acting like he owned her" and "trying to control her activities." Over three-quarters reported the abusers "accusing her of wanting/having other relationships," "checking up on her," and "trying to humiliate her." Of the 35 women reporting a new partner (boyfriend or husband), 71 percent reported that the new partner was harmed or threatened. Over three-fifths of the women reported abusers "breaking/destroying something important to her," "refusing to talk to her," "joking about or pretending to hurt her," "making unwanted calls to her," and "discouraging her contact with family and friends." About three-fifths of the women reported abusers "trying to control her money," "following/watching her," "telling her she was an unfit mother," "coming unwanted to home/work/school," and "threatening to end the relationship when she didn't want to."[2] About half the women reported the abuser "forbidding her from leaving home," "telling her she wasn't lovable," "leaving unwanted phone messages," "harassing

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[2] These rates on these abuses control for whether the variable applies to a particular woman's situation. For example, if he threatened to end the relationship was only used for women reporting being in the relationship, for questions about her children, she had to have children, and to get her fired, we controlled for whether the woman was employed.

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family or friends," and "threatening to commit suicide." Over two-fifths of the women reported the abuser "forcing her to leave home," "stealing or reading her mail," and "threatening to take her children away." Over one-third of the women reported abusers "breaking into their cars or homes" and "punishing or depriving her children when he was mad at her." About one quarter of the women reported abusers "sending unwanted gifts/photos/letters" and "abusing pets." Approximately one-fifth of the women reported abusers "trying to get her fired" and "leaving her with no way to get home."

Notably, the vast majority of the women (84%) reported being threatened over the six month period prior to the target arrest. *Three-fifths of the women (61%) reported abusers threatening to kill them in the previous 6 months.* Ten percent of the women described this as a weekly event, and 3 percent described death threats as a daily event. Sixty percent also believed their abusers had access to a gun. Almost half (48%) reported that the abuser had threatened someone in their family or one of their friends. One-fifth of the women reported that the frequency of the threats had stayed the same or increased since the arrest. Three-fourths of the women reported being afraid that these were not simply idle threats, but rather, something the abuser could follow through with.

Frequency-severity scales of violence during the six months before the arrest and for violence after the arrest were also created (described previously in the Method section). For this scale, 0=No violence, 1 = Less severe violence only (e.g., pushed, slapped), 2 = Lower frequency (once a month or less) severe violence (e.g., kicked, beat up, threatened with a knife), and 3 = Frequent severe violence (more than once a month)

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(Sullivan & Bybee, 1999).[3] For the six months prior to the target incident, the average violence score was 2.2 (SD = .78). The six months after the case closed showed a drop in the average violence score to .74 (1.08) and remained low for the time between six and twelve months after the case closed (M = .63, SD = .99). However, some of this decline may be due to the decrease in the number of women who were assaulted. Among those women who were assaulted at Time 2 (n=57), the mean was 2.07 (SD = .73). Among those women assaulted at Time 3 (n=47), the mean was 1.96 (SD = .66)

In addition to questions about the frequency of violence during the six months before the arrest, and the six months and 12 months after the arrest, survivors were asked to indicate (yes-no) which of these twenty types of violence occurred during the incident that led to the court case. A scale of the number of types of violence women experienced during that assault was created which had a Cronbach's alpha of .85, with corrected item-total correlations ranging from to .71 (grabbed) to .02 (burned). Despite the low corrected item-total correlations for several items, the decision was made to keep them in the scale. With a yes-no scale, corrected item-total correlations can be expected to be lower than in continuous scales. Moreover, there is no theoretical reason to expect that being burned, for instance, should correlate with being grabbed.

Tables 1.8, 1.9, and 1.10 report on the actions taken by police officers, court advocates, and prosecuting attorneys, respectively. Regarding police officers, responses

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[3] Less severe violence included these items from the Modified Conflict Tactics Scale for the past 6 months: Break your glasses or tear your clothing?, Push or shove you?, Grab you?, Slap you with an open hand?, Pull your hair?, and Throw something at you? Severe violence included these items from the Modified Conflict Tactics Scale for the past 6 months: Bite you?, Hit you with a fist?, Kick you?, Hit you with an object?, Try to hit you with an object?, Twist your arm or leg?, Burn you?, Tie you up or physically restrain you in some way?, Beat you up?, Force sexual activity?, Choke you or try to smother you?, Threaten you with a knife?, Threaten you with a gun?, and Stab you? Two items were dropped. "Drove recklessly in order to scare or hurt you" was dropped due to low reliability. "Shot" was dropped because none of the participants had been shot.

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were relatively positive. Almost all women (94%) reported that the police "listened to her," four-fifths reported that the police "believed her," and almost three-quarters reported that the police "supported her decisions." About three-fifths of the women reported that the police "told her what would happen next" and "did something to make her feel safer." Two-fifths of the women reported that the police "gave them written information on community resources," and about one-third reported the police "gave them written information on legal resources."

Not all responses were positive, however. Among the women with visible injuries, only 30% reported that the police took photographs of the injury at the scene. About a quarter of the women reported the police "acted bored" and "tried to pressure her into pressing charges." One-fifth of the women reported that the officer did something that made her feel *more* afraid. One-eighth of the women reported that "the police said there was nothing they could do" and the police "took photos at a later time" (after the incident). *One-tenth of the women reported that the police blamed her for the violence used against them.* About one-in-twenty women reported that the police "told her to patch things up" with the abuser and "discouraged her from continuing with the case." Two percent reported that the police officer threatened her, arrested *her* for the violence, or arrested her on other charges. Thus, although Table 1.8 reports on many positive aspects of police actions, there are serious shortcomings that a number of these abused women reported at the hands of the "gateway" to the system: the police.

Turning to abused women's reports on court advocates, similar to the police, over ninety percent of the women report that the advocates "believed" and "listened" to them (see Table 1.9). The vast majority also reported that the court advocates "supported her

decision" (85%) and "told her what was going on" (84%). Almost half of the women reported the advocates did "something that made her feel safer," and over a quarter stated the advocate "tried to persuade her to testify against the assailant." About one-seventh of the total sample reported that the advocates said "there was nothing they could do," and one-seventh of those women with prior police or court contact reported being blamed by the court advocate for not following through on previous charges. Seven percent of the women said the court advocate did something that made her feel "more endangered" and 5 percent reported that the advocate discouraged them from continuing with the case. Three percent of the women claimed the advocates blamed them for the violence against them and 1 percent of the women reported the advocate said to "patch up the relationship."

Table 1.10 presents women's reports of the prosecuting attorneys' actions. About four-fifths of the women reported the prosecuting attorneys "listened," "believed her," and "told her what was going on." About 70% of the women reported that the prosecuting attorneys "supported her decisions." Thirty percent reported the attorneys did "something to make them feel safer." Over one-quarter of the women reported these attorneys "tried to convince them to testify against their abusers" and over one-fifth of the women said the attorneys told them "there was nothing they could do." Among those women with prior contact with the police and courts for domestic violence, 16 percent were blamed or scolded for not following through with prior charges. Fifteen percent of the women reported that the attorney "acted bored." Ten percent of the women reported that the attorneys "discouraged them from continuing with the case" and "did something to make the women feel in greater danger." Four percent reported that the attorney

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blamed her for the violence and 2 percent claimed the attorney said to "patch things up" with their abusers. Overall, these findings on the women's reports of police, court advocates, and attorneys, suggests that while there are some things many of these officials are doing "right," such as listening to and believing the women, there is still a fair amount of reports of self-reported "helplessness" [among officials, not the victims', inability to do anything about the cases] and victim-blaming by these officials assigned to advocate for, represent, or protect victims.

Table 1.11 includes women's reports on the court outcomes. In about 70 percent of the cases the abuser was released on bail for the target incident, and the same rate of women reported being subpoenaed. Women reported going to court a range of from 0 to 8 times, with an average of 1.6 times reported per woman. The most likely court outcomes of the target incident were the defendant pleading guilty to the original charges (25%) or pleading guilty to a lesser charge (24%). Charges were dropped in about one-fifth of the cases, and in one-tenth of the cases the defendant pled guilty and received a deferred sentence. Six percent were convicted after the trial, of the original charges. In a number of the cases, the victim was not sure what the case outcome was.

Table 1.12 reports on women's reasons for going to court and the barriers they had to overcome to attend court (in those cases where they went to court). At Time 1, 111 or 62 percent of the women went to court. In Time 2, 17 women went to court, and in Time 3, 12 women went to court. (In all cases these were court cases involving domestic violence). It is useful to examine the reasons women reported both for going and that made it difficult to go, and how these changed over the three time periods. About ninety percent of the women in Time 1 went because they "felt like they ought to"

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and "to get the abuser to stop hurting her." Notably, the percent who went because they felt like they should decreased over Times 2 and 3. Three-quarters of the women went in Time 1 because they were subpoenaed, and almost as many went to get the assailant help. About two-thirds of the women went in Time 1 to "teach the abuser a lesson" and "because they were afraid of the abuser." Over half went in Time 1 because they thought they legally had no choice or to send the abuser to jail. Over one-quarter went to court in Time 1 because they wanted the charges dropped, and almost one-fifth went in Time 1 because there was pressure from family and friends.

The most frequently reported barrier that women reported having to overcome to get to court was *fear of the assailant*, reported by 51% of the sample (Table 1.12). The next most common barriers, reported by about one-quarter of the sample were "the desire to work things out with the abuser" and "prior bad experiences with the courts." Over one-fifth of the women reported problems getting time off of work to get to court, and almost one-fifth reported pressure from family and friends to go. About one-in-eight women reported having to overcome the barrier of transportation in order to get to court, and almost one-tenth of the women reported "problems getting childcare," "pressure from family/friends," and "fear of being arrested herself" as other barriers that had to be overcome to attend court. Notably in this section, the rate of reporting "prior bad experiences with the courts" doubled as a barrier to going to court in Times 2 and 3.

In summarizing the findings of Tables 1.12 it is useful to note that two-thirds of the women reported "fear of the abuser" as a reason for going to court, and over half report "fear of the abuser" as a barrier to getting to court in Time 1. Thus, the fear of the

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abuser is both a motivator and a deterrent, and the complexity of this issue needs to be understood by court officials, including court advocates.

Table 1.13 describes the reasons women did not go to court. In analyses not reported in tables, it was established that women, on average, gave four reasons for not going to court, and the worse the abuse, the more reasons she gave *for going to court* ($\underline{M}$ = 4.21, SD = 1.43). Thirty-eight percent of the sample did not go to court. Notably, almost one-third of 67 women who did not attend court reported that they did not know about the hearing/trial in advance. Of those 45 women who reported knowing about the court date but not attending, the most frequently given reason for not attending in all three time periods (Times 1, 2, and 3) was because she did not want to go. The second most common reason in all three time periods was because she wanted to work things out with the abuser. The next most common reason in Time 1 was that she did not think prosecution would help. About one third of the women reported that they did not attend court because they wanted the charges dropped. About a quarter reported that they did not go to court because they "didn't want the abuser to go to jail," "had prior bad experiences with the court," "were afraid of the abuser," or "couldn't get time off work." About one-fifth of the women reported they did not attend court because they "felt pressure from *his* family/friends," "depended on the abuser for money/housing," and "didn't know she *could* go." Almost one-tenth of the women reported that they did not go because they did not know where to go, and 7 percent reported they had trouble getting childcare. Fewer than 5 percent reported that they did not go to court in Time 1 because they "felt pressure from *her* family/friends" or had "trouble getting transportation."

Further bivariate analyses, not reported in the tables, were conducted to enhance our understanding of women's decisions to go to court. Because of the small number of women who experienced court involvement at Times 2 and 3, these analyses were conducted only at Time 1. The following are some of the patterns found in these analyses. Of women who knew about a trial or hearing in advance:

- ❖ Women who went experienced more different types of violence at the target incident than women who did not go (Mann-Whitney U (157) = 1907.00, p < .05).

- ❖ Women who went experienced more injuries at the target incident than women who did not go (Mann-Whitney U (157) = 1892.5, p < .05).

- ❖ Women who said that they went to court to hold the abuser accountable experienced more types of violence and more injuries at the target incident than women who did not give this reason in advance (Mann-Whitney U (111) = 882.5, p < .05; injuries - Mann-Whitney U (111) = 830.5, p < .05).

- ❖ Women who went because they believed they legally had no choice or had been subpoenaed experienced more psychological abuse during the six months before the target assault, and they experienced more types of violence at the target assault and had more injuries from the target assault (Psychological abuse: Mann-Whitney U (110) = 719.5, p < .05; Violence: Mann-Whitney U (111) = 809.5, p < .05; injuries - Mann-Whitney U (111) = 750.5, p < .05).

- ❖ Not surprisingly, women who were subpoenaed experienced more types of violence at the target incident than women who were not subpoenaed (Mann-Whitney U (157) = 1505, p < .01). Women who were subpoenaed also experienced more injuries at the target assault than did women who were not subpoenaed (Mann-Whitney U (157) = 1602.5, p < .01).

- ❖ Women who said that they had trouble getting time off from work experienced more violence at the target incident and more violence over the six months before the incident, than did women who did not have trouble getting time off work. (Violence at target assault: Mann-Whitney U (90) = 579.5, $p \leq$ .05; violence over prior 6 months: Mann-Whitney U (90) = 601, $p \leq$ .05.)

- ❖ Women who said fear of the assailant made it harder to go to court experienced more psychological abuse in the six months before the assault, and more frequent/severe violence in the six months before the target assault (power and control: Mann-Whitney U (109) = 722.5, $p \leq$ .0001; violence over 6 months: Mann-Whitney U (110) = 1148, $p \leq$ .05).

CHAPTER TWO

Research Objective #2:

Examination of Battered Women's Satisfaction with the System[4]

A major objective of this study was to examine survivors' satisfaction with the criminal legal system response. Two questions comprised this objective. The first was: How satisfied are survivors with each of the multiple components of the criminal legal system process and outcome? These components included the police response, the way the prosecutor handled the case, the court system process, and the court outcome. The second question addressed was: What factors about the survivor's situation and about the criminal legal system impacted that satisfaction? Simply describing patterns of survivor satisfaction is not enough; we need to understand the situations and experiences within the system that relate to satisfaction.

Consistent with ecological theories of intimate partner violence (e.g., Carlson, 1984; Dutton, 1996) contextual and system factors both were expected to impact survivor satisfaction with the criminal legal system. Contextual factors included those factors that described women and their situations, such as the violence against them, their relationship with the assailant, and the social support available to them. Criminal legal system factors, such as the degree to which the police and prosecutors were supportive, and the amount of control that survivors perceived they had over the criminal legal system were also expected to partially explain women's satisfaction with the system.

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[4] These findings can also be found in the published article: Fleury, R. (2001). Missing Voices: Patterns of Battered Women's Satisfaction with the Criminal Legal System. *Violence Against Women, 8,* 181-205.

Findings

Women's Experiences

The target incident. For 85% of the women, a physical assault against them led to the court case. Among these women, 82% (n = 125) had severe violence perpetrated against them; for 40% (n = 61), the assault included at least one act of highly severe violence. Not surprisingly, most of the women who were assaulted during the target incident were injured by the assault (86%; n = 130). More than half of women (58%; n = 102) had cuts, scrapes, or bruises and the same number (58%; n = 102) had soreness without bruising. Nearly one in five women (17%; n = 32) had a concussion or other head injury, and one in ten (10%; n = 19) had lost consciousness.

The remaining women (15%; n = 26) were not assaulted during the incident that led to the court case. Most of these cases were about harassment (50%; n = 13) or a protection order violation (31%; n = 8). A handful of cases were about property damage (8%; n = 2) and three participants insisted that no crime was committed and that the assailant was wrongly arrested (12%; n = 3).

Police response. All but one woman had contact with the police about the target incident; the remaining woman contacted her assailant's probation officer. In most cases, two or three officers responded ($\underline{M}$ = 2.83, $\underline{SD}$ = 2.08). In over a third of the cases (34%) at least one female officer responded. In general, women thought the police were between neutral and somewhat supportive when they handled the case ($\underline{M}$ = 2.79, $\underline{SD}$ = 1.32).

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Court process. Just over half of the women talked directly to the prosecutor (55%). On average, women spent about half an hour with the prosecutor before the case went to court, but this varied from no time to four hours ($\underline{M}$ = 32.7, $\underline{SD}$ = 44.1). Overall, women who talked to the prosecutor thought that she or he was somewhat supportive of her ($\underline{M}$ = 2.92, $\underline{SD}$ = 1.46). Most assailants pled guilty (62%) or the charges were dropped (19%). A smaller number were convicted after trial (7%). A handful of women (5%) did not know what the final outcome was. Only 3% of the assailants were tried and found not guilty.

Women's Satisfaction with the Criminal Legal System

Overall, women were between neutral and somewhat satisfied with the police response ($\underline{M}$ = 3.47, $\underline{SD}$ = 1.52). Similarly, on average women were neutral about the way the prosecutor handled the case ($\underline{M}$ = 3.11, $\underline{SD}$ = 1.57), the court process ($\underline{M}$ = 2.93, $\underline{SD}$ = 1.40), and the court outcome ($\underline{M}$ = 3.23, $\underline{SD}$ = 1.57).

Women did not differ across site on three of the four satisfaction variables. However, a site difference was found for satisfaction with the court outcome ($\underline{F}$ (2, 162) = 4.15, $\underline{p}$ < .05). Post hoc testing (Tukey's HSD) revealed that women in Boulder county were less satisfied with the court outcome ($\underline{M}$ = 2.66, $\underline{SD}$ = 1.61) than women in Denver ($\underline{M}$ = 3.47, $\underline{SD}$ = 1.49). One seemingly obvious explanation for this difference would be a difference in actual outcome; however, there was no site difference in conviction rates (χ^2 (1) = .24, NS).

Cluster analysis was used to explore participants' satisfaction with different aspects of the criminal legal system rather than creating a linear satisfaction score in

order to capture (1) individual women's different levels of satisfaction with the different components of the system and (2) differences in these patterns. A woman who was very satisfied with the police response and very dissatisfied with the court outcome would appear to be neutral overall if her answers were averaged (see Table 2.1). Moreover, a second woman with the opposite pattern of responses (very dissatisfied with the police and very satisfied with the outcome) would appear identical to the first woman, when using a linear scale.

Cluster analysis was conducted on the four items measuring survivors' satisfaction with different aspects of the criminal legal system response. First, an agglomerative clustering method was used to determine initial groupings since there was no theoretical or empirical basis to determine the initial cluster centers (Aldenderfer & Blashfield, 1984). Ward's Method was chosen to minimize within-cluster differences and maximize between-cluster differences (Rapkin & Luke, 1993). Second, the resulting cluster centroids were used as the starting point for an iterative clustering procedure (K-means). This step was done in order to minimize the misassignment of cases common with agglomerative methods (Mowbray, Bybee, & Cohen, 1993).

The number of clusters was decided upon using four techniques. First, the resulting plot of fusion coefficients showed a marked flattening between four and three clusters. The resulting dendogram also showed that a four cluster solution fit the data. In addition, the four cluster solution yielded the most even distribution of cases across clusters (39%, 24%, 21%, and 17%). Finally, the four cluster solution yielded interpretable clusters.

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Cluster descriptions. Table 2.1 presents the cluster centroids for each of the

clusters. The first and largest cluster was called "Somewhat Satisfied" because it was

characterized by the highest levels of satisfaction across all four components of the

criminal legal system. This cluster was the largest, containing 39% of the sample.

Women in this cluster overall were somewhat satisfied with the police and the court

process and were between somewhat and very satisfied with the prosecutor and the case

outcome. The second largest cluster, containing 24% of the women, was called "Let

Down." The women in this cluster were satisfied with the police response, were neutral

about the prosecutor and the process, and were dissatisfied with the final court outcome.

The third cluster was called "Satisfactory Outcomes" because the women in this cluster

were neither dissatisfied nor satisfied with the police, were somewhat *dis*satisfied with

the prosecutor and the court process, but were somewhat satisfied with the court

outcome. About 20% of the sample was in this cluster. The final cluster was called

"Somewhat Dissatisfied" because it was characterized by the lowest levels of satisfaction

across all four aspects of the system. This was the smallest cluster, comprising 17% of

the sample. Women in this cluster were between somewhat dissatisfied and very

dissatisfied with the police response, the prosecutor, the court process, and the court

outcome.

Predicting Survivor Satisfaction

Four types of variables were selected to predict cluster membership:

characteristics of the incident (severity of the violence, number of injuries), demographic

characteristics (site, survivor and assailant race, relationship involvement at arrest, social

support, economic dependence), system characteristics (supportiveness of the police, whether any of the responding officers were female, time with the prosecutor, and case outcome), and women's perceived control over three components of the criminal legal system (the police response, the court process, and the court outcome). Since the dependent variable was cluster membership, multinomial logistic regression was used to test the predictive utility of these four types of variables.

Because the outcome variable had four levels (cluster membership), six sets of contrasts were performed (one for each pair of clusters), as well as an overall test for each predictor variable. Because this research was exploratory, trends as well as statistically significant relationships were examined, at the risk of being overly inclusive rather than prematurely discounting potentially important relationships. Five variables did not exhibit any significant or trend relationships for any of the contrasts in this model: number of injuries, site, assailant race, time spent with the advocate, and control over the police response. Hosmer and Lemshow (1991) recommend dropping variables with no predictive value and running a smaller model, assuming that dropping those variables does not significantly impact the coefficients of the remaining variables. The decision was made to retain site in the model as a control, especially given the site difference in satisfaction with court outcome.

Thus, the four remaining variables which neither exhibited a significant relationship with cluster membership nor exhibited a significant relationship or trend in any contrast were examined as potential suppressor variables. Neither time spent with the advocate nor control over the police response appeared to act as suppressors. Injuries was found to be a suppressor for violence; once the impact of injuries from the incident

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was accounted for, women who experienced more violence were more likely to be in "Somewhat Satisfied" than in "Satisfactory Outcomes." Thus, the decision was made to leave both injuries and violence in the model.

A confounding effect was found for assailant race. Without assailant race in the model, women in the Ingham County site were less likely to be in "Somewhat Satisfied" than in "Somewhat Dissatisfied" relative to women in Denver. When assailant race was added to the model, this site effect disappeared. Univariate analyses suggested that assailant race was related to site ($\chi^2(2) = 36.09$, $p < .001$). Moreover, the criminal legal system has been criticized for treating White assailants and assailants of Color differently (e.g., Ferraro, 1993; Richie, 1996; Richie & Kahuna, 1997). This difference in treatment, in turn, could be expected to be related to women's satisfaction with the system. Once the variance shared between assailant race and site was accounted for, however, neither showed a relationship with satisfaction. Thus, the decision was made to retain assailant race in the model due to its relationship with the control variable site.

Overall Model Fit

The model showed a good fit to the data, as indicated by the likelihood ratio statistic for the goodness of fit test for the overall model: $LR\chi^2$ (48, N = 130) = 132.42, p < .001. McFadden's rho squared was equal to .38, which also indicated that the model resulted in a significant increase in fit relative to the null model; values between .2 and .4 are generally considered acceptable (Hensher & Johnson, 1981).

<u>Utility of Individual Predictors</u>

Next, the utility of individual predictors to explain differences in patterns of satisfaction was examined. Two demographic variables, three system response variables, and one control variable showed a relationship overall with cluster membership. Whether the assailant had a substance abuse problem distinguished the clusters (LRχ^2 (3) = 11.30, $\underline{p}$ < .05). Whether the assailant was a man of Color or White showed a trend with cluster membership (LRχ^2 (3) = 7.63, $\underline{p}$ < .10). Variables about the system response distinguished between the clusters: the supportiveness of the police (LRχ^2 (3) = 37.48, $\underline{p}$ < .001), time with the prosecutor (LRχ^2 (3) = 10.51, $\underline{p}$ < .05), and whether the assailant was convicted (LRχ^2 (3) = 11.32, $\underline{p}$ < .05). Finally, the amount of control women believed they had over the court process distinguished the clusters (LRχ^2 (3) = 10.31, $\underline{p}$ < .05).

Because of the exploratory nature of this study, predictors which differentiated individual clusters were also explored, even if those predictors were not significant overall. The amount of violence women experienced and several variables about the legal system response and about the amount of control women perceived they had distinguished the first cluster – "Somewhat Satisfied" – from the other clusters. Women who experienced more severe violence during the target incident were more likely to be in "Somewhat Satisfied" than in "Satisfactory Outcomes" (odds ratio = 2.11). Women who felt supported by the police were 4.47 times more likely to be in "Somewhat Satisfied" than in "Somewhat Dissatisfied" and were somewhat (but not significantly) more likely to be in "Somewhat Satisfied" than "Satisfactory Outcomes" (odds ratio = 1.75, $\underline{p}$ < .10). Women whose assailants were convicted were 9.18 times more likely to

be in "Somewhat Satisfied" than in "Let Down." Women who felt they had control over the court system and over the outcome also were more likely to be in the "Somewhat Satisfied" cluster than in the other clusters. Women who perceived themselves to have more control over the court process were more likely to be in "Somewhat Satisfied" than in "Let Down" (odds ratio = 2.74) or in "Satisfactory Outcomes" (odds ratio = 3.32). Finally, women who perceived themselves to have more control over the court outcome were more likely to be in the "Somewhat Satisfied" cluster than in "Somewhat Dissatisfied" (odds ratio = 3.39).

Perhaps not surprisingly, the second cluster - "Let Down" - was distinguished from the others mainly by the police response and the court outcome. Women who reported feeling supported by the police were more likely to be in "Let Down" than in "Somewhat Dissatisfied" (odds ratio = 6.45) or "Satisfactory Outcomes" (odds ratio = 2.64). Women who spent more time with the prosecutor were somewhat (but not significantly, $p < .10$) more likely to be in "Let Down" than in "Satisfactory Outcomes." However, women whose assailants pled guilty or were convicted were .11 times less likely to be in "Let Down" than in "Somewhat Satisfied" and were .10 times less likely to be in "Let Down" than in "Satisfactory Outcomes." Women whose assailants had a drug and/or alcohol problem were more likely to be in "Let Down" than in "Somewhat Dissatisfied" (odds ratio = 17.57) or "Somewhat Satisfied" (odds ratio = 7.75).

The third cluster - "Satisfactory Outcomes" - was distinguished from the other clusters by demographic variables, as well as by incident and system response variables. Women who were involved with their assailant at the time of the arrest were somewhat (but not significantly) more likely to be in "Satisfactory Outcomes" than in "Let Down"

(odds ratio = 4.18, $p < .10$) or in "Somewhat Satisfied" (odds ratio = 3.95, $p < .10$).

White women were 7.09 times more likely to be in this cluster than in "Somewhat Satisfied" and 4.12 times more likely to be in this cluster than in "Let Down." Women whose assailants had a substance abuse problem were more likely to be in "Satisfactory Outcomes" than in "Somewhat Dissatisfied" (odds ratio = 10.75) or "Somewhat Satisfied" (odds ratio = 4.74, $p < .10$). A trend for economic dependence was also found; women who said that the assailant's income was important were somewhat more likely to be in "Satisfactory Outcomes" than in "Somewhat Dissatisfied" (odds ratio = 2.16, $p <$ .10). Additionally, women who had a female officer respond were .16 times less likely to be in "Satisfactory Outcomes" than in "Somewhat Satisfied" and somewhat (but not significantly) less likely to be in "Satisfactory Outcomes" than in "Somewhat Dissatisfied" (odds ratio = .19, $p < .10$).

The final cluster, "Somewhat Dissatisfied," was distinguished from the other clusters mainly by system variables and by control variables. Women who felt the police were supportive were less likely to be in this cluster than in the other clusters ("Somewhat Satisfied" odds ratio = .22; "Let Down" odds ratio = .15; "Satisfactory Outcomes" odds ratio = .39). In addition, women who reported less social support in general were somewhat more likely to be in "Somewhat Dissatisfied" than in "Satisfactory Outcomes" (odds ratio = .32, $p < .10$) or "Let Down" (odds ratio = .34, $p <$ .10). Women who spent more time with the prosecutor were more likely to be in "Somewhat Dissatisfied" than in "Satisfactory Outcomes" (odds ratio = 1.06) or "Somewhat Satisfied" (odds ratio = 1.03). Women who felt they had more control over the outcome were less likely to be in "Somewhat Dissatisfied" than in the other three

clusters ("Somewhat Satisfied" odds ratio = .29; "Let Down" odds ratio = .35, $p < .10$; "Satisfactory Outcomes" odds ratio = .32, $p < .10$).

Utility of Each Type of Variable

In addition to examining the utility of each individual variable in predicting cluster membership, the utility of each type of variable was examined as well in order to more fully explore the ecological model. An ecological perspective suggests that factors about the incident, the individual survivors and assailants, and about the system response should all be useful in predicting women's satisfaction. The first block of variables, entered into the regression were about the target incident: the severity of the violence at the incident that led to the court case and the number of injuries that resulted from that incident. The target incident block was not related to cluster membership ($\chi^2 (6) = 6.80$, NS).

The second group of variables entered into the equation was demographic characteristics about the survivor and the assailant (site, whether she was White or a woman of Color, whether the assailant was White or a man of Color, assailant drug use, relationship to the assailant, social support, and economic dependence). The addition of this block improved prediction somewhat, but not significantly ($\chi^2 (24) = 34.78$, $p < .10$).

The third group of variables examined was characteristics of the legal system response (whether a female officer responded, supportiveness of the police, time with the prosecutor, whether the assailant was convicted). This block significantly improved prediction of cluster membership ($\chi^2 (12) = 66.66$, $p < .001$).

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The final group of variables entered was about the amount of control the survivor believed she had over the court process and the court outcome. The addition of this block to the model also improved prediction of women's patterns of satisfaction (χ^2 (6) = 24.18, $\underline{p}$ < .001).

Women had a wide variety of experiences related to violence as well as to the police and courts. The majority of the women in this sample experienced severe violence during the incident that led to the court case. As expected, there were distinct patterns of satisfaction with the different components of the system. Two of the four clusters ("Somewhat Satisfied" and "Somewhat Dissatisfied") were each made up of women who were either relatively satisfied or relatively dissatisfied with all the components of the legal system. The two remaining clusters ("Satisfactory Outcomes" and "Let Down") each included women who were satisfied with some aspects of the system and dissatisfied with other aspects. Clearly, women can and do differentiate between the different aspects of the criminal legal system.

Only 38% of women were in a cluster that was satisfied with all aspects of the system ("Somewhat Satisfied"). Over half were less than satisfied with at least one aspect of the system. Consistent with an ecological perspective of intimate partner violence (Carlson, 1984; Dutton, 1996), it was expected that these patterns of satisfaction could be explained by four different types of variables: the incident, demographics, the system response, and perceived control over the system. The system response and demographics were each marginally related, while perceived control was found to be strongly related to satisfaction.

Both the supportiveness of the police and whether any of the responding police officers was female were related to women's satisfaction with the police response. Consistent with Ptacek's (1999) findings, women who felt the police were supportive of them were more likely to be in clusters that were somewhat satisfied with the police response ("Somewhat Satisfied" or "Let Down").

In addition, women who had a female officer respond were more likely to be in "Somewhat Satisfied" than in "Satisfactory Outcomes." This effect for female police officers may be related to gender differences among police officers in attitudes toward intimate partner violence (Belknap, 1995). However, having a female officer respond in and of itself is not enough to guarantee satisfaction with the police response, as illustrated by the contrast between "Somewhat Dissatisfied" and "Satisfactory Outcomes." Women in "Somewhat Dissatisfied" were somewhat less satisfied with the police response, but were more likely to have had a female officer respond. Clearly, in order for women to be satisfied with the police response to intimate partner violence, they need to feel supported by the police. However, as Ptacek (1999) points out, "recognition and empathy alone do not stop the violence and abuse. But they are essential for any meaningful provision of protection" (p. 153).

The actual court outcome was also related to satisfaction. Women whose assailants were not convicted were more likely to be in the "Let Down" cluster. In addition, women whose assailants were convicted were more likely to be satisfied with the court outcome ("Somewhat Satisfied" or "Satisfactory Endings"). Contrary to the stereotype of battered women as wanting their assailants released, many women in this study wanted their assailants convicted. This finding is consistent with Ferraro and

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Boychuk's (1992) findings that appearing in court and wanting prosecution is still no guarantee of conviction. Thus, changes focusing on the criminal legal system, such as use of additional evidence in court (e.g., photographs, medical reports) are more likely to increase conviction rates than simple interventions to increase the number of women who appear in court.

Surprisingly, those women who spent more time with the prosecutor were more likely to be in the cluster "Somewhat Dissatisfied," which included women who were dissatisfied with the way the prosecutor handled the case, the court process, and the court outcome. Perhaps these women spent additional time with the prosecutor as a way to change the way the prosecutor handled the case or in order to communicate their dissatisfaction. Alternatively, those women who spent more time with the prosecutor may have had the chance to see the criminal justice system process up close. To the extent that these "real life" experiences with the prosecution process did not match women's popular (mis)conceptions of the legal system, women may have been less satisfied. Clearly, simply increasing the time women and prosecutors spend together will not automatically lead to increased satisfaction for survivors; the quality of that interaction must also be addressed.

Consistent with an ecological perspective of partner violence, characteristics of the survivor and the assailant were also related to survivors' satisfaction. Women who were involved with the assailant at the time of the arrest and White women were more likely to be in "Satisfactory Outcomes" than "Let Down" or "Somewhat Satisfied." Perhaps women who were involved with their assailants at the time of the arrest were perceived by police to be more "responsible" for the violence by not leaving the

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relationship (e.g., Erez & Belknap, 1998). Thus, the police may have treated these women more negatively, leading to their decreased satisfaction.

The role of race is more challenging to interpret. Prior research suggests that police and courts are less likely to support women of Color than White women (Ferraro, 1989). Moreover, women of Color report that they may not call the police because of fear that their assailants (men of Color) will be treated harshly by a racist judicial system (Richie, 1996; Richie & Kanuha, 1997). Thus, the finding that women of Color were less likely than White women to be in "Satisfactory Outcomes" is somewhat inconsistent with prior research. This cluster was marked by dissatisfaction with the police response, the prosecutor, and the court process. Perhaps White women had higher expectations of the system than women of Color, leading to their greater dissatisfaction with their actual treatment. All of the assailants in this study had been arrested; thus this study cannot address possible race differences in arrest rates. Contrary to expectations, assailant race was not related to women's satisfaction with the system. Again, this null finding may be due to race differences in expectations of the system. Additional research needs to explore in more detail the relationship between survivors' expectations of the criminal legal system, race, and survivor satisfaction.

Economic dependence and social support were both only marginally related to survivor satisfaction. Women who were "Somewhat Dissatisfied" were somewhat less likely to report that their assailants' income was important than women in "Satisfactory Outcomes." The measure of economic dependence used, however, was economic dependence at the time of the interview, not the time of the incident that led to the court case nor the time of the court outcome. Measuring economic dependence at a different

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time may have yielded different results. Alternatively, women who are economically dependent on their assailants may be less likely to have police contact about assaults because they know that their income will be affected. Since women who had not had any system contact were not eligible for the current study, it is not known how generalizable these findings are.

Women who were "Somewhat Dissatisfied" were also slightly more likely to report that they had more social support than women in "Satisfactory Outcomes" and in "Let Down." It was expected that women who had more social support might be more satisfied with the system because of the extra support in decision-making and navigating the system. However, this does not appear to be the case; those women who reported slightly more social support were in two clusters that did not have positive experiences with the prosecutor and the court process. Given the exploratory nature of this research and that this difference on social support was a trend, it is possible that this finding may be a statistical artifact, rather than a true difference. Alternatively, women with more social support may have had higher expectations that they would be supported by the system than women without other sources of social support. Additional research asking women directly about how their social support network affected their decisions about using the criminal legal system and their experiences within the system is necessary to explore this finding in more detail.

The last demographic variable related to women's satisfaction with the system was drug and/or alcohol abuse by the assailants. Women whose assailants had a substance abuse problem were more likely to be in "Let Down." Perhaps the court personnel took the violence less seriously because of the assailant's substance abuse

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problem. If they attributed the violence to the substance abuse, rather than to the assailant, they may have been less likely to take the survivor seriously or to vigorously pursue prosecution. Since substance abuse does not cause intimate partner violence (Limandri & Sheridan, 1995; Miller & Wellford, 1998), court personnel may need additional education on the role of substance abuse in intimate partner violence.

These demographic characteristics that are related to women's satisfaction may not cause satisfaction. Rather, each of these variables either impacts the actions of legal system personnel (survivor and assailant race, relationship, assailant drug use), or at least impacts what survivors want from the system (economic dependence, social support). The actions by system personnel, in turn, impact women's satisfaction. These actions are discussed further in Chapter Five of this report.

CHAPTER THREE

Research Objective #3:

Impact of Prosecution on Subsequent Violence and Use of the System

The third objective of this study was to examine the impact of the criminal legal system on women's safety over time, and their use of the system.

Effects of justice system experiences on physical or psychological abuse over time.

Compared to the pre-arrest level of abuse (M = 0.91), physical abuse declined significantly by Time 2 (M = 0.20), and levels remained essentially stable to Time 3 (0.24). By Time 2, 64.4% of the women reported no physical abuse at all in the previous 6 months. Psychological abuse also declined significantly over time, going from M = 1.69 before the target arrest to M = 1.11 at Time 2 and M = .99 at Time 3.

No aspect of women's experiences with the justice system accounted for variability in these change trajectories over time, with the possible exception of having been treated with respect (being listened to, believed, and having one's decisions respected) by police, prosecutors and victim advocates. After controlling for abuse at Time 1, women's report of respectful treatment in their interactions with the justice system was a significant predictor of reduced physical abuse at Time 2 (partial r = -.25) and reduced psychological abuse at Times 2 and 3 (partial r = -.19 and -.14, respectively).

Effects of justice system experiences on actual use of justice system to deal with future intimate partner violence

We had originally intended to explore whether survivors' experiences with the criminal legal system predicted their future use of the system should violence recur. However, relatively few women were assaulted across time, and women's experiences differed by time period (with, for example, some women assaulted at Time 2 but not at Time 3 and others assaulted at Time 3 but not Time 2). A regression analysis indicated that none of the variables descriptive of justice system experiences during prosecution of the index charges was predictive of women's responses to later incidents. However, a larger sample is needed to adequately examine this question.

Effects of justice system experiences on future *intention* to involve the justice system

A hierarchical multiple regression analysis was performed to explore the prediction of change over time on intention to involve specific aspects of the justice system (i.e., police and court) should violence recur. It was hypothesized that intention to use the system again would be predicted by (1) background and relationship variables such as number of previous separations from the assailant and the importance of his income to the household; (2) level of abuse experienced; (3) case disposition the woman wanted as well as actual case disposition; and (4) women's prior experiences with the police and courts. The variables used for this analyses are below.

Background variables

Living with assailant at time of arrest (dichotomous yes/no).

Importance of assailant's contribution to household income (1 = not important to 4 = very important).

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Number of previous separations from assailant (original range = 0 to 308; this

variable was first log-transformed to reduce skew and kurtosis).

Woman employed at time of initial interview (dichotomous yes/no).

Perceived community support regarding abuse. At the initial interview, women

were asked to rate how supportive various types of individuals and agencies were with

regard to the abuse. Women rated the supportiveness of each of thirteen types of

individuals or agencies (e.g., relatives, neighbors, doctor, police) who knew about the

abuse. Perceived supportiveness spanned the possible range of responses from 0 (very

unsupportive) to 4 (very supportive), with a mean of 2.79, between neutral and somewhat

supportive (sd = 1.07).

Abuse variables

Severity of violence leading to arrest (severity index of modified CTS).

Assailant power and control over woman (Index of Psychological Abuse).

Assailant violent after arrest (dichotomous yes/no)

Case disposition and disposition woman wanted

Charges against assailant were dropped (dichotomous yes/no)

Extent to which the woman wanted charges dropped (0 = not at all to 4 = very

much; centered in analysis due to interaction term)

Interaction: Dropped charges x Woman wanted charges dropped

Experience with legal system (index case)

Woman called or asked someone to call police for incident precipitating arrest

(dichotomous yes/no).

Woman was given information about legal system by police (dichotomous yes/no).

To what extent woman felt pressured to pursue charges against assailant (0 = no pressure to 1 = pressure from all justice system representatives with whom woman had contact).

Women were asked whether they felt pressured to file charges or to testify against the assailant. Averaged across those elements of the legal system with which the woman had contact (police, prosecutor, victim advocate), the average response to the dichotomous questions (1 = yes; 0 = no) was .26 (sd = .36); 60.7% reported no pressure to pursue charges. Alpha = .64

Number of times women went to court but proceedings had been canceled (range = 0 to 8). Forty one women (23%) had the experience of going to court only to find the proceedings had been canceled; the number of times ranged from 1 to 8.

Respectful treatment – extent to which woman felt listened to, believed, and that her decisions were respected by justice system representatives (0 = no respect to 1 = full respect from all justice system representatives with whom woman had contact) – 9-item scale of parallel items in regard to police, prosecutor, and victim advocate; alpha = .75

Woman's satisfaction with the legal process and outcome (1 = very dissatisfied to 5 = very satisfied) – 7-item scale (satisfaction with process, outcome, police, way the prosecutor handled the case, control over the police, control over the process, control over the outcome); mean on 1 (very dissatisfied) to 5 (very satisfied) scale = 3.06; sd = 1.10. Alpha = .85.

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Dependent variable

Intention to use legal system in future. Two sets of questions were asked at 6- and 12-month follow-up interviews. "If the assailant were violent again in future, would you call police again?" "Would you want court involved again?" (0 = definitely not to 3 = definitely will). "How likely are you to contact the police/courts again given your experience with the police?" "Given you experience with the courts?" (1 = much less likely to 5 = much more likely). Responses to questions at 6- and 12- month interviews were highly correlated, and all 8 items were combined into a single score, after standardizing to equate response scales. Alpha = .89. Higher scores equaled greater intention of involving the justice system.

The final regression model (see Table 3.1) looked at predictors of this composite indicator of intention to involve the justice system in the event of future need, as reported at 6- and 12-months post-case closure. Variables for the regression model were entered in four blocks. In the first block, background and relationships variables were entered. The second block included the abuse variables, and the third block included the interaction between case disposition and what women wanted to have had happen in court. The fourth block included women's experiences with the system. As can be seen in Table 3.1, the final model accounted for 20% of the variance in predicting intent to use the system again. Women's intentions to use the system were influenced by whether they were living with the assailant at the time of the abuse, whether they were employed, and the severity of the violence. Even after accounting for all of these variables, women's intentions were also influenced by how they were treated by both the police and legal system, with their overall satisfaction with the process and outcome as the best

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predictors. When women felt believed and respected, and were given information about the system, they were more likely to intend to use the system again in the future. However, when women felt pressured to pursue charges and/or if they went to court only to have it cancelled, they were less likely to want to involve the system again. These findings speak to the importance of treating victims of domestic violence with respect and providing them with information and choices if they are to feel comfortable turning to the system in the future.

CHAPTER FOUR

Research Objective #4:

Attorneys' Self-Reported Experiences, Behaviors, and Attitudes:

Qualitative Findings from Interviews with District Attorneys/Prosecutors

Another aspect of data collection was to examine district attorneys' and prosecutors' reports on domestic violence cases. Therefore we interviewed 21 such attorneys in the three sites (3 from Boulder, 8 from the Denver City Prosecutor's Office, 4 from the Denver D.A.'s Office, and 8 from Lansing). The interviews were typically carried out in person in the attorneys' offices, scheduled at their convenience. The interviews ranged in time between 35 and 90 minutes, with an average of 65 minutes in length. (One interview was conducted over the phone due to the attorney's busy schedule and at his request.) All of the attorneys who encountered domestic violence cases during the time of data collection were included in the sample, and all took part in interviews.

The analyses of these qualitative data involved two of the researchers examining the interviews for patterns. We did this individually, and then we met to compare finding patterns. Table 4.1 in the Appendix provides an overview of the findings.

Given that this was largely exploratory research, we identified "main themes" as the most obvious patterns, or those responses most typically reported by the district attorneys/prosecutors. However, given that so little research has been conducted on how attorneys try these cases and how they view them, we also included "less common themes" that might be included as variables in future quantitative research on prosecutors trying domestic violence cases.

The overwhelming statements of attorneys' overall views of domestic violence cases related to how difficult they were to handle. They frequently used words like "challenging," "frustrating, and "no-win." Regarding their perceptions of domestic violence victims, the two main themes in responses were: (1) most victims recant/do not cooperate; and (2) there are large variations across race and class, as well as in terms of angry and cooperative victims. Less common themes regarding perceptions of victims included feeling sorry for them, recognizing that women are distrustful of the system, believing that some women "abuse" the system, and perceiving that it is not always clear who the "true" victim" is.

The attorneys' reports on their perceptions of the defendants in domestic violence cases included three main themes: (1) abusers deny their abuse; (2) abusers are from every walk of life; and (3) abusers are very controlling and manipulative people. Less common themes in attorneys' perceptions of defendants was that their abuse was due to drinking or mental health problems. Some attorneys also reported that these defendants are "good people who blow it" or are "chronic recidivists."

When asked how domestic violence differs from other cases, the main themes were that domestic violence (1) has a no-drop policy; (2) has a mandatory arrest policy; (3) has a specialized (DV) unit to deal with it; (4) has victims who recant; (5) uses the best resources in the D.A. offices; and (6) is more difficult and challenging than other cases. Less common reports included that the violence is on-going, it impacts the whole family when the offender is jailed, and that these cases are more time-consuming.

There were three main themes from the interviews with attorneys about their training to handle domestic violence cases (and no less common themes). The first main

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theme was that the attorneys reported very different levels of training they had available to them and that they attended, and this variation held even *within* the offices. Second, many attorneys reported that much of the training is "on the job" where they need to find a mentor or organize a training themselves. Finally, most of the attorneys reported that they received at least "some" training on domestic violence.

Next, the attorneys were asked to report on what impacts processing, and five main themes emerged: (1) defendant's offense history, especially for domestic violence; (2) the severity of the violence; (3) the quality/intensity of the police investigation; (4) victim cooperation/reluctance; and (5) victim injury level. Less common themes on what impacts processing included the *victim's* criminal history, the availability of witnesses, whether the case appeared to be potentially lethal, and how savvy the defendant was (e.g.., could he convince the victim to recant?). It is interesting to examine these in terms of whether these main and less common themes would fall in "legal" or "extra-legal" means of deciding cases. Certainly, most would agree that the defendant's prior history, severity of the violence, and severity of the injury are legal factors. Less agreement would be on whether the victim's cooperation level should "count" as a legal variable. Information that the victim's criminal history and the savvyness of the defendant certainly place undue burden on victims calling the police and depending on the courts to process their victimizations. It is also clear that police officers' evidence-gathering is crucial to the court processing.

When asked how to best separate victims and defendants, the attorneys reported the best two means were restraining orders and no contact orders. Less common means included bond conditions, conditions of probation, sending defendants to jail/prison, and

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moving them to different places in the court room, but some attorneys said it was impossible to separate them.

Attorneys were also asked their opinions of "cross complaints," where both parties in a couple were charged with domestic violence. Four main (and no lesser) themes emerged from the interviews. First, the attorneys were not in agreement as to whether the police, prosecutors/district attorneys, or judges and juries *should* decide whether there was a primary aggressor and throw the other case out, or both cases out. Second, the attorneys disagreed on who actually made this decision. Some claimed the district attorney had to, and others stated that this was rare. They were more likely to say the police than the judge made this decision on cross complaints. Third, some of the attorneys reported that they had to intuit or decide who was primary aggressor, and they reported varying degrees of how easy/difficult this was. Some said you had to treat cross complaints as separate cases, but handle them the same way. The final theme in the attorneys' responses about cross complaints was that the police officers should know who the real aggressor is, but they are too "lazy" to decide so just arrest both parties.

When asked about the victim's role in the prosecution there were three main themes. First, the attorneys were divided on how big of a role the victim needed to play, but most agreed they need the victim to keep from having the case dismissed (despite no-drop policies). Second, attorneys were divided as to whether the victims' requests should be taken into account. Some believed they should, and others said it was the attorney's responsibility to try the case as s/he saw fit. Third, many attorneys highlighted how the victim needs to feel comfortable, heard, and understood by the system. A less common theme was attorneys who said it was important to look at the *victim's* criminal history.

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When asked about the ideal amount of time an attorney should spend with an abused woman, the only "theme" was that there was huge variation among the attorneys and that many seemed uncomfortable with this question. Many would not report an actual time. Most talked about it being individualized, depended on the case and whether it was going to trial. One talked about how by only meeting 5-10 minutes before the preliminary hearing, you could avoid having the victim forced to testify. Some said the first meeting was 15 minutes, others said 30 to 60 minutes. Some said *if it went to trial*, it required 10 to 30 minutes, another said 1 to 2 hours, and still others said "days" or 15-20 hours.

There were three major themes regarding attorneys' assessments of victims' input. First, most respondents highlighted the importance of getting victim input from the beginning of the case. Second, most said it was important to get it at all stages of the case and as often as possible. The third main theme was that this required much more time for cases that go to trial. Less common themes included the importance of asking directly for victim input (what she wants), how it is very individualized depending on the woman ("some women don't need to see me at all"), and one attorney claimed this should only be from the victim advocate (it was not the attorney's responsibility to get the victim input).

When asked how they best support victims, there were four main themes. First, the most overwhelming response was that attorneys needed to listen to the victims. Second, attorneys reported the importance of making contact with victims. One attorney said it would help to do it in the victim's own home, but that you can't do this. Third, attorneys understood that victims needed access to resources and information. Many

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stated that it was important to offer alternatives to their current living situation, community resources, and education about domestic violence. Fourth, attorneys brought up the importance of establishing trust with the victim, which included not being openly critical. The next interview question, related to supporting the victim, was victim satisfaction. The "main theme" of this was that the attorneys varied considerably in how often their clients felt satisfied. Some stated that victim satisfaction was "rare," some said "half," some said "most" or 75 to 80 percent of victims were satisfied, and some said they "didn't know." Some attorneys reported that victim satisfaction with the case depended on the victims themselves. If they were cooperative victims, they were happy, and if they were uncooperative they were unhappy. Some stated that victims were happy if the case went their way, and unhappy if it did not. Still others claimed victim satisfaction depended on the case; for example, victims were more likely to be happy if the case did not drag out.

The attorneys were also asked their impressions of the victim advocates' role. There were six main themes in their responses. First, and predominantly, the attorneys reported that the advocates were liaisons between the victim and the attorney. The other themes in the roles of the advocate were that the advocate was to support victims emotionally, get the victims talking, provide them with resources, inform them on what is happening with the case, and to spend time with the victims. Some attorneys reported that they did not have training in the emotional aspect of this work so that it was important to have victim advocates in the office who had this "emotional" training. Some attorneys also reported that they themselves could not "coddle," "handhold," and even keep victims informed on the cases, so it was important to have the advocates play these roles.

A less common theme was informing the victim to get restitution or compensation (by filling out claims).

When asked how victim advocates influence the cases, the main theme was very positive reports on the advocates' influence. The words that were often used by the attorneys to describe the advocates' influence were "very helpful," "wonderful," "unbelievable," and so on. A less common theme was attorneys who stated that the victim advocates could be "too pushy" or "not good."

The interview format also included questions about case dismissals. Some attorneys said it was "no problem," while others reported cases being dismissed "way too often." One respondent claimed the judge allows one continuance if the victim cannot be found, and if still not found the second time, then the case is dismissed. But they are usually able to find the victim by the second time. Many said, if there is no victim to be found, "it's hard not to dismiss." When specifically asked why these cases are dismissed or dropped, all of the main themes (as well as the less common theme) involved actions or behaviors of the *victim*: she asks to have it dropped, she says the offense did not happen, she changes her mind, she needs the offender's income, she is afraid of the offender, and she still loves him. A less common theme was the victim's "mental health."

When asked how to encourage victims' cooperation, there was only one main theme and that was to get the victim more involved and informed so that she has a greater stake in the case. Less common themes included that getting the victim involved "was not a good idea," to offer victim referrals, and not knowing what to do to increase victim involvement.

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We also asked the attorneys whether they believed they can help stop the abuse. Most of the attorneys attributed their inability to stop the violence to the problem being so huge, common, and pervasive. "No better than with stopping drug use," one attorney stated. Many claimed that the criminal processing system is such a small part of the huge problem of domestic violence. A less common theme was stating that they could stop it by putting the abuser in prison. When asked what restrictions they faced in stopping domestic partner abuse, the main limitations reported by these attorneys were the victims' reluctance to cooperate and that the problem is too prevalent. One attorney said in exasperation, that domestic violence solutions "need a magic wand." (There were no "less common" themes in restrictions to stopping this abuse.)

Next, we asked the attorneys about the appropriateness of the current response. Most reported that it is always improving, but most also stated that there still is not enough done. Many indicated that the current practices are too lenient or not harsh enough. Some speculated that there is still too little funding; they need more resources. Most attorneys seemed to believe that their offices were doing something "more," or even on the cutting edge, but that even in these cases, they still needed to improve their responses to domestic violence. This is particularly interesting given their earlier responses that domestic violence is unique from other offenses in that it receives far more resources than other offenses, and yet, this is still insufficient.

When asked how best to improve the efficiency of attorneys' responses to domestic violence, the main themes in responses were (1) the need for "fast tracking" with victims and defendants so that there were not so many delays; (2) to increase resources and personnel (e.g., judges, prosecutors, etc.) to respond to these cases; and (3)

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to improve the *police* training in terms of evidence collection and responding better to victims. Less common themes included that judges need to see the victims, they needed more court times for the individual cases (judges are overwhelmed), day care must be provided for victims' children, the need to be more proactive than reactive, and to screen cases better.

Next, the attorneys were asked how to make the system more user friendly. The main themes in these responses were that victims needed more contact with the court personnel and that the system is confusing, and even "emotionally blinding" to victims. Thus, the court process needs to be demystified and improved. When asked how to change the system, the overwhelming response by the attorneys was that they need more funding and resources. Less common themes in changing the system included subpoenaing victims to see victim advocates, not arresting women who do not show up to court, providing a full-time specialized domestic violence judge, improving the treatment available for offenders, increasing the number of victim advocates, improving police responses, and allowing more time before the case goes to court so that they have enough time to spend with victims.

Clearly, not all of the attorneys agreed on the root of the problems or the solutions. Sometimes, their answers appeared contradictory, for example, asking for more and less time before the cases come to court. The four interviewers discussed the range of emotions and understanding among these lawyers, concerning domestic violence. Thus, it is not surprising that although we found patterns, we also found wide ranges of variations in perceptions about the problem of domestic violence and the solutions to it. One of the most common findings in these interviews is that although

resources for domestic violence have improved drastically, there are still not enough resources. Secondly, although most of the attorneys showed at least some compassion for battered women, there still appeared to be a small number who blamed victims, consciously or unconsciously, and/or who did not appear to understand the dynamics behind battering.

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CHAPTER FIVE

DISCUSSION

The overall purpose of this study was to examine battered women's experiences with both abuse and the criminal legal system over time, and to better understand their decision-making within an ecological context. Information was also gathered from prosecutors as a means of creating a more complete picture of the formal response to domestic violence.

Overall, women's satisfaction with the criminal legal system was related to their treatment by and their perceived control over it. Referring back to the cluster analysis, women who were in the "Somewhat Satisfied" cluster felt like they had more control over the court process than did women in the other clusters. Women in "Somewhat Dissatisfied" felt like they had somewhat less control over the outcome than did women in the other three clusters. Control also mediated the site difference in satisfaction with the outcome; this site difference appears to be due to a difference in perceived control. Women who felt like they had control, then, were more satisfied with the criminal legal system response. This effect for control is consistent with Ford's (1983; 1991; Ford & Regoli, 1992) work, which suggests that women who have the option to drop charges but decide not to are safer over time, relative to women who decide to drop charges and women who are not given this choice.

The distinction between perceived control and actual control in this study is crucial. The current study simply asked women how much control they believed they had over the system, because measuring women's *actual* control was not possible. Changes within the system that increase women's *perceived* control but do not increase

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their *actual* control ultimately would be misleading and disempowering (Riger, 1993). A great deal of future work will be needed to disentangle the complex relationship between perceived control, actual control, and satisfaction.

Contrary to expectations, the effects of incident characteristics on women's satisfaction with the system were weak. Severity of the violence and the resultant injuries were expected to be related to satisfaction because the system may take cases of severe violence more seriously. This did appear to be the case; women who experienced more severe violence were more likely to be in "Somewhat Satisfied" than in "Satisfactory Outcomes" (once the impact of injuries was controlled for). However, it should be noted that women who had experienced life threatening assaults and women who had not been physically assaulted at all were represented in all four clusters.

At first glance, there seems to be a conflict between women having some control within the criminal legal system (which is related to increased satisfaction) and evidence-based prosecution policies, which remove the responsibility for prosecution from survivors. Evidence-based prosecution policies will not affect control over or participation in the system among women who believe the system can help end the violence. The dilemma remains, however, for women who want control over the system because they want charges dismissed. Additional community supports for survivors (e.g., financial support) and protection from assailants could decrease women's reliance on control over the system to stay safe. Evidence-based prosecution as part of a larger, coordinated community response could decrease women's perceived control over the system without decreasing her satisfaction with the criminal legal system.

One of the original intentions of this research was to examine how prior experiences with the criminal legal system influenced women's decisions to re-use the system in the future. However, the relatively low numbers of women assaulted over time limited the analyses which could be done. Future research needs to use larger sample sizes in order to examine this question.

In lieu of examining actual future use, women's intentions to re-use the system in the event of future violence were explored. Overall, the findings showed that prior experiences do indeed impact future intentions to use the criminal legal system. Demographic information about women was somewhat useful in prediction. Not surprisingly, however, those women who were treated with respect (listened to, believed) by the police and prosecutors during the target incident were more likely to indicate that they would re-use the criminal legal system. Additionally, women who were satisfied with the system response were more likely to say they would re-use the system.

While these findings are not surprising, they do suggest the importance of police and prosecutor behavior. Moreover, they illustrate that women's use of the criminal legal system is a complex choice affected by both her experiences of violence and extra-legal factors. The interviews with prosecuting attorneys also illustrate the complexity and variation that women face. While certain factors emerged as main themes, there was little uniformity in prosecutors' perceptions of survivors, assailants, and the system itself. While many prosecuting attorneys indicated attitudes and behaviors that were supportive of survivors, others still held women responsible for ending the violence by "cooperating" with the system. Women's experiences then, vary by which particular prosecutors (and police and judges) with whom they interact.

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Certain limitations were present in this study that need to be addressed. The sample selection relied on self-selection—women who responded to the flyers. Thus, this method did not capture differences that may exist between the women who did and did not respond to this sampling scheme. That is, it is doubtful that this sample is representative of all female victims of domestic violence in our three sites. Indeed, women who were unhappy with their criminal justice system experiences (who wanted to report their frustration) and or poorer women (who were more in need of money) were probably more likely to participate. A related limitation of this study is that although we had a high retention rate for a study of this type, we are concerned about the women who we could no longer contact for Times 2 and/or 3. We know that one of these women died. After repeated attempts to contact her for her third interview, one of the contacts she had given us, her sister, sadly informed us that she had died of a drug overdose. The sister was convinced it was related to her batterer, and that he had overdosed her on purpose. Given the lives of battered women, it is likely that the women whom we did not retain in our study were the most marginalized, thus the most difficult to find, and possibly disproportionately abused. On the other hand, perhaps the women who had "moved on from the abuse" were less willing to be reminded of it by additional interviews.

Another limitation of this study is that the cities and counties chosen for the study do not reflect all U.S. jurisdictions. Finally, although the follow-up time-period of one year is longer than most previous studies on this topic, an even longer follow-up period, although financially prohibitive for the current study, would be ideal for a study of this type. Moreover, future research needs to examine how assailants experience the criminal

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legal system. Assailants' violent behaviors need to stop if we are to end violence against women.

Despite these limitations, this study offers a unique and unprecedented examination of domestic violence victims and the courts. Overall, this study demonstrates the complexity of women's experiences with the criminal legal system. This system is only one of multiple systems with the potential to assist women with abusive partners and to hold assailants accountable for their actions. Appropriate, coordinated responses by multiple systems are necessary to adequately address violence against women. Nonetheless, understanding survivor satisfaction with the criminal legal system as well as the factors influencing their participation in it, is a crucial first step to improving the way this system addresses intimate partner violence.

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APPENDIX

Table 1.1: Demographic Characteristics of the Respondents

Variables	Time 1 (N=178)	Time 2 (N=160)	Time 3 (N=148)[a]
Site			
Ingham County, MI	21.4 (38)	22.5 (36)	23.0 (34)
Boulder County, CO	27.0 (48)	28.8 (46)	29.7 (44)
Denver, CO	51.7 (92)	48.8 (78)	47.3 (70)
Race			
White	55.1 (98)	57.5 (92)	57.4 (85)
African American	20.2 (36)	18.1 (29)	18.2 (27)
Latina	16.3 (29)	15.6 (25)	16.9 (25)
Other	8.4 (15)	8.8 (14)	7.4 (11)
Age[b]			
18-29	44.4 (79)	43.1 (69)	41.9 (62)
30-44	39.3 (70)	43.8 (70)	43.9 (65)
45+	13.5 (24)	13.1 (21)	14.2 (21)
Education			
Less than High School	14.0 (25)	13.8 (22)	12.9 (19)
High School Graduate	25.3 (45)	23.8 (38)	23.8 (35)
Trade School	5.1 (9)	5.6 (9)	6.1 (9)
Some College	30.3 (54)	31.8 (50)	30.6 (45)
Associate's Degree	5.1 (9)	3.8 (6)	4.1 (6)
College Graduate	15.2 (27)	16.3 (26)	16.3 (24)
Professional Degree	5.1 (9)	5.6 (9)	6.1 (9)
Income[c]			
0.00-499.99	12.4 (22)	10.6 (17)	11.5 (17)
500.00-999.99	19.2 (34)	18.8 (30)	17.6 (26)
1000.00-2999.99	48.6 (86)	52.5 (84)	49.3 (73)
3000.00+	19.7 (35)	15.6 (25)	20.9 (31)
Number of Children			
0	27.5 (49)	25.0 (40)	23.6 (35)
1-3	60.1 (107)	64.4 (103)	64.2 (95)
4+	12.4 (22)	10.6 (17)	12.2 (18)
Relationship w/Assailant			
Married	9.6 (17)	10.6 (17)	8.8 (13)
Separated	14.0 (25)	10.6 (17)	11.5 (17)
Divorced	10.1 (18)	12.5 (20)	15.5 (23)
Girlfriend, Boyfriend	13.5 (24)	12.5 (20)	10.1 (15)
Dating	1.1 (2)	0.6 (1)	2.7 (4)
Ex-Girlfriend Boyfriend	46.1 (82)	46.3 (74)	47.3 (70)
Other	5.6 (10)	6.9 (11)	4.1 (6)

[a] Significant demographic differences between women who participated in the study at all three time periods and women who dropped out were only found for the variable "site"—women were significantly more likely to drop out from Denver than from Boulder or Lansing.
[b] The mean age for Time 1 was 32.8, with a range from 18 to 60 years old; the mean age for Time 2 was 33.1 with a range from 18 to 60 years old; and the mean age for Time 3 was 33.4, with a range from 18 to 60 years old.
[c] The mean income at Time 1 was $2042.00, with a range from $0.00 to $20,000 a month; the mean income at Time 2 was $1813.00, with a range from $0.00 to $8000.00; the mean income at Time 3 was $1956.00, with a range from $0.00 to $10,000.

Table 1.2: Criminal Processing System Use and Response Characteristics at Time 1, Time 2, and Time 3

Variables	N[a]	Time 1	N	Time 2	N	Time 3
Did She Initiate Police Contact?[b]	177		43		32	
No		14.1 (25)		9.3 (4)		18.8 (6)
Yes		85.9 (152)		90.7 (39)		81.3 (26)
Did She Go To Court?[c]	178		35		23	
No		37.6 (67)		48.6 (17)		47.8 (11)
Yes		62.4 (111)		51.4 (18)		52.2 (12)
Case Outcome	170		14		9	
Not Guilty/Dismissed		22.4 (38)		14.3 (2)		22.2 (2)
Guilty		77.6 (132)		85.7 (12)		77.8 (7)
Sentence	155		13		8	
No Sentence		25.2 (39)		15.4 (2)		25.0 (2)
Probation or Light Sentence		44.5 (69)		30.8 (4)		25.0 (2)
Jail Time		30.3 (47)		53.8 (7)		50.0 (4)

[a] The sample size for "Did She Use the System Herself" represents the number of cases at each time period in which the police were contacted (the abuser was not necessarily arrested). The sample size for "Did she go to court?" was out of cases that resulted in court case. Finally, the sample size for "Case Outcome" and "Sentence" represents the number of cases that had gone through the system at the time of the interview, and that the respondent knew the answer.

[b] "Did She Initiate Police Contact" is operationalized as either calling the police herself or asking or telling someone to call the police for her (thus the no in these cases indicates that someone else called the police without her asking them to).

[c] "Go to Court" is operationalized as simply whether she went to court, including going at a time when the hearing or trial was cancelled or re-scheduled. Reasons women did not go to court, including not knowing court date, are in Table 1.13.

Table 1.3: Physical Violence Frequencies Reported at Time 1, Time 2, and Time 3

Variables	Time 1 (N=178)		Time 2 (N=160)			Time 3 (N=148)		
	Percent[a]	Mean[b]	Percent[a]	Mean[b]	T-Test	Percent[a]	Mean[b]	T-Test
Grabbed	87.1 (155)	2.32	28.1 (45)	0.59	5.30***	27.7 (41)	0.65	-0.5?
Push or Shoved	84.3 (150)	2.07	25.6 (41)	0.53	10.82***	21.6 (32)	0.53	0.0(
Threw Something At	58.4 (104)	1.28	16.9 (27)	0.36	7.51***	15.5 (23)	0.32	0.4!
Drove Recklessly	52.3 (93)	1.30	15.0 (24)	0.26	7.74***	12.2 (18)	0.29	-0.3!
Beat Up	51.7 (92)	1.09	10.0 (16)	0.18	7.85***	10.1 (15)	0.24	-0.7!
Hit w/Fist	51.7 (92)	0.91	6.9 (11)	0.13	7.42***	6.1 (9)	0.14	-0.2(
Slapped	50.6 (90)	1.00	10.0 (16)	0.18	7.03***	11.5 (17)	0.26	-0.9:
Tried to Hit w/Object	47.8 (85)	1.01	13.1 (21)	0.26	6.04***	13.5 (20)	0.26	0.0!
Strangled/Choked	45.5 (81)	0.95	13.1 (21)	0.22	6.39***	7.4 (11)	0.16	0.8!
Tied Up/Restrained	44.9 (80)	0.81	11.3 (18)	0.21	6.01***	7.4 (11)	0.16	0.7!
Twisted Arm/Leg	42.7 (76)	0.92	10.6 (17)	0.21	6.16***	10.1 (15)	0.19	0.2?
Pulled Hair	42.1 (75)	0.94	13.8 (22)	0.23	5.10***	8.8 (13)	0.22	0.1(
Tore Clothes/Broke Glasses	41.6 (74)	0.73	13.1 (21)	0.20	5.30***	8.1 (12)	0.18	0.2!
Kicked	37.1 (66)	0.77	7.5 (12)	0.14	6.04***	7.4 (11)	0.15	-0.2?
Hit w/Object	35.4 (63)	0.63	8.8 (14)	0.20	4.63***	9.5 (14)	0.20	0.0(
Raped	21.3 (38)	0.51	7.5 (12)	0.11	3.96***	4.7 (7)	0.18	-0.7:
Threatened w/ a Knife	21.3 (38)	0.33	5.0 (8)	0.06	4.48***	2.7 (4)	0.10	-0.6]
Other Violence	18.0 (32)	0.32	3.8 (6)	0.08	2.98**	2.7 (4)	0.03	1.2?
Threatened w/ a Gun	15.2 (27)	0.31	4.4 (7)	0.07	3.75***	2.0 (3)	0.02	1.5!
Bit	11.2 (20)	0.16	1.9 (3)	0.02	3.03**	3.4 (5)	0.05	-1.0!
Burned	5.6 (10)	0.07	2.5 (4)	0.04	0.89	1.4 (2)	0.07	-0.5!
Stabbed	3.4 (6)	0.03	0.0 (0)	0.00	2.02*	0.0 (0)	0.00	0.0(
Shot	0.0 (0)	0.00	0.0 (0)	0.00	0.00	0.0 (0)	0.00	0.0(
Composite of Violence[c]		18.45		4.27	10.61***		4.45	-0.1!
Experienced Any Violence	96.6 (172)	0.97	38.1 (61)	0.38	14.68***	34.9 (51)	0.35	0.6?

*p≤.05
**p≤ .01
***p≤.001

[a] This represents the percentage of the respondents who experienced any of the physical violence behaviors at least once in the time period presented.

[b] The respondents were asked how frequently they experienced each type of physical violence. The frequency measure ranged from never (0) to everyday (7). The means presented are the means for only the 148 respondents who participated in every interview.

[c] This composite was created by adding up all of the responses to the individual physical violence variables. It ranged from 0 to 109 at Time 1; from 0 to 47 at Time 2; and from 0 to 70 at Time 3.

Table 1.4: Types of Injuries Received During Incident That Led To Court Case

Type of Injury	% of total sample (N = 178)
Soreness without bruising	58%
Cuts, scrapes, bruises	58%
Nausea/vomiting	27%
Strains/sprains	21%
Concussion or head injury	18%
Bald spots or hair loss	16%
Black eye	15%
Permanent scarring	13%
Loss of consciousness	11%
Burns, incl. rug burns	9%
Broken bones	6%
Internal injuries	5%
Bite wounds	3%
Dislocated joints	3%
Pregnancy complications/ miscarriage*	3%
Knife or gunshot wound	2%
Loose or broken teeth	1%

*Percent of total sample. Items are listed by rate of reported frequency, not listing in survey.

Table 1.5: Types of Injuries Women Received After The Arrest But Before The Case Closed

Type of injury	% of total sample (N = 174)
Cuts, scrapes, or bruises	10%
Soreness without bruises	10%
Nausea/vomiting	7%
Concussion/head injury	3%
Loss of consciousness	3%
Black eye	3%
Broken bones	3%
Permanent scarring	3%
Bald spots or hair loss	3%
Strains/sprains	2%
Bite wounds	2%
Burns, incl. rug burns	1%
Dislocated joints	1%
Pregnancy complications/ miscarriage*	1%
Internal injuries	1%
Knife or gunshot wound	1%

Items are listed by rate of reported frequency, not listing in survey.
*Percent of total sample. 33% (n = 1) of the pregnant women had complications or a miscarriage.

Table 1.6: Power And Control Tactics Perpetrated Against Women During The Six Months Before The Arrest (N=178)

Type of control	% reporting this happened in prior 6 months[a]	% reporting this happened "often"
Called her names	97%	50%
Ridiculed or criticized her	90%	51%
Lied to her	88%	63%
Accused her of being irrational/crazy	88%	54%
Acted like he owned her	86%	55%
Tried to control her activities	81%	48%
Tried to humiliate her	79%	37%
Checked up on her	77%	44%
Accused her of having/ wanting other relationships	76%	43%
Threatened or harmed her new partner[b]	71%	29%
Broke or destroyed something important to her	66%	26%
Refused to talk to her	64%	25%
Joked about/pretended to hurt her	64%	24%
Made unwanted calls to her	61%	13%
Discouraged her contact w/family/friends	61%	26%
Tried to control her money	60%	31%
Followed or watched her	60%	24%
Told her she was a bad or unfit mother[c]	58%	25%
Came unwanted to home/work/school	58%	27%
Threatened to end relationship if she didn't do what he wanted[d]	57%	23%
Forbid her from leaving her home[e]	54%	19%
Told her she was not lovable	53%	20%
Left unwanted phone/pager messages	53%	29%
Harassed her family/friends	48%	14%
Threatened to commit suicide	47%	11%
Forced her to leave her home	45%	13%
Stole or read her mail	44%	18%
Threatened to take children away[f]	41%	14%
Punished or deprived children	38%	9%
Broke into her home or car when he was angry at her[g]	36%	11%
Sent her unwanted gifts/photos/ letters	27%	8%
Abused pets	24%	5%
Tried to get her fired[h]	22%	8%
Left her somewhere with no way to get home	18%	5%

[a] Items are listed in order of reported frequency, not the order in the survey. [b] Among women who had a new partner (N=35); [c] Among 127 women question applicable; [d] Among women who were in a relationship with the assailant (N = 135); [e] Among 140 women question applicable; [f] Among 108 women question applicable; [g] Among 104 women question applicable; [h] Among employed women (N = 147).

Table 1.7: The Role of Threats in Women's Reported Abuse (N=178)

Threatened 6 Months Before Arrest?

Never	16%
Once	10%
Once a month or less	14%
Once or twice a week	19%
3-4 times a week	16%
5-6 times a week	8%
Every day	8%

Threatened to Kill?

Never	39%
Once	19%
Once a month or less	10%
Once or twice a week	9%
3-4 times a week	6%
5-6 times a week	4%
Every day	3%

Capable of Killing?

Definitely Yes	33%
Probably Yes	24%
Don't Know	3%
Probably No	17%
Definitely No	22%

Easy Access to a Gun?

No	40%
Yes, not in house	25%
Yes, in house	23%
Don't know	12%

Threatened Family/Friends in Last 6 Months

Never	52%
Once	12%
Once a month or less	12%
Once or twice a week	10%
3-4 times a week	6%
5-6 times a week	3%
Every day	3%

Frequency of Threats Since Arrest[a]

Less frequent	33%
As frequent	8%
More frequent	11%
None Since Arrest	48%

Afraid of Following Through on Threats[b]

Not at all afraid	26%
A little bit afraid	19%
Somewhat afraid	39%
Very afraid	16%

[a]N=143; [b] N= 139

Table 1.8: Actions Taken By Police Officers Regarding the Incident That Led To the Court Case

Action taken	% of incidents
Listened to her	94%
Believed her	82%
Supported her decisions	73%
Told her what was going to happen next	60%
Did something that made her feel safer	58%
Gave written info about community resources	40%
Gave written info about the legal system	34%
Took pictures of her injuries at the time*	30%
Acted bored	27%
Tried to pressure her into pressing charges	24%
Blamed/scolded her for not following through on prior charges**	21%
Did something that made her feel more in danger	19%
Said there was nothing they could do	13%
Took pictures of her injuries at a later date*	12%
Took pictures of the assailant's injuries*	11%
Blamed her for the violence	10%
Told her to "patch things up" with the assailant	6%
Discouraged her from continuing with the case	5%
Threatened her	2%
Arrested her for the violence	2%
Arrested her for other charges	2%

Items are listed by rate of reported frequency, not order listed in survey.

*Among those with visible injuries.
**Among those with prior police or court contact

Table 1.9: Actions Taken By Court Advocates Regarding the Incident That Led To the Court Case (N=127)

Action taken	% of incidents
Believed her	93%
Listened to her	91%
Supported her decisions	85%
Told her what was going on	84%
Did something that made her feel safer	47%
Tried to persuade her to testify against the assailant	28%
Acted bored	16%
Said there was nothing she (advocate) could do	14%
Blamed or scolded her for not following through on prior charges*	14%
Did something that made her feel more in danger	7%
Discouraged her from continuing with the case	5%
Blamed her for the violence	3%
Told her to "patch things up" with the assailant	1%

*Among women with prior police or court contact

Table 1.10: Actions Taken By Prosecuting Attorneys Regarding the Incident That Led To the Court Case (N = 95)

Action taken	% of incidents
Listened to her	82%
Believed her	82%
Told her what was going on	81%
Supported her decisions	69%
Did something that made her feel safer	30%
Tried to persuade her to testify against the assailant	27%
Said there was nothing she/he(prosecutor) could do	22%
Blamed/scolded her for not following through w/prior charges*	16%
Acted bored	15%
Discouraged her from continuing with the case	10%
Did something that made her feel more in danger	10%
Blamed her for the violence	4%
Told her to "patch things up" with the assailant	2%

*Among women with prior police or court contact

Table 1.11: Participants' Reports of Court Outcomes

Percentage of assailants released on bail at target incident	69%
Percentage of participants who received a subpoena regarding target incident	71%
Times went to court regarding target incident* (SD)	1.34 (1.50)
Mean times went to court regarding target incident when it was re-scheduled* (SD)	1.59

Court outcome of
target incident

Pled guilty to original charges	25%
Pled guilty to lesser charges	24%
Charges dropped	19%
Pled guilty, received deferred sentence	10%
Convicted after trial-original charges	6%
Other outcome	5%
Participant doesn't know outcome	5%
Pled guilty - don't know charges	3%
Pled no contest	1%
Convicted after trial - don't know charges	1%

*Includes only the 157 women who knew about a hearing or trial in advance. N = 20 (11%) were never aware of a hearing or trial in advance.

Table 1.12. Reasons Women Went To Court and The Barriers They Faced[a]

Variable	N	Time 1	N	Time 2	N	Time 3
Reasons for Going to Court[b]	**111**[b]		**17**[c]		**12**[c]	
Felt like she ought to go		91.9(102)		76.5(13)		66.7(8)
To get assailant to stop hurting her		88.3(98)		88.2(15)		75.0(9)
Went b/c of subpoena		76.6(85)		58.8(10)		83.3(10)
To get assailant help		72.1(80)		58.8(10)		66.7(8)
To teach assailant a lesson		65.8(73)		47.1(8)		50.0(6)
Fear of the assailant		64.9(72)		52.9(9)		58.3(7)
Thought legally she had no choice		54.1(60)		64.7(11)		41.7(5)
To send assailant to jail		53.1(59)		64.7(11)		50.0(6)
Wanted charges dropped		27.9(72)		17.7(3)		25.0(3)
Pressure from family/friends		18.0(20)		5.9(1)		16.7(2)
Barriers to Going to Court[b]						
Fear of assailant		51.4(57)		64.7(11)		33.3(4)
Want to work things out w/assailant		26.1(29)		29.4(5)		33.3(4)
Prior bad experiences w/courts		26.1(29)		52.9(9)		50.0(6)
Problems getting time off work		22.5(25)		23.5(4)		16.7(2)
Pressure from his family/friends		18.0(20)		23.5(4)		0.0(0)
Problems getting transportation		11.7(13)		11.8(2)		0.0(0)
Problems getting childcare		9.0(10)		11.8(2)		8.3(1)
Pressure from her family/friends		8.1(9)		5.9(1)		0.0(0)
Fear of being arrested herself		8.1(9)		11.8(2)		0.0(0)

[a] Results are listed in order of frequency for Time 1, not the order on the survey.
[b] Repondents could report "yes" to any number (including none or all) of these.
[c] These questions were only asked of those women who went to court. Thus, the Ns represent the number of women who went to court at each time period.

Table 1.13. Reasons Women Reported for Not Going to Court

Variable	N	Time 1	N	Time 2	N	Time 3
Knew About Hearing/Trial in Advance	67[a]		17[ab]		11[ab]	
Yes		67.2(45)		52.9(9)		54.4(6)
No		29.9(20)		29.4(5)		27.3(3)
Reasons for Not Going to Court if Knew About It[c]	45[d]		9[d]		6[d]	
Did not want to go		68.9(31)		88.9(8)		33.3(2)
Wanted to work things out w/assailant		40.0(18)		66.7(6)		33.3(2)
Didn't think prosecution would help		37.8(17)		22.2(2)		33.3(2)
Wanted charges dropped		31.1(14)		44.4(4)		33.3(2)
Didn't want assailant to go to jail		26.7(12)		55.6(5)		33.3(2)
Had prior bad experiences w/court		26.7(12)		55.6(5)		16.7(1)
Fear of assailant		24.4(11)		55.6(5)		33.3(2)
Couldn't get time off work		24.4(11)		11.1(1)		0.0(0)
Felt pressure from his family/friends		20.0(9)		22.2(2)		50.0(3)
Depend on assailant for money/house		17.8(8)		33.3(3)		33.3(3)
Didn't know she could go		17.8(8)		22.2(2)		16.7(1)
Didn't know where to go		8.9(4)		0.0(0)		0.0(0)
Had trouble getting childcare		6.7(3)		11.1(1)		16.7(1)
Felt pressure from her family/friends		4.4(2)		0.0(0)		16.7(1)
Had trouble getting transportation		4.4(2)		22.2(2)		16.7(1)

[a] These Ns represent the respondents who did not go to court.

[b] The missing numbers are respondents who reported that the trial/hearing had not happened yet.

[c] Respondents could report "yes" to any number (including none or all) of these. Items are listed in order of frequency at Time 1, not the order in the survey.

[d] This question was only asked of those women who did not go to court, but knew about it in advance. . Thus, these Ns represent the women who did not go to court, but knew about it in advance.

Table 2.1: Final Cluster Centroids For Four Cluster Solution

Cluster	Satisfaction w/police	Satisfaction w/prosecutor	Satisfaction w/process	Satisfaction w/outcome
Somewhat Satisfied	3.92	4.62	3.91	4.60
Let Down	4.46	2.93	2.69	1.66
Satisfactory Outcomes	3.11	1.91	2.69	4.03
Somewhat Dissatisfied	1.48	1.38	1.31	1.45

[a] 1 = "very dissatisfied" to 5 = "very satisfied"

9

Table 3.1: Hierarchical Multiple Regression Predicting Strength of Woman's Future Intention to Use the Legal System

Independent variables, by block	Standardized coefficients, by block			
	Model 1	Model 2	Model 3	Model 4
Background -- Woman's situation and relationship with assailant				
Woman living with assailant at time of arrest (1 = yes; 0 = no)	-0.24 ***	-0.23 **	-0.22 **	-0.21 ***
Importance of assailant's contribution to household income (0 = not at all to 4 = very important)	-0.25 **	-0.20 •	-0.11	-0.18 **
Number of previous separations from assailant	-0.02	-0.03	0.03	-0.03
Woman employed at time of case closure (1 = yes; 0 = no)	0.19 **	0.21 **	0.18 **	0.15 **
Woman's perceived community support re abuse (0 = very unsupportive to 4 = very supportive)	0.20 **	0.18 •	0.13 ^{t}	-0.06
Abuse				
Severity of violence leading to arrest (0 = none to 17 = most severe)		0.12	0.06	0.21 **
Assailant power and control over woman (0 = none to 4 = highest)		0.11	0.04	0.02
Assailant violent against woman after arrest (1 = yes; 0 = no)		-0.15 •	-0.08	-0.05
Case disposition and disposition woman wanted				
Charges against assailant were dropped (1 = yes; 0 = no)			0.03	0.06
Woman wanted charges against assailant dropped (0 = not at all to 3 = very much)			-0.39 ***	-0.20 *
Interaction: Charges dropped X Woman wanted charges dropped [a]			0.19 •	0.12 ^{t}
Experience with legal system				
Woman initiated call to police for incident precipitating arrest (1 = yes; 0 = no)				0.11 •
Police gave woman information about the legal system (0 = none to 2 = written & verbal)				0.11 *
Woman felt pressured to pursue charges against assailant (0 = not at all to 1 = very much)				-0.15 •
Number of times woman went to court but proceedings had been canceled				-0.13 •
Woman's perception of her treatment -- felt listened to, believed, & respected (0 = not at all to 1 = very much)				0.16 *
Woman's satisfaction with legal process and outcome (1 = very dissatisfied; 5 = very satisfied)				0.29 ***
Model Fit				
Δ F	11.49 ***	2.62 *	6.26 **	11.40 ***
Δ R square	0.27	0.04	0.08	0.20
Model F	1.49 ***	8.39 ***	8.46 ***	11.85 ***
R square	0.27	0.31	0.39	0.59

[a] For ease of presentation, the interaction and main effects are presented in the same block. When entered in a separate block, following the component main effects, the interaction made a significant unique contribution to prediction (R^2 = .02, Δ F = 5.73, p = .02).

^{t} p < .10. *p < .05. ** p < .01. *** p < .001.

Table 4.1: District Attorneys'/Prosecutors' Reports on Domestic Violence Cases (N=21)

<u>What they Think about Domestic Violence Cases</u>

Overwhelming statements about how difficult, challenging, and frustrating.

<u>Perceptions of Victims</u>

Main themes:
1. Many/most victims want to recant/don't cooperate
2. Victims highly varied in terms of demographics (race, class, etc.) and behaviors (angry, cooperative, etc.)

Less common themes:
3. Sympathetic/Feel sorry for them
4. Victims don't understand that D.A.s are trying to help them (and their kids)
5. They either hate us (because they don't understand what we're doing) or love us and want to help
6. We think of safety, they think of survival
7. Distrustful of system
8. May not speak to D.A.
9. Victims are exhausting to deal with
10. Use calling police as a "learned" way to deal with the problem (perjorative)
11. Some victims "abuse" the system (esp. for divorce or custody cases)
12. Not always clear who's a true victim

<u>Perceptions of Defendants</u>

Main Themes:

1. Denial of their actions/abuse
2. From every walk of life (huge variation across demographics, including more women arrested)
3. Very controlling and manipulative people

Less common:
1. Abuse is due to drinking
2. Abusers have mental health problems
3. Abusers are either good people who blow it or chronic recidivists

<u>How is DV different from Other Cases (Combined with "Uniqueness of these Cases")?</u>

Main Themes:

1. Has No-Drop Policy Mandatory Arrest Policy
2. Has Specialized DV Units
3. Victims recant
4. Uses best resources in D.A. offices
5. More difficult/challenging

Less common:

1. Violence is on-going
2. Impacts whole family when offender is jailed
3. More time-consuming

1

(cont'd)

<u>Training</u>

Main Themes:

1. Extreme variations in reported access to trainings
2. Much of the training is on the job, through finding a mentor, or organizing a training themselves
3. Most report "some" DV training.

(No "Less Common" Themes)

<u>What Impacts Processing</u>

Main Themes:

1. Defendant's history, esp. DV history
2. Severity of the violence
3. Quality/Intensity of Police investigation (Evidence/Proof)
4. Victim cooperation/reluctance
5. Injury level

Less common:

1. Victim's criminal history
2. Witnesses
3. Is the cases potentially a lethal one
4. Savvyness of defendant, can he convince victim to recant?

<u>How to Separate Victim and Defendant</u>

Main Themes:

1. Restraining orders
2. No contact orders

Less common:

1. Bond conditions
2. Conditions of probation
3. Sending defendant to jail/prison
4. Can't be done
5. Move them to different places in the court room

<u>Cross-complaints</u>

Main Themes:

1. Varied reports as to who *should* decide (police, D.A.'s, or judges/juries) whether there was a primary aggressor and throw one case out, both cases out, or try both cases out
2. Varied reports as to who *does* decide (whether it is mutually combatant or a true victim and true offender) (More likely to say that police than judge make the decision)
3. Varied reports as to *how* to decide or intuit the "real" victim and offender,
4. Some said police officers should know but too lazy to decide and just arrest both.

2

Table 4.1: District Attorneys'/Prosecutors' Reports on Domestic Violence Cases (N=21)

(cont'd)
<u>Victim's Role in Prosecution</u>

Main Themes:

1. Variation on whether victim should play big or small/no role, but most agreed they needed the victim to keep from having the case dismissed (despite no drop policy)
2. Variation in how much input the victim should have in deciding direction of case
3. Reports on how the victim needed to feel comfortable, be heard, understand the system.

Less common:

1. Some said it was important to look at the *victim's* criminal history

<u>Time Spent With Victims</u>

Major Theme:

There were dramatic differences in what was reported and prosecutors were sometimes uncomfortable with this question

(No other major theme, and no less common theme)

<u>Victim Input</u>

Main Themes:

1. Acquire victim input from the very beginning
2. Assure victim input at all stages, as often as possible
3. Cases that go to trial require more time with victim

Less common:

1. Ask the victim what she wants
2. Victims vary, "some women don't need to see me at all"
3. Getting victim input is the victim advocate's, not the D.A.'s responsibility

<u>How D.A. Supports Victim</u>

Main themes:

1. Listening to the victim (by far the most common response)
2. Make contact with victim
3. Offer alternatives, resources, educate (e.g., about dynamics of DV, cycle of violence, etc.)
4. Establish trust with victim (e.g., by giving voice mail or direct phone number, not being openly critical, etc.)

<u>Victim Satisfaction</u>

Main Theme:

Considerable variation in rates reported of satisfied clients

(No other major theme, and no less common themes)

3

Table 4.1: District Attorneys'/Prosecutors' Reports on Domestic Violence Cases (N=21)

(cont'd)
<u>Victim Advocate Role</u>

Main Themes:

1. They are a liaison between the victim and the D.A. (overwhelming response)
2. Support victim emotionally, person for victim to call have contact with
3. Get victims talking
4. Provide Victim with resources
5. Tell victims what's going on
6. Spend time with victim

Less common:
1. Tell victim how to get restitution or compensation (fill out claims)

<u>How Victim Advocates Influence Cases</u>

Main Theme:
1. Overwhelmingly, very high evaluations of advocates' influence

Less common:
1. Advocates can be "too pushy" or "not good"

<u>Case Dismissals</u>

Large range of rates of dismissal reported, but most saw it as a problem

<u>How Often Victims Want Case Dismissals</u>

Huge range reported here, ranging from 30 to 70 percent. No clear pattern.

<u>Why dropped/dismissed?</u>

Main themes:
1. Victim asks
2. Victim said it didn't happen
3. Victim changes mind
4. Victim needs offender's income
5. Victim is afraid
6. Victim still loves him

Less common:

1. Victim's mental health

<u>How to encourage Victim Cooperation?</u>

Main Themes:

1. Get victim more involved and informed so greater stake in it

Less common:

1. Victim involvement not a good idea.
2. Offer victim referrals (e.g., safe houses)
3. Doesn't know

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Table 4.1: District Attorneys'/Prosecutors' Reports on Domestic Violence Cases (N=21)

(cont'd)
<u>Can D.A. stop abuse?</u>

Main Theme:

1. The problem is too huge to have much impact, but range of responses.

Less common:

   1. Can only stop by putting him in jail/prison.

<u>Restrictions to stopping Abuse</u>

Main themes:

   1. Victim reluctance to cooperate
   2. The problem's too prevalent ("need a magic wand)

(No less common themes)

<u>Appropriateness of DV Responses</u>

Main theme:

   1. Most said it was improving, but still not enough can be done.

<u>What can be done to Improve Efficiency?</u>

Main Themes:

   1. Decrease delays in responding to victims (and offenders)
   2. Acquire more staff (judges, lawyers etc.) and resources
   3. Improve police training in collecting evidence and dealing with victims

Less common:

   1. Judges need to see victims
   2. More court time, too overwhelmed judges
   3. Day care for children
   4. Need to be more proactive than reactive
   5. Screen cases better

<u>How to make system more User Friendly</u>

Main Themes:

   1. Victims need more contact
   2. System is confusing to victims and emotionally blinding experience

(No less common theme)

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Table 4.1: District Attorneys'/Prosecutors' Reports on Domestic Violence Cases (N=21)

(cont'd)

<u>How to Change System</u>

Main Theme:

1. More funding/ resources

Less common:

1. Subpoena victims to see victim advocate
2. Don't arrest women who don't show up at court (it destroys trust)
3. Full-time specialized DV judge
4. Better treatment for offenders
5. More victim advocates
6. Better police response
7. 90 day turn around is too fast, not enough time to spend with victim