



RESPONSE TO DOMESTIC VIOLENCE IN A PRO-ACTIVE COURT SETTING

FINAL REPORT

July 1999

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OVERVIEW OF THE REPORT

During the past decade, a wide range of criminal justice reform initiatives have attempted to apply the three essential elements of classical theory, i.e. deterrence, to the problem of domestic violence: (1) certainty of apprehension, (2) celerity of prosecution, and (3) severity of sanctions imposed (See, e.g. Becama, 1764). However, even a cursory review of the research assessing the effectiveness of these deterrence-based intervention strategies reveals the inherent limitations of the criminal justice system's response to domestic violence (e.g. see Buzawa & Buzawa, 1996). Simply stated, it appears that we cannot expect legislative initiatives such as the 1994 Violence Against Women Act (VAWA) alone to result in real change in the arrest, prosecution, and sanctioning practices vis-a-vis domestic violence. What may be needed is the shared vision and funding to achieve a truly integrated, system-wide strategy incorporating the "best practices" of local police, prosecution, court, and corrections agencies in a pro-active environment. The domestic violence program developed by the Quincy District Court (QDC) in Massachusetts appears to meet these criteria and as such, it has been selected as the site for the research presented in this report.

Beginning in 1986, the QDC initiated what has been described as one of the nation's first, and most comprehensive, pro-active domestic violence programs. The court's aggressive, pro-intervention strategy has been recognized in recent years as a national model to be emulated by

other jurisdictions searching for an (apparently) effective, integrated system-wide response to the myriad of problems that typically get clustered together as “domestic” incidents (e.g. child-on-parent assault, sibling abuse, non-intimates residing in the same household, same sex intimate assaults) by local police, court and corrections administrators. The QDC program has been identified as a national model by both the United States’ VAWA office and the National Council of Juvenile and Family Court Judges. Not surprisingly, in recent years, the VAWA office has designated the QDC as a national training site for all states receiving VAWA grants.

Clearly, the QDC program offers a unique setting for a research study that purports to test essential elements of a deterrence-based response to domestic violence. Far too often, evaluators have attempted to assess the effectiveness of deterrence-based intervention in jurisdictions with little or no commitment to developing an integrated, aggressive, pro-active response to the problem of domestic violence. Because of this research shortfall, policy makers have been faced with a difficult dilemma: how to disentangle implementation from impact? The first step toward addressing this issue is to conduct research on domestic violence in what can perhaps best be described as a “full enforcement” environment. The QDC program provides just this type of research “window” through which to view the essential elements of deterrence theory.

Organization of the Report

Chapter Two, “Responding to Domestic Violence in a Proactive Court Setting” provides an overview of the QDC’s model program. It also examines previous evaluation research on domestic violence interventions including the various arrest and prosecution studies and discussing both the intended and unintended consequences of aggressive enforcement strategies in domestic violence

cases. In addition, this chapter includes a critical review of previous research on both batterers and victims, focusing on each group's personality traits, family history, self-esteem issues, documented psychological disturbances, substance abuse histories, biology, and socio-demographic profiles. Finally, the chapter explores the issue of repeat victimization and reviews the research examining the link between domestic violence and generalized violence.

Chapter 3 provides an overview of the methodology used in this report. The study sample consists of 353 cases of male-to-female domestic violence that took place during a 7 month data collection period (June, 1995 through February, 1996). One of the unique features of this study was the development of a multi-level, multi-perspective data base from which to examine each of these 353 incidents of domestic violence. Data sources utilized to create this integrated data base included: (1) criminal history data, (2) civil restraining order data, (3) batterer treatment program data, (4) police incident reports, (5) prosecutorial data (6) court data, (7) victim survey data, and (8) batterer survey data. Utilizing this unique system-wide data base, it is possible not only to answer the traditional questions evaluation researchers invariably ask about case processing decisions and the impact of the "model court" program on re-offending/re-victimization, but also to explore equally important questions about the perspectives of offenders and victims on the impact of formal social controls (i.e. police, courts, corrections) on their lifestyles, attitudes, and behavior. For each of the data sources described in this chapter the issues of reliability (e.g. inter-rater reliability) and validity are examined in detail. The chapter concludes with a brief discussion of the types of data analysis presented in the remainder of the report.

Chapter 4 includes a detailed description of the types of domestic violence cases that were being addressed by the model QDC program during our review period (June, 1995 through

February, 1996). Our review provides details on (1) time and location of incidents, (2) acts, injuries and weapon use, (3) availability of witnesses, and (4) reported offender alcohol/drug use. In addition, both police report and victim survey data were used to develop a “profile” of the victims in this study, including not only the standard demographic profile, but also important details on each victim’s history of victimization, relationship dynamics, and current living situation/lifestyle decisions. Finally, we conclude this chapter by reviewing both police report data and criminal history data related to each of the offenders identified in this study. The demographic characteristics of study offenders (i.e. age, race, employment status) are examined here, along with their adult (and juvenile) criminal histories. As we discussed earlier, examination of criminal history data is critical to understanding the links between domestic violence and other forms of criminality.

The dynamic of police-citizen interactions is explored in Chapter 5, “The Police Response”. Utilizing data largely from two sources - the victim survey and police reports - we examined four dimensions of the police response to domestic violence: (1) victim perceptions of the need for (formal) police contact and/or intervention; (2) inter/intra-jurisdictional variations in specific police response actions; (3) victim preferences for and against arrest; and (4) victim assessment of the quality of the police response and its perceived impact on their safety.

Chapter 6 provides insight into another important element of the QDC program: The prosecutorial response to domestic violence. Among the issues examined in this section are whether the charging behavior of the prosecutor differed from that of the police, the utilization of victim advocates, the use of bail, and the initial disposition of study defendants by the court. Chapter 6 also presents data on the victim’s evaluation of her contact with the prosecutor and the

courts. Using data from the victim survey, we examined how victims felt about their involvement with, and their perceptions of, the Prosecutor's Office and the court and how this contact ultimately affected their safety.

Patterns of re-offending and re-victimization are explored in Chapter 7. Utilizing one year follow-up data from our criminal history data file, we were able to calculate the "official" re-victimization rate for offenders entering the QDC program. Realizing the problems with estimates of re-victimization based on "official" data, we calculated a re-victimization rate from victim interviews as well. Having two separate estimates of recidivism allowed us to examine the extent, and to a lesser degree why, some victims who were re-abused (based on interview self-reports) did not report the incident to the police or other criminal justice agencies.

While our main focus in this chapter was on how many victims were re-abused during a one year period, we also examined the proportion of offenders who became re-involved with the criminal justice system for a variety of offenses during that same period. We paid special attention to cases in which a study offender was criminally charged with a violent act, or had a restraining order taken out against him, by a different victim during that one year time frame.

Finally, Chapter 8 summarizes the major findings from this study and offers implications for policy and practice in the criminal justice response to domestic violence. Potential areas in need of attention for future research issues are also identified.

I. PURPOSE

As can be gleaned from the organization of this report, there were four broad descriptive goals that guided the direction of this project. There were also several specific objectives associated with each of these goals which are discussed at length in the chapters comprising this report. However, it is important to keep in mind that the overriding purpose of this report was fourfold. First, we wanted to describe, as accurately as possible, the workings of the primary components of this model jurisdiction in its response to domestic violence. Specifically, we wanted to use official records to determine: (1) what the police actually did when called to a domestic violence incident; (2) decisions made by the prosecutor's office and the court in their handling of these incidents; (3) how many victims talked to a victim advocate; and (4) how many offenders received batterer treatment and/or were incarcerated.

Second, we wanted to know about the types of incidents, victims, and offenders seen in a full enforcement jurisdiction to determine if the types of cases coming to attention in such a setting looked similar to cases reported in studies from other jurisdictions. We were also interested in knowing whether victims and offenders had the same profile characteristics as reported in other research, and especially whether the modal offender was a first-time defendant or had a more extensive criminal record.

Third, we interviewed victims to hear directly about their experiences with a model court.

We wanted to know how they felt they were treated by the criminal justice system and how satisfied they were with the response to their situation. We were also interested in finding out whether victims felt their safety was enhanced by the actions of the police, prosecutors, and courts. Most importantly, we were concerned about whether victims would use the criminal justice system again for a similar problem in the future.

Fourth, we wanted to examine how well this model jurisdiction worked in preventing re-victimization. Since a major stated goal of the QDC is to protect victims from re-abuse, we looked at a variety of data sources for evidence that victims' lives were actually safer as a result of court intervention.

Research on domestic assault has focused on the issue of deterrence in the context of an admittedly flawed criminal justice system. In most jurisdictions, the majority of domestic violence offenders have not been effectively sanctioned. Until passage of the Violence Against Women Act (VAWA) in 1994, there was no systematic nationwide effort to criminalize domestic violence or to encourage victims to file restraining orders. The criminal justice approach however remains highly inconsistent. While many individual police departments have recently instituted pro-active arrest oriented policies in response to statutory instructions or administrative directives, often such efforts receive little encouragement or reinforcement from prosecutors or the judiciary. Today, truly integrated responses to domestic violence offenders are the exception rather than the rule.

The Quincy District Court (QDC), which serves eastern Norfolk County, along Massachusetts' South Shore, initiated an aggressive pro-intervention system in 1986. The QDC was nationally recognized as a model for its integrated response by the Violence

Against Women Office and the National Council of Juvenile and Family Court Judges In fact, The Violence Against Women Office designated the QDC as a national training site for all states receiving Violence Against Women Act grants.

This report presents the final outcome of domestic violence cases seen in this court. Currently, there is little empirical data on the processing of domestic assaults that come to the attention of the criminal justice system in a situation where most domestic violence incidents known to the police are aggressively processed. An earlier report on this court (Buzawa, Hotaling, & Klein, 1998) shed light on three interrelated aspects of the actual operation of a full enforcement court and the discussed implications for continued deterrence of domestic violence. First, the court produced a higher proportion of arraignments for domestic assaults relative to all assault arraignments. Second, when the criminal justice system became freely available to battered women, e.g. when police, prosecutors and courts did not impose excessive barriers to entry, these women did not necessarily use its venue more frequently than obtaining a civil restraining order. Instead, most victims continued to rely on the civil system (perhaps due to the advantages of being able to control civil actions or the inherent difficulties in use of the criminal justice system).

Finally, this research confirmed that the profile(s) of the offender seen in a “full enforcement” jurisdiction were different than those of the general population of batterers. Intuitively, one might expect a full enforcement court to see a greater number of less serious or one-time offenders (if we assume domestic violence can ever be trivial). In contrast, low enforcement courts would be expected to infrequently process “trivial” domestic violence and instead, primarily pursue felonies or, with less beneficial impact to a victim, incidents where the police officer is challenged by an obnoxious or disrespectful party. In fact, we found the opposite.

At least in this study, a full enforcement court did not “widen” the net, but instead appeared to concentrate on the more serious offenders. As a result, we posed the question of whether a full enforcement jurisdiction would be more likely to impact the many repeat offenders who typically had not been aggressively targeted in the past while offenders, such as those who were typically less impulsive and perhaps less generally violent, would be deterred. It may be that other jurisdictions underrate or ignore prior criminal history of domestic violence offenders. In any event collectively, we saw little real evidence of a net increase in demands on the criminal justice system and other agencies when a full enforcement program was implemented. Battering may, in many cases, simply be a manifestation of typical, anti-social, low impulse control, substance abuse issues, behavior of violent criminals, e.g. batterers seen by this court may, as a group, simply be criminals as opposed to a member of a dysfunctional dyad where violence is not chronic.

Another possibility is that many other jurisdictions do not adequately assess the prior criminality of batterers and dismiss these offenders as “minor” when they are not. Few jurisdictions have statewide comprehensive computerized criminal files that record all court data. Most simply record felonies on a county by county basis. Further, if they do collect such data, it is often not routinely used for these cases.

In our research, we have been acutely aware that many of the existing criminal justice policy initiatives against domestic assault are a reaction to the results of studies and observations in jurisdictions with little commitment to handling domestic violence aggressively. We believed it important to understand if, and how, cases from a court with full enforcement policies would differ in case impact over the latter. To better understand differences, we contrasted available results

from the Bureau of Justice Statistics (BJS) recent report (Greenfeld, Rand, Craven, Klaus, Perkins, Ringer, Warchol, Maston, & Fox, 1998) which draws upon a national sample of victims from the general population. The clear implication is that the population of offenders seen in such a court may differ from offenders seen in other jurisdictions in personal characteristics, criminal histories and nature of offenses. If they are, in fact different, current intervention strategies concerning the handling of batterers as well as the needs of victims may need to be modified from strategies pursued in less aggressive jurisdictions.

Data used in this report come from a sample of domestic violence cases in the Quincy District Court (QDC). The QDC serves eastern Norfolk County, along Massachusetts's South Shore, an area of about 100 square miles. The total population of towns within the Court jurisdiction was 246,818 as of 1990 (U.S. Census, 1990).

The Court has jurisdiction for all juvenile and adults charged with any misdemeanor or felony, provided the punishment for the felony is limited to a maximum misdemeanor punishment (2-1/2 years in the County House of Correction). In Massachusetts, approximately 98% of all adult criminal charges are prosecuted in District Courts, like the QDC, with misdemeanor punishment (Supreme Judicial Court, 1996). Defendants arrested or summonsed into court for a felony are also arraigned and prosecuted in District Courts like Quincy, although they are prosecuted in Superior Courts. The vast majority of domestic violence cases in Massachusetts are currently prosecuted in District Courts unless the offense involves a homicide or extraordinary injuries.

II. BACKGROUND

A. What is an Appropriate Criminal Justice Response

A wave of reforms against domestic violence has culminated in legislation in all 50 states (Buzawa and Buzawa, 1996). State legislatures have typically designated primary responsibility for the suppression of ongoing domestic violence to the criminal justice system. Despite this, continuing controversy remains concerning the appropriate response of society in general, and the criminal justice system in particular, to domestic violence.

1. The Multiple Goals of the Criminal Justice System: Should it try to Punish Offenders, Rehabilitate Offenders, and Help Victims?

We believe there are 3 basic goals to the current criminal justice response in domestic violence cases: (1) punishment of crimes that have occurred; (2) suppression of future violence either through specific deterrence or rehabilitation; and (3) integrating criminal justice efforts into an overall systemic program to assist and empower the victims of such violence. While these goals are related, programs that aggressively "punish", may or may not actually suppress future violence. Similarly, victim assistance may not be helped by a focus on punishment or simple deterrence. In addition, programs designed to safeguard and assist specific victims may not deter the offender from finding a new victim.

Evaluating a program's success is dependant on which of the foregoing goals receive the most emphasis. For this reason, we believe that to better understand the impact of the QDC upon batterers, it is appropriate to initially explore key policy debates regarding the appropriate criminal

justice response to domestic violence.

Achieving each of the foregoing goals reinforces the importance of the criminal justice system's active involvement in responding to domestic violence. However, there is an apparent lack of agreement on which of these goals to pursue, the relative importance of each, and whether they can all be achieved simultaneously. Some reforms are implicitly, or even explicitly, designed simply to punish offenders. Others explicitly try to suppress future recidivism by efforts to deter likely offenders or rehabilitate them specifically. Still other policies not customarily managed directly by criminal justice agencies, try to assist victims by giving them ready access to shelters, financial aid, assistance with victim safety, or victim counseling.

Currently, the criminal justice system appears to fluctuate between punitive responses to crimes committed and violence suppression strategies that are adopted to deter aggressive behavior without regard to their punitive nature (such as advocating arrest simply for its alleged deterrent effect). In many jurisdictions, the effect of current efforts to criminalize domestic violence has simply been translated into the referral of thousands of arrested offenders into "batterer treatment programs," often monitored by probation departments. Rehabilitation of offenders is often not a goal shared by all participants in the criminal justice system.

Rarely is the criminal justice system victim oriented. This is partially due to an overall belief by key actors that their primary mission is to protect society as a whole from crimes against the public order and that domestic violence is a private event. Unfortunately, neither the punishment model nor a deterrent model by itself necessarily operates in a manner that empowers victims of domestic violence.

Some researchers think that a crime fighting approach to domestic violence is appropriate.

Fagan (1996) stated his position that the criminal justice system should focus on the detection, control, and punishment of batterers, with only indirect involvement in the provision of extra services to battered women. He believes that an emphasis on the rights of the victim would conflict with the primary mission of these institutions and make it easier for agency personnel to marginalize “domestic” cases as not “real crimes”.

One implicit rationale behind the position of maintaining the primacy of punishing and deterring crimes in the criminal justice system is the high price victims as individuals and society as an aggregate continue to pay for such crimes.

While few studies have examined the prevalence of injuries to women from domestic violence (Reiss and Roth, 1993), domestic violence may be the most common source of injury to women and the leading cause of death for women of color (Stark and Flitcraft, 1991, 1996). Greenfeld, Rand, Craven, Klaus, Perkins, Ringer, Warchol, Maston, & Fox in a 1998 Bureau of Justice Statistics Report (BJS) gave a comprehensive account of injury rates of female victims of intimate violence between the years 1992 to 1996. An injury rate of 51% was reported with 19% of the victims receiving medical treatment.

Similarly, in an analysis of NCVS data collected in the 1970's, Lentzer and DeBarry (1980) reported that over 75% of victims of intimate violence such as violent assault and rape suffered injuries compared to 54% of victims of other crimes. Over 80% of all assaults against spouses and ex-spouses resulted in injuries and spouses and ex-spouses had the highest rates of internal injuries or unconsciousness (7%) and broken bones (7%).

Reports of injury rates among victims who attended family violence intervention programs are equally high. Fagan and Browne (1994) reported that 59% of women seeking help from family

violence intervention programs were injured “occasionally or “frequently”. Sixty-six percent of these victims reported bruises, lacerations, broken bones or more serious injuries. Research continues to show that injury rates in a domestic setting are worse than in other settings (Reiss and Roth, 1993).

The foregoing studies graphically illustrate that, despite years of progressively more aggressive criminal justice intervention in most jurisdictions, injury rates have remained relatively high. Intervention strategies that have been aggressively pursued for years with such little impact on a key measurement such as injury cannot be regarded as successful.

Abused women are not the only victims. The trauma of children witnessing beatings between parents or a parent and partner are well known to cause serious developmental pathologies (Randolf & Conkle, 1993; McKay, 1994; Jaffe, Wolfe, and Wilson, 1990, Mertin, 1992, Hanson, Sawyer, Hilton & Davis, 1992, & Terr, 1991). In turn, society suffers not only from the direct impact of agency costs to service providers; medical, law enforcement and social welfare but also high levels of missed work and other lost productivity. In short, domestic violence is not the caricature of “battling spouses” but instead are serious criminal acts and once committed, should be punished.

An additional rationale often heard for criminal justice agencies to concentrate on their punitive role is the recognition that presenting them with mandates that are outside their normal skill set are simply not likely to succeed. From this perspective, neither police nor lawyers who become district attorneys and judges have been specifically trained to assume the additional roles of initiating and monitoring rehabilitation of offenders and/or assisting victims of domestic abuse that require an in-depth knowledge of the identification and suppression of domestic violence.

At its core, the belief that the criminal justice system should have a limited role in responding to domestic violence manifests a deep pessimism that simply mandating that agencies assume a primary role in trying to deter or rehabilitate offenders or provide coordinated services to victims will not be successful. Carrying this point further, if such tasks are delegated to agencies without any additional training resources, the result might simply stretch already strained budgets without accomplishing anything positive. In fact, without fairly strict controls, an unfunded mandate could be not only useless but actually harmful. Adoption of an additional treatment modality might then have the effect of passing responsibility to agencies with neither competency nor interest.

While the above factors often have been observed, we believe there are important and persuasive countervailing policy reasons for more aggressive intervention by the criminal justice system and the judiciary in particular. First, many of the reforms and innovations set forth in new domestic violence legislation have explicitly and appropriately been designed to have the criminal justice system not just avenge acts of violence in the name of public order, but also to rehabilitate offenders and empower victims. For example, the majority of states have created criminally enforced restraining or protective orders that not only force offenders into treatment, but empower victims by allowing them to determine if their abusers are to remain in the family domicile or continue to have contact with them. Other state criminal laws (e.g. California) mandate offender treatment up to 52 weeks upon conviction of common domestic assaults.

Second, as the preceding studies illustrate, despite years of progressively more aggressive criminal justice intervention in most jurisdictions, injury rates remain relatively unchanged.

Third, victims themselves may be far less concerned with their abusers' punishment or even

long term deterrence than in use of the criminal justice system for other purposes (Lerman, 1992).

We also recognize that the goals of assisting and empowering victims may not be as straight forward as in other settings more familiar to criminal justice agencies. This is because victims of domestic violence are different from victims of other types of violent behavior, and are themselves, a highly diverse population. These facts are not fully incorporated into a criminal justice policy. What distinguishes victims of domestic violence from other crime victims?

- A victim's (or her family's) previous contact with the criminal justice system may heavily impact upon her trust of law enforcement and the courts and her subsequent support or even understanding of the abstract rationale for criminal justice actions that are at variance with her expressed preferences.

- This lack of trust is compounded by differential rates of domestic violence among certain population subgroups. Rates of domestic violence are the highest among racial and ethnic minorities, and the poor in general. Such subgroups also have high rates of stranger violence, further impacting upon limited police resources within the service populations where domestic assaults are concentrated (Fagan, 1993). Also, for a variety of reasons, minorities are less likely to trust being well served by the criminal justice system (Stark, 1993; Thomas and Hyman, 1977; Scaglione and Condon, 1980; Brandyl and Horvath, 1991).

- Unlike typical victims of stranger assaults, victims who may be financially or emotionally tied to the abuser or have dependent children may not necessarily want an arrest and often do not want prosecution. That ambivalence often translates into a victim's failure to support cases through to conviction, even if prosecutors or victim advocates encourage her.

- Victims vary in their perceptions of the level of danger, threat and harm that an offender

presents. Obviously, offenders themselves present varying degree of danger to their victims.

- Domestic violence victims are far more likely than other victims to be motivated by self-protection (and less on vengeance) in calling police and pursuing prosecution (Davis and Smith, 1982). While some individuals who have been victimized by someone with whom their relationship has ended may want aggressive prosecution, other victims simply seek an end to the immediate violence and help in developing skills to cope with an intimate's threats of further abuse.

- The history of a relationship often makes threats of retaliation through prosecution more credible, yet paradoxically, more difficult for the victim to publicly acknowledge. Aggressive intervention/deterrence models often implicitly assume rationality on the part of batterers. From this perspective, fear of retaliation in the face of aggressive prosecution might appear irrational and hence easy to dismiss (Dutton, 1995).

- Once an arrest has occurred, Ford (1991) found that victims cite instrumental and rational reasons rather than emotional attachments in their decision to invoke and maintain criminal justice intervention. For example, victims may frankly be far less concerned with deterrence as a concept than with using the criminal justice system to accomplish the personal goals of enhancing their safety, maintaining their economic viability, protecting their children, or having an opportunity to force participation in counseling programs for batterers (Ford, 1991).

- Minor children of the couple may present significant issues with regard to their protection and often the victim's desire for an intact family structure. Financial ties (intensified by recent welfare reforms) may make some victims critically dependent on an abuser's financial support for minor children, a factor at odds with strict punishment models.

● Simple initiation of prosecution may terminate an abusive relationship. Pursuing prosecution past that point may not be in the interests of the victim since it may increase the risks of retaliation by further angering the offender and necessitate a time and psychological commitment that she may not be willing to undertake for a successfully dissolved relationship.

As a result of these factors, the goal of assisting and empowering victims is understood but generally lost in trying to attain the other societal goals of punishing an offense and promoting at a societal level generalized deterrence of potential batterers. Therefore, the victim may rationally be far less concerned with her abuser's punishment or even long term deterrence and primarily in the use of the criminal justice system for other purposes (Lerman, 1992).

Victim preferences have, in fact, been rarely solicited, or when known, honored if they contravene policies designed to effect the criminal justice system other than goals of offender punishment and/or deterrence (Buzawa & Buzawa, 1996; Lempert, 1989). Since victim choices strongly influence the criminal justice system, policies that remove or limit their choices only serve victims interests if they act to force reluctant police or prosecutors to aggressively intervene. At the same time that victims may not desire an automatic policy of arrest followed by conviction, they may truly need the input of the criminal justice agencies to coordinate services for them. In the past, family, church, or friends may have assisted victims of domestic violence and their families with short term support. In today's society, efforts by family and friends are much more problematic. Instead, victims often depend on domestic violence shelters, social service agencies, and medical centers to obtain any realistic support. At a minimum, policy reforms and decisions such as mandatory arrest and "no drop" prosecution policies may be premature unless they consider the victim's preferences as a third goal of the system.

The reality is that victims of domestic abuse do not usually find or use social service agencies without support at critical moments. Criminal justice agencies, especially law enforcement, do not just enforce their own mandates, but also serve as critical gatekeepers to the services of other essential actors. Prosecutors and judges, while perhaps not intervening in crisis situations may, by their actions, or perversely by inaction or apathy, still increase the likelihood that victims will obtain effective assistance while batterers get treatment.

There may be a “middle ground” to the above positions. We assume that a coordinated community/criminal justice response, e.g. a “partnership” of resources will impact rates of domestic violence by increasing actual prosecution and the subsequent court mandated treatment of batterers. While neither law enforcement nor the courts maintain victim shelters, criminal justice professionals, as a whole, can be trained on the existence and importance of such resources. At the same time, victim advocates attached either to law enforcement or prosecutor’s offices can graphically demonstrate the system’s sensitivity to a victim’s needs and provide needed coordination of services both within and apart from the actual prosecution of offenders.

Ideally, such an enterprise combines the inherent powers and capabilities of each of the respective agencies-both within and apart from the criminal justice system. This is the conclusion that Jolin and Moore’s (1997) reached from their review of studies examining a coordinated community response system to battering. An important end product may be that such “partnerships” lower batterer recidivism.

B. Why Study the Quincy District Court?

This project was a collaboration between a state university (University of Massachusetts-Lowell) and the subject agency. As a co-participant during the data gathering phase, the QDC's Probation Department underscored its commitment to the development, and completion, of the proposed research.

The Quincy District Court has maintained a well deserved national reputation for many years for treating abusers systematically from initial intake through closely supervised probation and active collaboration with several well-recognized treatment programs. They have been cited by numerous federal government agencies as one of the first jurisdictions to implement a coordinated program of active intervention in cases of domestic assault and have been recognized as a model by the Violence Against Women Office as one of four national training sites for all states to qualify for STOP grants. It has been featured on 60 Minutes and numerous other television, radio, and newspaper articles and won a 1994 Ford Foundation, "Innovations in State and Local Government Award" for this program.

The Presiding Justice of the QDC is Charles E. Black who has served as a member of former Governor Weld's Domestic Violence Commission since its creation in 1993. This Commission is presently chaired by the current Governor, Paul Cellucci.

A significant aspect of QDC's integrated response was the establishment of the Norfolk County Domestic Violence Round Table. The Round Table currently includes District Attorney William Keating, Quincy Police Chief Thomas France and Judge Black along with members of their staff. This Round Table meets monthly to address current issues and develop strategies to

address any problems that develop.

This court was selected as our research site because it gave the best prospect for examining all three goals of the criminal justice system simultaneously: offender punishment, rehabilitation, and/or simple deterrence and fulfillment of victim preferences.

The QDC was also unusual because it had the data base to allow an offender's overall criminal history to be matched with his current domestic violence charge. We believed this to be very important since it was highly likely that for many offenders, domestic violence would simply be only one of many types of criminal behavior in their backgrounds. As such, domestic violence might serve as a proxy for those at risk to commit further violence. Although the QDC remains unusual in this regard, the data base necessary to conduct such empirical analysis is increasing in many courts, especially after the enactment of VAWA.

In the past, several published research projects examined how selected components of the QDC treatment programs implemented reforms in the operations of the police, prosecutors, courts, and related treatment programs for batterers and victims (Klein, 1994). This study has built upon this existing data base. Data collection was facilitated by the detailed records of court and treatment personnel and the active cooperation of the court. Dr. Andrew Klein, formerly Chief Probation Officer of the court (from 1977 to 1998), project consultant, and co-author of this report, was critical in such efforts.

C. How Does the QDC Process Domestic Violence Cases?

The approach taken by the QDC begins with police policies mandating aggressive intervention. Consistent with applicable Massachusetts statutes, the QDC does not rigidly follow a

mandatory case processing approach, i.e. not absolutely mandating either arrest or prosecution through conviction, although arrest is the customary initial reaction. In this regard, it is different from some "models" such as in Santa Barbara or Seattle where state statute or administrative decree requires all cases brought to the police be processed to conviction. In addition, mutual arrests (a source of concern in many jurisdictions) are discouraged. Officers are instead trained to identify when reciprocal violence is in reality self-defense and to only charge the primary aggressor. Police crime scene investigations and detailed reporting are required, helping to insure successful prosecution without demanding excessive victim involvement.

Although Massachusetts statutes only mandate arrest upon violation of restraining orders, police departments in the QDC have uniformly developed policies that emphasize pro-active arrests. Unlike many jurisdictions, these policies are actually rigorously enforced. For example, past research has shown that in the City of Quincy, police arrest fully 75% of abusers when called to respond to domestic abuse incidents (Klein 1994).

In addition, police departments have initiated several other pro-active policies to increase victim protection. For example, the Quincy Police Department now reads the list of Restraining Orders issued each day at their roll call for the 4:00 p.m. shift. Officers are given the names of plaintiffs and then obtain registration numbers for defendant vehicles and their driver's license number. All single victim's homes are regularly checked and if the defendant's motor vehicle is there, the officers locates and arrests the defendant. In addition, daily efforts are made to locate defendants defaulting within 24 hours (Black, Personal Communication, 7/22/99).

The arraignment process reinforces the gravity of the offense. While typically defendants are not held pending trial (as is true of virtually all misdemeanor cases where "flight" is not

probable), they are released with stringent no contact/no abuse conditions which in turn are enforced by the Probation Department if the offender is officially placed on pretrial probation.

In the QDC, the defendant's probation record is before the judge in every case to enable judges to be fully aware of any prior criminal record and the disposition of those cases. There is also a list of prior defaults and a history of all Restraining Orders issued since September, 1992 (when the state-wide registry was established). Information on the Restraining Order history include the terms and conditions of the order and its effective dates. This history is usually considered as an essential part of the decision to grant bail (Black, Personal Communication, 7/22/99).

In addition to a Restraining Order at the time of arraignment, defendants are usually given a warning stating that if released on bail or on personal recognizance and is subsequently arrested while the case is pending, they will be brought back to court. The District Attorney's office has the right to request that the defendant be held up to 60 days without bail (Ch. 276 section 58).

When such violations occur, the defendant is charged with a violation of the Restraining Order, arrested, and returned to the court charged with the new violation. The District Attorney's office will frequently recommend that the defendant's bail be revoked and that the defendant be held without bail for 60 days. In QDC, Judge Black typically sits in the arraignment session and routinely holds these defendants under these circumstances. Decisions to revoke bail are not subject to Superior Court review (Black, Personal Communication, 7/22/99).

Judges also have the authority to impose pretrial conditions upon domestic violence defendants by ordering treatment at a Certified batterer treatment program, abstinence from the use of drugs and alcohol with random testing, and other terms and conditions to protect victims.

According to Judge Black, the judge has “absolute authority to impose these conditions” and routinely imposes them. Failure to comply can result in incarceration on bail.

In summary, Massachusetts has several statutory provisions to enhance judicial authority to hold domestic violence defendants in pre-trial detention which the QDC regularly utilizes:

...(1) to grant bail; (2) to revoke bail for a violation of c. 275 section 58 and hold the defendant for up to 60 days; or (3) to determine that there are no conditions that will assure the alleged victim’s safety and to hold the defendant without bail for up to 90 days.

(Black, 1999)

The District Attorney’s office may file a “dangerousness motion” (M.G.L.A. c. 276 section 58A) if it believes there are no terms and conditions upon which the defendant could be released without posing a threat to the victim. This motion requires the judge to hold the defendant up to 72 hours and to hold a hearing. If the judge determines that the victim is in fact in serious danger, the defendant could be held in pre-trial detention for up to 90 days. However, this decision is subject to Superior Court review.

The District Attorney’s office aggressively prosecutes domestic violence cases and maintains a successful prosecution rate of 70% of arrested domestic violence offenders. The techniques used include:

- “Fast track” court scheduling (to the limited extent the prosecutors are able to effect trial schedules);
- Instituting a specialized domestic violence prosecution Task Force within the District Attorney’s office staffed with victim advocates;
- Regular contact with victims by victim advocates prior to case adjudication to try to prevent further abuse, keep victims informed of case status, and to suggest other support services

to the victim and her children.

In turn, courts have taken several actions to facilitate domestic violence cases:

- Assisting plaintiffs in seeking civil protection orders;
- A special, private office staffed by trained personnel to assist domestic abuse victims in filling out forms, accompanying them before judges, and providing referrals for counseling, shelters and legal services;
- Daily group briefings for victims seeking restraining orders to explain their rights, the court process, community resources, criminal complaint options, and safety planning;
- Two special sessions daily to expedite complaint options and safety planning; and
- Education and support groups run by the district attorney open to all victims who have sought protection orders or who have had police called to their house for a domestic assault, whether or not charges were brought.

While the policy goal of punishment is pursued, attention also appears to be placed upon the goals of deterrence and offender rehabilitation. The primary vehicle - strictly enforced probation. At the time of the study, offenders typically received probation including mandatory attendance in a 52 week batterer intervention program, abstinence from drugs and alcohol enforced through random (weekly) urine surveillance and required attendance at substance abuse centers where necessary, as well as a variety of specific victim protective conditions. There was a special weekly enforcement session for probation revocation hearings where probationers who allegedly committed new abuse or violated other sentence stipulations (typically "harassment") were immediately returned to the court for further sentencing.

- Enforcement of sanctions is a priority. Judges in the court annually have sent more

than 100 abusers to the County's House of Correction, typically for victim re-abuse and/or failure to fulfill conditions of restraining orders and probation.

The entire social service community is extensively involved with this criminal justice enterprise. Local treatment providers were encouraged to provide both victim and batterer services. Good relations were maintained with several shelters and two nationally recognized model batterer treatment programs, Emerge and Common Purpose, which provided many offenders with court mandated treatment.

The local daily newspaper, *The Patriot Ledger*, with a circulation of about 70,000, regularly printed the photographs of batterer fugitives who allegedly violated sentences and/or failed to appear in court. As a result of this exposure, court data showed that local teams of police and probation officers at the time of this study had an 83% apprehension rate, with all but several of the more than 240 fugitives arrested (Klein, 1996).

D. Jurisdictional Variations in the Quincy District Court

The QDC serves a number of different communities ranging from the more urban city of Quincy to the wealthier suburban town of Cohasset. Given that there are wide community variations and a key participant, the police, are locally controlled, an important question about any court covering multiple jurisdictions is whether the system really operates consistently without regard to variations in income level in a community, or other non-judicial characteristics. In an earlier report, we examined this issue by looking at the extent to which cities served by the court had comparable rates of domestic violence arrests despite considerable variation in key community variables including income and socio-demographic features of the population.

We found that while the cities under the jurisdiction of the QDC were all involved to some degree in the commitment of the court to respond to domestic violence, there were significant differences in the arrest rates per capita.

One jurisdictional distinction was that the number of domestic violence arrests brought was not directly proportional to jurisdiction population, size of the community's police department, or arrest rates in the community, but did correlate closely with the median family income level.¹

In this regard, the data indirectly support the widely reported hypothesis that actual rates of domestic violence brought to the attention of the criminal justice system often vary based on socio-demographic characteristics of the population served. Poorer cities and towns tended to report higher rates of domestic violence arrests. Such data, of course, probably reflected both differences in actual rates of domestic violence and the tendency for more affluent victims to seek help from outside the criminal justice system and to some degree, victim perceptions of support within the community for supporting such charges (Buzawa and Buzawa, 1996).

Variations in arrests may also be the result of differing levels of organizational commitments and resources placed upon policing domestic violence issues. For example, the town of Weymouth did not have more arrests per capita than wealthier Braintree. We have not uncovered any evidence suggesting that Weymouth has less domestic violence than similar municipalities. However, in the past, their police have been criticized for lacking an aggressive police response to domestic violence. This has been admitted by the police department after the conclusion of the period studied. In testimony, at a public hearing the chief stated his department would hire a new domestic

The two lowest per capita arrests were in the area's two richest towns, Milton and Cohasset. The three communities with the highest per capita arrest rates were Quincy, Holbrook and Randolph with the lowest median family incomes.

abuse coordinator and improve performance (E. Martin, Patriot Ledger. 5/1/96).

We should also note that not all domestic violence charges resulted from municipal police arrests. Four defendants in our sample were charged by the victims themselves in hearings held by the Clerk-Magistrate of the QDC. One defendant was charged by the Massachusetts Bay Transportation Police (MBTA), which polices the buses and subways that run through the area. Finally, two defendants were charged by the state police who have jurisdiction on major state highways and a large state park located in Quincy and Milton.

E. Prior Research on Domestic Violence and its Relevance to Data from a Full Enforcement Court

To date, there has been little research on the characteristics of those batterers reaching the attention of the criminal justice system where the vast majority of battering incidents brought to the attention of the police are processed through the Court system. Most studies have reported results from jurisdictions where none of three goals - punishment, suppression (via deterrence or rehabilitation) nor victim assistance was likely to occur.

This distinction may be critically important. Studies such as the Milwaukee Domestic Violence Replication (Sherman, Schmidt, Rogan, Smith, Gartin, Cohn, Collins, & Bacich, 1992) have reported that in a 6 month time frame, criminal justice intervention appeared to increase subsequent violence among certain types of offenders. The authors of that study believed their finding was due to increased anger on the part of such offenders, their lack of social integration, and criminal lifestyles combined with a criminal justice response that really did not have a clear mission, was not coordinated, and did not have the resources to adequately address domestic violence. Hence, it is plausible that the results of the Milwaukee replication study may be due to limits of the case processing used by the Milwaukee police, district attorney, and courts at the time data were being gathered.

If batterers are only sporadically arrested and arrest is in turn followed by the virtual certainty of rapid case dismissal, we would predict little sustained impact on future violence of hard core offenders with a prior criminal record. The relatively anemic response to domestic assault simply could not be expected to deter hard core batterers. In fact, such a system really provides little incentive to desist, perhaps even encouraging some of the worst perpetrators to retaliate or

continue abusive/violent behavior against the victim they blame for the arrest.

Therefore, the Milwaukee finding, which has itself been disputed on methodological grounds (Zorza 1994) may be of limited relevance in a jurisdiction committed to a fully integrated response to domestic violence assaults, from arrest through prosecution , conviction and strictly supervised probation.

F. Unintended Consequences of Aggressive Enforcement Against Domestic Violence

There has been speculation, but little empirical evidence, about the unintended consequences of strong and consistent intervention strategies for domestic violence offenders such as the general policy of mandatory arrest (Buzawa & Buzawa, 1990, 1996). Four concerns have been expressed: (1) improper victim use of abuse charges; (2) victim deterrence of future reporting; (3) retaliation and/or intimidation by batterers during the pendency of charges; and (4) imposition of excessive administrative costs.

1. Improper Charging

Some judges and many members of the matrimonial bar (largely representing husbands) believe that charges of domestic violence are frequently raised for the woman to gain advantage in child custody disputes rather than for actual assaults.

For example, the National Bulletin on Domestic Violence Prevention reported in 1997 that many judges in Maine, including Chief Justice Wathen of the Maine Supreme Court, believed that the process of obtaining protective orders was subject to misuse by alleged “victims”. The claim, in essence, is that many of the complaints of minor abuse or threats, or even outright falsified charges against alleged "first" offenders in the stressful process of the dissolution of their marriage, were

being advanced by manipulative women or their counsel. The victim's alleged goal was largely to subvert the restraining order process to gain advantage in divorce cases or in contested child custody proceedings (Klein, 1996).

To date, this fear has been primarily anecdotal promoted by divorce lawyers representing male abusers. While past research reported that the majority of those seeking protective orders were unmarried or already separated victims, "overreaching" has been raised as a concern to aggressive enforcement (Klein, 1996; Ptacek, 1995; and discussed in Buzawa & Buzawa, 1996).

2. Victim Deterrence and Intimidation

A converse fear has also been raised that aggressive enforcement of domestic violence statutes may impact on victim assistance and empowerment by deterring their potential reporting of assaults. The fear is that many victims will not self-report if they lose control of subsequent proceedings necessitated by aggressive enforcement. The argument raised here is not whether such mandatory arrest is proper (for a discussion of this debate see pro: Stark in Buzawa and Buzawa, 1996 and con: Buzawa in Buzawa & Buzawa, 1996) but whether a known and publicized coordinated policy of aggressive enforcement by the police, prosecutors and the courts would in fact deter victims.

The problem of victim and witness intimidation is very familiar to those who have studied criminal justice intervention in general. In fact, many professionals believe that the fear of retaliation promotes a general perception that cooperation, let alone solicitation of criminal justice intervention, is personally dangerous (Healey, 1995). This perception is even greater when related among and between among domestic violence victims themselves (Healey, 1995).

Conceptually, the problem may be broken into two categories: the fear that retaliation will occur if a case is prosecuted and the actual reality of violence often highly publicized by the press. Based on years of research with victims, the authors can attest to how such fear can become a pervasive part of a victim's life and subsequent behavior. Typically, fears are centered on being stalked, explosive acts of unprovoked and unpredictable violence, murder, child kidnapping, and property damage. There may also be abuse of the court system with false or exaggerated accusations of the victim's child abuse, domestic violence, and drug use or possession.

By its very nature, it is quite difficult to quantify the extent to which intimidation works to change the behavior of the victim. Typically, only unsuccessful acts of intimidation and/or subsequent violence are reported to the police. Nevertheless, there is every reason to believe that domestic violence intimidation is pervasive.

Healey (1995) reports that four general factors are closely related to victim intimidation:

- the violent nature of the initial crime
- previous personal connections to the defendant
- geographic proximity to the defendant
- cultural vulnerability

Victims of domestic violence inherently fit the first three of these categories. The fourth, cultural vulnerability, also applies either to the particular ideology/culture of the ethnic, social or religious group, or according to many feminists, as an outgrowth of pervasive cultural acceptance of domestic violence and the reluctance of society to intervene in the family.

While the criminal justice system has adopted some unusual measures to cope with intimidation of domestic violence victims such as enforcing civil restraining orders, often these

efforts have been of limited value. (for excellent summaries of the use and limited effect of restraining orders see Harrell, Smith, & Newmark, 1993; Harrell and Smith, 1996; Lerman, 1984; and Klein, 1996).

Other techniques used to prevent intimidation in other settings such as long-term victim relocation, 24 hour protection, and no bail policies pending trial, are simply impractical given the volume of domestic violence cases, limited available resources, and the status of most domestic violence cases as misdemeanors. In addition, many jurisdictions do not consider danger as a legitimate criterion for imposing bail or pre-trial detention, limiting criteria only to the probability of flight.

The actual number of retaliatory acts due to criminal justice intervention are somewhat difficult to quantify. Merely using pre and post intervention data does not establish causation. A cursory examination of the results of the Milwaukee, Charlotte, and other replication studies shows the difficulty of determining the impact of even the relatively modest and discrete step of arrest. Retaliation, ultimately traceable to extensive invasive judicial intervention, may be more difficult to causally establish.

However difficult it is to quantify the problem of retaliation, it does occur. Ptacek (1995) interviewed 50 women in Quincy, Massachusetts (under the jurisdiction of the QDC) and 50 women in Dorchester, Mass. who took out restraining orders and found that about 10% in each jurisdiction reported that the abuse was in retaliation for the woman having called the police or threatening to obtain a restraining order.

One related aspect, stalking, has been noted as often following judicially enforced separation (Buzawa and Buzawa, 1996). Stalking itself is inherently coercive. It also is an excellent indicator

for future violence with estimates that stalking preceded domestic homicide in up to 90% of cases (National Victim Center, 1993). The State of California pioneered anti-stalking legislation with a 1990 statute expressly including domestic violence offenders. Variants of that statute have since been enacted in all 50 states. This attests to the growing realization that retaliatory behavior is both common and dangerous. At some level, it also is very likely to be an unintended consequence of intervention strategies that often mandate judicial intervention. This is especially true if they do not have a coherent strategy to protect victims and/or rehabilitate offenders.

What is not known to date is what impact an aggressive, judicially sanctioned intervention strategy will have upon both the fear and the actual practice of retaliatory violence and intimidation. Most of the existing literature on the topic reports results from jurisdictions where victims might rationally feel intimidated by the judicial process, powerless to effect its outcome without any formal support, and where legitimate concerns over safety were consistently trivialized by the "system" (Stanko, 1989 and Edwards, 1989).

3. Excessive Administrative Costs

An administrative concern to more aggressive enforcement is that such a policy might greatly expand the costs to criminal justice agencies responding to domestic violence. This is partially due to the relatively high numbers of domestic assault cases and the commitment of resources needed to respond aggressively from arrest through supervised probation.

In posing administrative costs as an issue for policy, we realize this may be an anathema to battered women advocates who appropriately ask why responding to the needs of this population of victims should become the subject of concern over administrative costs. They have argued that even a cursory examination will conclusively demonstrate that to date they have been under-served

by the criminal justice system.

While this position may be understandable, and from one perspective quite appropriate, mandating increased workload without increasing resources is still a very real issue. Administrators who actively seek to comply may be faced with no reasonable prospects for increasing budgets to devote to this type of crime. Other jurisdictions, often without any specific policy alterations, may simply develop standard operating procedures over time that effectively minimize new program requirements. Often this is accomplished by imposing "gates" that tacitly exclude many, if not most, cases. For example, initial studies of mandatory arrest laws found less than 50% compliance (Balos & Trotzky, 1988).

In trying to analyze the real impact of increased administrative costs, one of the factors will be which group of offenders predominates in the service population - the occasional batterer or those already extensively involved with the criminal justice system.

To the extent that aggressive enforcement policies, even if neutrally stated and evenly applied, impact primarily on those with extensive criminal histories, it is less likely that the police and courts will undertake additional workloads. This increases the likelihood that such efforts simply lead to earlier and effective intervention, hopefully preventing further crimes.

F. Research on Batterers

There is a rich body of both empirical and theoretical literature that has examined why some men batter. This literature may loosely be divided into research that emphasizes the psychological characteristics and life experiences associated with known batterers; the family structures that appear to promote battering; and feminist approaches to what they see as structurally endorsed (or,

at a minimum, tacitly tolerated) violence against women.

As we are focused on batterers and their reactions to an aggressive criminal justice intervention, a summary of all approaches would be beyond the scope of this report. Our primary focus is on how an integrated criminal justice system interacts with and hopefully modifies, an abuser's tendency to re-abuse. We understand that if there was one simple criminal justice goal of punishing criminal offenders an understanding of why men batter would be immaterial. As we said earlier, the criminal justice system's goals are more complex: encompassing not just punishment but crime suppression through deterrence and rehabilitation and victim empowerment. Critically important to these latter goals are the reasons why a particular man becomes abusive and how the criminal justice system's actions might interact with the offender's tendencies. Certainly, the criminal justice system's goal of rehabilitating or at least deterring batterers depends on an understanding of who are batterers. Without this, reforms may easily miss the mark and serious unintended consequences may ensue.

Similarly, the ability to identify key markers in an offender's prior history, such as past criminal record or when criminal activity was first reported, may prove useful for administrators in deciding on which offenders to concentrate their limited resources.

Although the list of factors associated with the impulse to abuse is long, we will briefly review what is commonly considered the most significant.

I. Personality Traits. Personality traits may prove decisive in predicting an individual offender's likelihood of recidivism. The oldest and still most widely adopted perspectives are psychologically based models of domestic violence (Gelles and Loseke, 1993). Research on the effects of legal sanctions for batterers has focused on psychological typologies or profiling

domestic violence does increase when measurable attributes of "power" between the couple are more evenly balanced (Coleman and Straus, 1986; Kahn, 1984; Yllo, 1984) or the man feels psychologically threatened by the spouse's success. Not surprisingly, subjectively feeling "powerless" in a relationship may serve as a precursor to violence (Finkelhor, 1983). Loss of esteem may be a key intermediate step in some batterers' decision to retaliate against a victim after criminal justice intervention either directly by physical attack or passive-aggressively through stalking. Issues of low self-esteem and how to resolve these in a non-aggressive manner may best be handled in behaviorally based modern batterer treatment programs.

4. Generalized Psychological Disturbances. More generalized psychological disturbances are associated with an individual's capacity to commit abuse. Hence, domestic violence has been correlated with immaturity, depression, schizophrenia and severe character disorders (Steinmetz, 1980) or other discrete behavioral abnormalities (Maiuro, Cahn & Vitaliano, 1986; Rosenbaum and O'Leary, 1981 and Margolin, John & Gleberman, 1988), other psychopathology (Coates, Leong & Lindsey, 1987; Hamberger & Hastings, 1986, 1991), violence toward children (Saunders, 1994 and Straus, 1983) anger (Saunders & Hanusa, 1986), and stress (Hotaling and Sugarman, 1986 and Barling & Rosenbaum, 1986). Some studies have suggested that a majority of the male batterers have personality disorders (Hamberger and Hastings, 1991). In turn, these are deeply rooted and often the result of a variety of biological propensities, personal attributes and prior life experiences.

It has long been known that generalized anger and hostility predisposes a person to batter family members. While studies on batterers are not always conclusive (see Hastings and Hamberger, 1986, 1991), it appears that generalized feelings of anger do constitute a typical precursor to subsequent violence (Barnett, Fagan, & Booker, 1991; Maiuro, et. al., 1988), especially

if triggered by the victim's acts of rejection (Dutton and Strachan , 1987) or abandonment (Holtzworth-Munroe and Anglin, 1991), or the batterer's jealousy (Pagelow, 1981).

In this light, striking out against intimates may be regarded as a substitute for the ability to work through deep emotional issues in a non-violent way. One hypothesis is that there is a natural byplay between such individual tendencies and the overall socialization process of males during and after puberty. The ability to identify and creatively express deep emotional issues is simply not stressed, or for that matter even highly valued during many formative years in many cultures.

In contrast, women have been "traditionally" raised to value communication and "sharing" and via such gender role socialization are much more comfortable and skilled at using and expressing their emotions and feelings to shape and indirectly control interpersonal relations. Hence, they are often more skilled at the verbal and even psychological warfare conducted during intimate arguments. In this context, some men fear the women's "feminine" capabilities and this fear may be deeply felt, if inarticulately expressed by many men (O'Donovan, 1988; O'Neal, 1981).

There is a growing body of evidence that many batterers are indeed incapable of, or at least not adept at, argumentative self-expression (Dutton, 1988; Hotaling and Sugarman, 1986), or tend to grossly misperceive communication received from a spouse (Barnett, et. al., 1997; Langhinrichsen-Rohling, Smutzler, & Vivian, 1994; and Holtzworth-Munroe and Hutchison, 1993).

In a closely related area, batterers have been found to have very poor conflict resolution strategies (Hastings and Hamberger, 1988; Choice, et. al., 1995). This dichotomy of capabilities, fear, and frustration and an inability to control or even readily express feelings may in times of stress lead a potential offender to attack women perceived as "threatening". From this perspective, the act of violence for many can be seen as a method of relieving otherwise unacceptable stress and

(Holtzworth-Munroe and Stuart, 1994; Andrews, Zinger, Hoge, Bonta, Gendreau, & Cullen, 1990).

This is very popular, both for its common sense explanatory power and because our society generally believes an individual can, or at least should be able to control conduct. If not, popular definition often defines him as a deviant, worthy of punishment or scorn. However, in-depth reviews of the psychological characteristics of batterers often failed to disclose a single profile of men who batter women (or children) (Koss, Goodman, Browne, Fitzgerald, Kuita, & Russo, 1994).

Psychologists understandably focus on factors that predispose a particular individual to batter. Typically, psychological dimensions of battering are not found to be explainable by any one predisposing attribute. Instead, a complex constellation of factors is thought to predispose someone to batter. This is important as the genesis of a particular problem affects the likelihood that it might be easily remedied by societal intervention including sanctions directly imposed by the criminal justice system as well as prospects for rehabilitation through court ordered counseling.

2. **Family History.** Becoming a batterer may perhaps best be predicted by past familial experiences with aggression. One theory is the childhood acceptance of aggression as “normal” within a family interacts with learned impulsive behavior, defensiveness and a tendency to easily take offense-collectively making an individual prone to batter (Hotaling and Sugarman, 1986; Riggs and O’Leary, 1989; Straus, 1980). Not surprisingly, sociologist Murray Straus, who has amassed the largest data set on physical violence within the family, has observed that batterers appear to have developed a long time association of "love" with violence. This perhaps was caused by physical punishment by care-givers or others in the family from infancy (Straus, 1980). Parental violence appears to be closely related to repetitive spousal aggression (Simons, Wu, & Conger, 1995).

Other aspects of maladaptive family structure have also been implicated, including

separation and loss events and parental substance abuse (Corvo, 1992); aggressive parental “shaming” and guilt inducement (Dutton, 1998); and socialization into accepting male entitlement to power and the use of physical dominance to achieve control (Ferraro, 1989).

Specific exposure to childhood violence has consistently been found to be associated with becoming a batterer (Bennett, Tolman, Rogalski, & Srinivasaraghavan, 1994; Roberts, 1987; Rouse, 1984; Howell; and Pughesi, 1988). One study reported a powerful connection where childhood observations of violence, particularly parental violence, became a better predictor of future violence than even being the victim of violence themselves (Hotaling and Sugarman, 1986; Caesar & Hamberger, 1989; Choice, Lamke, & Pittman, 1995; Seltzer & Kalmuss, 1988; and Widom, 1989).

Family history issues may create deep-seated problems not readily amenable to quick resolution. Determining the existence of such factors may assist probation officers in formulating their sentencing recommendations to the court. Perhaps in the face of such familial pathology, and if resources were available, they could order more individual, psychological counseling rather than (or as an adjunct to) a more behaviorally based offender treatment program.

3. Self-Esteem Issues. Many offenders have a pattern of prior loss of self-control and low self-esteem (Tolman & Bennett, 1990) and Hamberger & Hastings, 1991). Increasing numbers of women have entered the work force and may have assumed management and professional positions. Men with low self-esteem may feel threatened with this loss of position. Such a "power loss" by men with low initial levels of self-esteem and little self-control may invite physical retaliation in an effort to "keep control" especially if the abuser is unable to verbally express himself as a viable alternative.

Existing literature confirms this psychological theory as sociologists have reported that

a method to forestall emasculation of the self-image.

A partial, but nevertheless intriguing confirmation of this has been reported in one recent study in which a sample of batterers, unexpectedly demonstrated a decrease in heart rates during extremely belligerent verbal behaviors such as yelling, threatening and demeaning their partners, indicating this served as an almost sedative like effect. This is in sharp contrast to more "normal" individuals who in the midst of such similar behavior reported increased heart rates, evidencing a not unexpected emotional reaction and even a third group that were diagnosed as having "anti-social personality disorders" where virtually no reaction to expressing "verbal violence" was seen (Jacobsen, 1994).

Similarly, batterers often have a well-developed propensity to shift blame or minimize the impact for their criminal actions. Many assailants immaturely externalize blame for violence to the victim ("she provoked me") rationalizing otherwise inexcusable conduct (Dobash and Dobash, 1979; O'Leary, 1993; Star, 1978). Blame shifting is common with many assailants who cite assorted victim provocations such as "I told her I wanted a hot meal", "She knew she was not supposed to mouth off to me", "She was seeing another man" (Dutton, 1986).

When the offender cannot sufficiently blame the victim, e.g. a minor "provocation" does not justify subsequent rage and violence, then the actual impact of violence is typically minimized. There is considerable evidence that victims and offenders do not agree on the frequency and severity of violent tactics used by male partners (Edelson and Brygger, 1986; Szinovacz, 1983; Wetzel and Ross, 1983; Sonkin, Martin and Walker, 1985). The EDK polling results from 1992 show the tendency for abusers to understate the extent of abuse (Klein, Campbell, Soler and Ghez, 1997). Perhaps this may be best viewed as a maladaptive effort to reduce the cognitive dissonance

of perceiving oneself as a victim of others while actually being the aggressor responsible for serious assaults.

Why are these important to us? The existence of such psychological conditions, when they are apparent, may mean that the criminal justice system's goal of rehabilitation may simply be unrealistic for many individuals absent profound psychological counseling; a task far beyond the capabilities and goals of even the most aggressive batterer treatment programs. Further, batterer treatment programs may not be successful for offenders whose psychological problems create patterns of generalized violence rather than intimate only violence.

5. Substance Abuse. Substance abuse apparently lowers inhibitions against violence both within and outside the family. Researchers have found that most domestic violence offenders used illegal drugs or consumed excessive quantities of alcohol, at a rate far beyond the general population (Kantor and Straus, 1987; Tolman and Bennett, 1990; Coleman and Straus, 1983). Offenders with substance abuse problems need concomitant counseling on both modifying behavior to frontally attack abusive tendencies and additional help dealing with often long standing issues of substance abuse. Court ordered batterer programs incapable of providing a sustained two prong treatment approach (perhaps be due to funding limits) may be inadequate.

6. Biology and Abuse. Biologically based theories of domestic violence have long been asserted. It has long been suspected, and empirically confirmed, that men commit far more violent crimes than women (Eagly and Steffen, 1986). While much of the reason may be culturally based, it appears that high levels of testosterone contribute to a general latent predisposition to male aggression and violence. It has been shown, for example, that higher levels of testosterone are associated with higher rates of violent crimes among male teenagers to the extent that over 80% of

juvenile offenders with "high" testosterone levels committed violent crimes while over 90% of juvenile offenders with lower testosterone committed non-violent crimes (Dabbs, Frady, Carl, & Beach, 1987 and Dabbs, Jurkovic, & Frady, 1991). Similar disparities in testosterone levels and rates of violence were also found among women (Dabbs, Ruback, Frady, & Hopper, 1988) and another study found that testosterone levels were higher among violent sex offenders than others (Dabbs, Frady, Carr, & Beach, 1987; Dabbs, Jurkovic, & Frady, 1991; and Dabbs, Ruback, Frady, & Hopper, 1988).

Other associations, while not expressly linked to testosterone levels, appear genetically based. For example, a series of studies of adopted male children whose biological fathers were convicted of crimes found them to be more likely to commit crimes themselves than in cases where their adoptive parents had been convicted (Mednick, Gabrielli, & Hutchings, 1987). While the strength of the genetic component has been debated, both theoretical (Wilson and Hernstein, 1985) and analytic studies (Walters, 1992) conclude that such a relationship exists.

In a somewhat more speculative vein, physical trauma to the head, ranging from trauma at birth (Kandel and Mednick, 1991) to childhood and adolescent head injuries (Rosenbaum and Hoge, 1989; Warnken, Rosenbaum, Fletcher, Hoge, & Adelman, 1994) appear to be related to a subsequent history of violence. These results are very difficult to interpret. While the data suggest construction of a theoretical model relating head injury to low impulse control and/or attention deficit disorder and, in turn, to subsequent impulsive violence, such prior head injuries may be spurious in nature and simply related to familial child abuse, parental substance abuse, or numerous other factors originating in the family environment already known to be quite accurate predictors of subsequent levels of violence of offspring.

While intriguing, biological factors are not germane to decisions of the criminal justice system unless pharmacological solutions are devised and then become "mandated" as part of a rehabilitation/treatment program.

7. **Socio-demographic predictors of violence.** Many battered women's activists have noted that domestic violence crosses all boundaries of economic class, ethnicity and race (Bassett, 1980; ; Ferraro, 1989; and Hart, Ashcroft, Burgess, Flanagan, Meese, Milton, Narramore Oretaga, & Seward, 1984). However, we have found that literature suggesting that batterers are drawn from all socioeconomic classes and ethnic groups has all too often been based on ideological belief and the desire to push universal policy changes rather than empirical research that rigorously examines known demographic correlates to criminal history.

In contrast, most empirically based survey research reports that domestic violence to some extent is disproportionately concentrated in population subgroups marked by poverty. In addition, certain minority groups, including blacks and many recent immigrant groups, appear to have higher rates of abuse. For example the Bureau of Justice Statistics Report (Greenfeld, et. al., 1998) found that women in households with incomes below \$7,500 reported rates of non lethal domestic violence at a rate 10 times higher than those with incomes of \$75,000 or more. Similarly, Greenfeld, et. al., (1998) reported that, on average, for each year between 1992 and 1996, about 12 per 1,000 black women experienced violence by an intimate compared to about 8 per 1,000 white women.

F. Domestic Violence and Generalized Violence

A link between violence in general and spousal abuse is not unexpected. With minor exceptions, the previously explored literature on the etiology of a batterer could be an accurate profile of all who perpetrate violent crimes.

The development of an antisocial personality may be the key linkage between batterers and the somewhat overlapping group of the generally violent. Not surprisingly, research on batterer behavior has increasingly used research and insights from those offenders who are generally violent (Barnett and Hamberger, 1992; Dunford, Huizinga, & Elliott, 1990; Fagan, 1983 summarized by Barnett, et. al., 1997). For example, it is known that many, if not most, family batterers also assault in other settings.

In support of this, Hotaling, Straus, & Lincoln (1989) noted that batterers typically did not limit the use of violence to family members. They reported that men who assaulted children or spouses were five times more likely than other men to have been generally violent and also assaulted non family members.

While batterers as a population have been extensively studied, sub-group variations in assault are less well known. However, former implicit assumptions of a monolithic class of “batterers” who respond predictably to the same type of intervention have been increasingly challenged (Edelson, 1996; Edelson and Tolman, 1992; Gondolf & Fisher, 1988; Holtzworth-Munroe and Stuart, 1994; Saunders, 1993). Most of this research utilizes typologies based on measurable psychological and social attributes (Edelson, 1996). This suggests that effective interventions may need to vary based on defined offender risk factors.

Research has demonstrated that some batterers have a generalized history of violence. This occurs when violence is not perpetrated upon just one victim or even a class of victims. The National Family Violence Survey studied a large representative sample of 2,291 men identifying 311 (15%) who had been violent during the preceding 12 months. Of those, 208 (67%) were only violent toward a wife, while 71 (23)% were violent against non family members, and 32 (10%), toward both

a wife and non-family member.

Fagan, Stewart, and Hansen (1983) reported that roughly half of all batterers in their sample were arrested previously for violence against other victims. They refer to those batterers as being “generally violent”. Similarly, Barnett, et. al., (1997) refer to these offenders as being “panviolent”, e.g. violent both within and apart from a family setting. Fagan, et. al. (1983) found that 80% of those reported to be violent with non-partners had prior experience with the criminal justice system, having been arrested for such violence. This kind of history is shown among those who receive intervention by the criminal justice system as well as those who receive intervention by other service providers. For example, Dunford, Huizinga, and Elliott (1990) found that abusers of women in shelters had serious non-domestic criminal records. Klein (1994) found that a majority of men brought to Quincy Court in 1990 for civil restraining orders had prior criminal records for assaults. When the sex of prior victims was known, it was twice as likely to have been male.

Similarly, frequency of abuse among batterers greatly varies. Straus, Gelles, & Steinmetz, (1980) reports that about two-thirds of batterers repeat their assault within one year, averaging about 6 new assaults. Jaffe, Wolfe, Telford and Austin (1986) reported somewhat lower levels of re-abuse finding that 19% to 25% of abusers will be violent again 6 to 12 months after arrest. Relatedly, variations in the commission of violent acts are apparent even among batterers. For example, Sherman (1992b) found that 20% of abusive couples generated half of all incidents.

The importance of this is hard to overstate. Current criminal justice policies and practices tend to treat every batterer monolithically - in many jurisdictions with neglect, in others quite aggressively. Even in those aggressive jurisdictions, the overt assumption is that one set of policies, community policing models, mandatory arrest, no drop policies and the like, is best for all offenses

whether involving a first time or prior violent offender. Any single policy may not be effective in promoting rehabilitation for all types of offenders, especially since many offenders are likely to encounter the criminal justice system once, while others may never be rehabilitated.

The foregoing discussion posed the issue of the impact of "within group" variance as it might effect the prospects of criminal justice intervention. Actual study of batterers may reveal several clusters of offenders, who in theory, might be differentially treated by the criminal justice system.

We find that the literature suggests at least two distinct groups of domestic violence offenders. One sub-group, the majority according to most research on family violence (Straus, 1996), primarily use violence against their partner and/or their dependants (children and elderly parents), perhaps in response to a variety of situational factors, such as substance abuse, stress, or a desire to maintain their slipping control in a family. Typically, they do not otherwise have extensive histories of other generalized anti-social behavior.

This sub-group is more likely to be employed, have other vested community ties (Sherman, 1990) and have few adversarial contacts with law enforcement. In contrast, there is a minority of batterers who have a history of violence, often with multiple targets, e.g. the "panviolent". They have far less commitment to a law abiding lifestyle, and consequently tend not to fear criminal justice intervention or sanctions (Sherman, 1990 and Straus, 1996).

Estimates of the relative size of each group vary depending on the population being studied and the criteria used for defining "high risk". Straus (1996) utilizes two criteria to separate out "high risk" batterers from the general population of batterers: the repetitive nature of violence in the previous year, and a variety of other behavioral characteristics. He found that at only 10% of

batterers in general fit this high risk profile. They attack their partner an average of 60 times per year compared to 5 assaults per year in the general offender population (Straus, 1996).

It is a plausible hypothesis that the success of criminal justice intervention would vary greatly among the two types of batterers (Buzawa & Buzawa, 1996; Sherman, 1992; and Straus, 1996). The theory is that different groups of offenders may require varying forms of criminal justice intervention. Straus (1996) has suggested that criminal justice intervention appears to deter the larger group of less serious batterers because of the real risk of social stigma, disruption of normal lifestyle, and jeopardy to employment .

Conversely, those classified as high risk, may be relatively impervious to similar interventions. Sherman, et. al., 1992a, using the criteria of employment status as predictive of recidivism, also theorized that those who had the “least to lose” were hardest to deter through criminal justice intervention. In fact, he reports data to show that violence actually increased over time when an arrest was made among unemployed, minority offenders. However, as noted earlier, the Milwaukee Domestic Violence Replication Study (Sherman, et. al., 1992a, b) took place in a jurisdiction where only 5% of offenders were subsequently prosecuted, hardly a generalizable test of the actual impact of a coordinated criminal justice intervention. After all, as Tolman (1996) correctly observed, the ultimate effectiveness of sanctions depends on their actual, not theoretical, enforcement . In most jurisdictions, there is still a low probability that courts will fully enforce statutes when a batterer enters the criminal justice system whether through arrest or by warrant (Buzawa & Buzawa, 1996). For this reason, the use of batterer profiles in a “model” court setting presents an important issue for further analysis of the outcome of court intervention.

H. Research on Chronic Victimization

While our literature focus is upon the interaction of offenders with the criminal justice system, one issue tacitly implied by the literature is repeat victimization. Repeat victimization in many contexts has been studied for over 20 years. This research consistently finds that once a person is victimized, that person is at increased risk of future victimization (Sorenson, Siegel, Golding & Stein, 1991). For example, one study found robbery victims were 9 times more likely to be revictimized and sexual assault victims were 35 times more likely (Canadian Solicitor General, 1988).

This finding has been observed in the cases of domestic assault victims as well. Farrell and Pease (1993) report that victimization risk is greatest in the period soon after the initial victimization. In domestic violence cases, the risk of re-victimization was highest within the first 11 days of victimization and rapidly declined thereafter (Lloyd, Farrell and Pease, 1994). Clearly, in cases of same offender-victim dyads, repeat victimization is, by definition, occurring. It also is evident outside the construct of the victim's relationship with a particular offender.

Repeat victimization may also be related to demographic factors. Schwartz (1991) used NCVS data to find differences in repeat victimization by marital status, race, and gender. Behavior patterns, known as routine activities, significantly relate to repeat victimization (Lasley and Rosenbaum, 1988). Fattah (1991) categorized victim risk factors by how susceptible characteristics and behaviors are to change by the victim: (1) factors victims can't change such as demography and personal characteristics such as age, sex, height, handicap, appearance, social class, and race; (2) factors victims can change such as marital status, choice of partner, neighborhood of residence, place of school or employment, hours of employment, modes of travel, physical strength and

assertiveness; and (3) factors that are possibly under the victim's control and might be changeable, e.g. use of leisure time such as hours, places, type of activity, display and securing of property, personal opinions, style of dress, alcohol and drug use, sexual activity, antagonism and aggressiveness in interpersonal relations, negligence and carelessness and level of caution for becoming involved with persons, places and activities.

The concept of "re-victimization proneness" is important since active criminal justice systems, like the QDC, employ victim advocates who have an opportunity, and arguably, the responsibility to assist women in seeking more long term assistance. In addition, a critical aspect of achieving the criminal justice goal of victim empowerment, will be to help women develop the capacity to protect themselves from re-victimization.

III. METHODOLOGY

In this chapter we present an overview of the sample, research design, and data collection sources used in this study. We also discuss the problems associated with these aspects of the study methodology and how they may effect and limit an understanding of study findings regarding the offenders and victims examined in this study.

Sampling Decisions and the Sample Size Issue

Data used in this report are based upon domestic violence cases that resulted in an arrest and arraignment before the Quincy District Court during a 7-month study period. All consecutive arrests for domestic violence involving male defendants and female victims that occurred between June, 1995 and February, 1996 were initially examined for inclusion in our final sample. From that pool, we eliminated all cases involving defendants and primary victims who were under the age of 17, cases involving same-sex relationships, and cases involving male victims and female defendants. The final sample is composed of 353 cases of male-to-female domestic violence. It can also be described as a population, since it includes every case in this category of incidents which occurred during the study's data collection period.

All but 3 of the 353 cases came to the attention of the study as the result of arrest (three victims went directly to court). Consequently, this sample cannot examine factors that affect the decision to arrest in this jurisdiction. However, the police departments in the towns served by the QDC use presumptive arrest polices in responding to domestic violence and, it is estimated that, 70-

75% of all calls to police result in arrest (provided by the Chief Probation Officer in the QDC at the time of the study, Andy Klein). We are reasonably confident that our sample represents a full spectrum of this jurisdiction's male-to-female violence and abuse cases which come to the attention of the criminal justice system.

Even so, the representativeness of this sample of all male-to-female domestic violence cases seen by the QDC over the course of 7 months cannot be fully determined. First, little is known about cases that did not result in arrest following calls for assistance. Second, even though cases in this sample do not show much variation in numbers or on key characteristics on a month-to-month basis, there may be seasonal variations in the nature of cases that came to the attention of the criminal justice system. Third, and perhaps most importantly, our sample size does vary from analysis to analysis due to the availability of data from the primary sources used in this study, i.e., official records and self-report surveys. Consequently, we are often reporting results from a subsample of offenders and victims, which raises questions about the generalizability of the study findings. We return to this issue in the implications section of this report.

Study Design

As we discussed in Chapter I, the purpose of this project was to better understand the interaction between victims, offenders and the criminal justice system in domestic violence cases in a model court setting and its impact on re-offending and re-victimization. Specifically, the research examined: 1) the processing of domestic violence cases in a full enforcement court; 2) the victim's perspectives on this process and its impact on their lives; 3) variations in criminal justice response on the basis of defendant, victim and incident characteristics; and (4) prevention of re-victimization.

In order to achieve these objectives, we needed to do four things. First, we needed to track a

sample of cases from their initial point of contact with the formal criminal justice system through the system's final disposition of these cases. Second, we tracked these same cases for a 1-year period following arraignment to examine the issue of re-offending for any new offense including violent offenses against the same or a different victim. Third, we needed to get reports from victims themselves about their experience with, and perspectives on the role of the criminal justice system. Fourth, we needed to get information from victims, and about offenders in terms of their prior experiences with domestic violence and with the criminal justice system.

To facilitate this design, information was needed from multiple sources and perspectives covering data from significant periods of time both before and after the occurrence of the incident that led to its inclusion in our sample. In addition to procuring these data, an additional challenge was to link together information from several sources into one coherent data file. Sources of data used in this study are first described below. They include offender criminal history data, records of civil restraining orders, probation department data on prosecutorial charges, case disposition and risk assessment, data on offender treatment program participation, police incident reports, and self-report victim survey data.

Data Sources

Table 3.1 summarizes the types of data we utilized in this study and our degree of success in obtaining data from each source. Since the data come from a variety of sources and provide very different types of information, each with its own distinctive features and limitations, it is important to describe each of these data sources separately.

Table 3.1 About Here

1. Offender's Criminal History Data. The Quincy District Court's Department of Probation, provided criminal biographies for all 353 defendants in the sample. For this research each defendant's criminal activity was analyzed both prior to the study incident and for 1-year subsequent to that incident. These records contain all criminal charges filed against a defendant by any Massachusetts Court during his lifetime, the dates of occurrence and court locations of each charged offense, as well as the defendant's age at time of first offense. The State of Massachusetts maintains these data via a centralized computerized criminal file system through the Massachusetts Criminal Records System Board, Office of the Commissioner of Probation.

These data were coded into several categories including the age of the defendant at time of first criminal charge, the overall number of prior criminal charges, the total number of prior criminal charges for crimes against a person, property crimes, public order offenses, sex offenses, motor vehicle offenses, and alcohol and drug charges.² The Quincy Department of Probation supplied these variables in a computerized form. The accuracy of their codes was compared with actual print-outs of criminal histories. Staff checking revealed very few errors, and these errors were resolved by one of the study's project directors.

These criminal histories provide a wealth of information about the extent and intensity of study defendant's prior contact with the criminal justice system in Massachusetts and for one year

² Motor vehicle charges included operating without a license, or after revocation, driving recklessly, driving to endanger, etc. Alcohol -related crimes included drunk driving, a minor transporting alcohol, a minor in possession of alcohol, and possession of an open container of alcohol. Drug crimes included all offenses involving possession, sale, distribution, or manufacturing of an illicit drug.

after entry into the study, but at least four limitations should be considered when interpreting these data. First, and most obvious, these data measure criminal histories on the basis of official data. We have no information from offenders never charged by the police or from the offenders themselves. To that extent, the data used in this study can be considered as an officially recognized criminal history. The extent to which unreported crimes would have affected our conclusions cannot be measured.

Second, information on the official criminal histories of offenders in this study is limited to those criminal charges filed in courts only in the State of Massachusetts. It is likely that some portion of the sample of offenders have had criminal charges brought against them in other States during their teenage and/or adult years. The effect of this issue on conclusions cannot be determined.

Third, criminal history files are not based upon solid identifiers like fingerprints, so defendants may be entered under different names, social security numbers, dates of birth, or other identifiers. In this study, police reports and other sources identified 5 defendants who used several aliases and whose criminal histories were thoroughly checked to correct for possible multiple listing in the centralized criminal files. However, other unidentified defendants may have multiple names and the extent to which their recorded criminal histories are underestimates due to this multiple listing is unknown.

Fourth, since for about 40% of cases, the study defendant was a juvenile when first criminally charged, we do not know his exact age at first contact with the criminal justice system; we only know that the person was “under 17 years of age” at the time of the incident. Therefore, rather than knowing his precise age at first criminal charge, we only know the offender was a

juvenile. When comparisons were made between sub-groups of defendants on average age at first criminal charge, the age of 15 was assigned; the modal age at first juvenile offending of study defendants whose exact juvenile age we knew.

One final caveat regarding criminal history data is in order. When examining and displaying an offender's criminal history, a researcher must decide whether to present charges as unique "events", even when multiple charges may actually have occurred during a single (criminal) incident. While we have organized the data to examine each charge, other researchers have opted to categorize the most serious charges at each unique arraignment (see e.g., Byrne & Kelly, 1989). To the extent that overcharging does occur at arraignment, it could be argued that we have overestimated the seriousness of the criminal histories of these defendants. In addition, by treating multiple charges occurring within a single "incident" as separate events in the offender's criminal history, it could be argued that we have overestimated the extent of the offender's criminal histories. A much lower estimate would be offered if we had decided to treat the arraignment as the unit of analysis. The reader should keep this in mind when reviewing the data we present on criminal histories.

2. Civil Restraining Order Data. In September, 1992, the State of Massachusetts implemented the Registry of Civil Restraining Orders: the first statewide, centrally computerized record keeping system on restraining orders. This registry is primarily designed to provide the police and courts with accurate and up-to-date information on the existence of active orders. The Quincy District Court Department of Probation provided information from this registry on the number and type of civil restraining orders taken out in Massachusetts against all 353 defendants both before the occurrence of the study incident and for a 1-year period following the study incident.

The variables contained in this computerized registry include defendant identification (i.e., sex, date of birth, address), identification of person taking out the order (i.e., name and address), and restraining order characteristics ((i.e., court issuing order, conditions of the order). From this data source, we were able to construct measures on 1) the number of restraining orders taken out on the study defendant prior to the study incident; 2) the number of different female victims who have taken out restraining orders against the study defendant; 3) whether a restraining order was in effect at the time of the study incident and ; 4) whether a new restraining order was taken out against the study defendant subsequent to the study incident by the same woman as in the study incident and/or by another person.

A possible limitation of using data from the Civil Restraining Order Registry is that it may lead to an underestimate of the actual number of prior restraining orders among defendants in our sample. The data only covers the period from September, 1992 (when entry of this data on a computerized system began) to the present. The number of cases in which defendants in this study were named in restraining orders prior to 1992 is unknown and could effect the interpretation of prior restraining order results. Nonetheless, we do have complete data on the last several years prior to the incident that led these offenders into our study sample. It could be argued that more recent civil restraining order history predicts subsequent offender behavior in this type of crime in much the same way that recent criminal careers predict subsequent criminal behavior generally (see, e.g., Byrne & Kelly, 1989).

3. Prosecutor's Office/District Court Data. The QDC Department of Probation also provided us with information on all 353 defendants concerning prosecutorial charges. For each defendant in our study information was provided on up to three domestic violence related charges

for our study incidents and any additional non-domestic violence related charges. This information enabled us to compare police charges to prosecutor charges on their number, severity and type and to understand the link between prosecution charges and court handling of cases.

Information was also received from the Quincy District Court on both the initial and final dispositions of cases. Information on initial dispositions was retrieved for 95% (335 of the 353) of the cases in our study. Information on final dispositions were available on 58% (193 of 335) of study defendants. Dispositions were still not finalized for 42% (142) study defendants 1-year after arraignment.

Data from the Quincy District Court on initial and final dispositions and their dates enabled a determination of the amount of elapsed time between arraignments and dispositions as well as the number of defendants who violated the conditions of their initial dispositions.

4. Data on Study Defendants and Batterer Treatment Programs. Some study defendants had to enroll in a batterer treatment program as a condition of probation. Of the 86 defendants who received probation as their initial court disposition, we did not know from Quincy District Court data which ones attended and/or completed batterer treatment. In an effort to determine which study defendants attended treatment and whether or not they completed such treatment, we contacted the Directors of the two batterer treatment programs which serve the Quincy District Court. The Directors of these two programs gave us the names of those defendants in our study who attended batterer treatment and their treatment completion status at the end of our study period.

5. Police Incident Reports. A key data source used in this study were the police reports for the study incidents from the seven departments served by the QDC. These reports were used to

measure the officer's perspective and actions taken about the incident, what the call for service involved, characteristics of the incident, socio-demographics of the participants and their narrative description of the incidents and their stated response.

We were able to retrieve police reports and/or police intake forms for 89% (317 of 353) of the study incidents. In using these reports, we recognize that whether reports are written in all appropriate cases, and their accuracy and completeness is ultimately a reflection of individual officer's social definitions of a crime and/or sanctionable behavior, his/her and the department's priorities, fear of civil liability, and community expectations. As a result, problems with excessive and/or uncritical use of police reports as an objective description of the incident are well known (Croft, 1985; Donahue, 1983; and Fyfe, Klinger, & Flavin, 1997). However, as a statement of police response and perception of an incident, much can be learned.

Despite these acknowledged limitations, we believe that the use of police reports is justified in this case. The QDC (and applicable Massachusetts law) mandates that officers complete police reports describing all domestic assault cases. Training on the response to domestic violence also includes training on accurate completion of police reports. Their compliance with training and departmental policies in report completion is helpful in further understanding the significance the officer and/or department attribute to the incident. To the extent possible, we provided a contrast, on an aggregate level, these versions of police events with victim accounts. Complicating the recognized problems with the reliability of police reports in general are two additional problems that had to be addressed in this study. First, the information contained in study police reports had to be coded into usable variables and linked with variables from other data sources used in this study. This required the training and monitoring of several coders to produce reliable accounts of study

police reports. Second, among the 7 town police departments providing data to the study, none of them used the same incident form. This necessitated an effort to identify a common group of variables that appeared in all 7 town police reports, either in closed-ended question format or through the operationalization of narrative accounts.

Coder Training. Seven graduate students in a Criminal Justice program received 30 hours of training in coding police records and spent several additional hours discussing problems in the coding process and assessing the reliability of decisions throughout the coding process. Coders engaged in both basic and evaluative tasks³. Basic coding primarily involved the recording of closed-ended questions and check-off boxes in the police incident reports and intake forms, but also involved a number of activities including:

- Verifying that the police record was the correct one to be “linked” to other sources of data used in the study, i.e., checking the date, names and addresses of participants, police report number;
- Standardizing responses not made in accordance with the established codes or format (e.g., transforming dates into numeric form, inserting leading zeros where needed, etc.);
- Ensuring the legibility of all responses; and
- Re-coding “other; specify” responses into an existing precoded answer.

Evaluative coding was a more complex task that required coders to interpret

³ At times, these coding tasks overlapped. For example, coders were asked to list whether “stalking” was one of the criminal charges files against the defendant by the police. They were also asked to evaluate whether “stalking behavior” was apparent in the police incident reports, whether criminally charged or not. Coders were trained, in this instance, to use a definition of stalking, developed after reviewing a number of state statutes (Bureau of Justice Statistics, 1996). Stalking was defined as multiple acts (at least two separate instances) of willful following, harassing of, or nonconsensual communication with a person and such actions create in that person a reasonable fear for their safety, or of death or bodily injury. Several concepts, such as stalking, were evaluatively coded from police incident reports and will be discussed at later points in this report.

sometimes lengthy narrative statements and to determine whether certain actions did or did not occur, or whether certain elements were present or absent from a particular episode. One of the first tasks for evaluative coders was to become familiar with study definitions that were used in coding police incident reports. For example, to answer the question of whether police “searched” for offenders who were not present, coders had to be familiar with the criteria that constituted “searching”, including actually leaving the scene of the incident to look for the offender, asking the victim for the address of the offender (if different from the victim’s), asking for a description of the offender’s car, license plate, etc., asking the victim for the names and addresses of friends or family of the offender.

In evaluative coding, coders were instructed first to read the entire police incident narrative and then to read the entire police incident report before coding any questions. When coders came across problems in the interpretation of particular items they filled out an Evaluative Coding Problem Sheet and these problems were resolved in discussions with the Coding Supervisor and Project Director. Once identified, coding problems were used with other coders to refine the coding guide and decision making protocol.

Reliability Coding. Inter-coder reliability was assessed throughout the coding process. This assessment procedure not only provided important information concerning the quality of the overall operation, but it continually reminded coders of the need to apply the study definitions and criteria uniformly across cases. Inter-rater reliability was assessed for a random 15 percent sample of all police incident reports. These 50 or so police incident reports were coded by at least two of the coders at different points in the coding process. Coders were randomly assigned to different police incident reports and coded the entire report.

Reliability Calculation Method. Table 3.2 presents the results of this reliability procedure. Each item coded from the police incident form was considered in the reliability calculation. Each item was recorded as “agree” (A) or “disagree” (D) based on whether or not two coders concurred. If a given disagreement was a function of a previous disagreement in the coding sequence, the first disagreement was recorded as a basic disagreement (D), and the second as a “consequence-skip” (CS) disagreement. If a disagreement was the result of a mistake in the use of a skip pattern (e.g., a criterion was skipped when it should have been coded), it was noted and called a “consequence-skip” disagreement.⁴

In “general” reliability calculations, “consequence-skip” disagreements were entered as actual disagreements. Whereas in “adjusted” reliability calculations, the “consequence-skip” disagreements were not considered true disagreements. This avoided penalizing coders for appropriately following the rules concerning the interdependencies in the coding system. The overall general inter-coder percent agreement was .84. The overall adjusted inter-coder percent agreement was .87.

All disagreements discovered in the reliability assessment were resolved in meetings between the Project Director and the Coding Supervisor. Any variable with a general reliability percent agreement less than .85 was also assessed for every case in the sample using the same procedure.

As can be seen in Table 3.2, variables coded from check-off boxes or other closed-ended

⁴ An example of a “consequence-skip” disagreement was if a coder noted that there was only one witness to the domestic violence incident, when there were, in fact, two witnesses. Listing one witness instead of two would be a basic disagreement (D) and failing to list the identity of a second witness would be a “consequence-skip” disagreement (CS) because it occurred as the result of an initial mistake.

formats tended to have higher inter-rater levels of agreement. For example, demographic variables produced a reliability coefficient of .94 and incident characteristics concerning fixed format information (i.e., date of the incident, time of offense, whether a restraining order was in effect) also produced good reliability scores. Variables that required coders to abstract information from narrative sections of police reports tended to produce lower levels of inter-rater agreement. For example, levels of agreement about information on police actions and the demeanor of victim and offender tended to be in the range of 15-20% lower than variables coded from check-off boxes.

Table 3.2 About Here

6. The Victim Survey. In addition to official criminal justice system data concerning our study incidents, we felt it was important to also capture the perspective of the victims on the study incidents and their handling. Consequently, we wanted to talk directly to victims involved in these incidents. There were three main reasons for wanting to conduct a survey of victims:

- We wanted to get the victim’s point-of-view about what she wanted from the criminal justice system, and how the criminal justice system responded to the domestic violence incident in which she was involved ⁵. The only way to assess victim’s perspectives on what she wanted and her satisfaction with the police, prosecutorial and judicial response to the incidents was to question her directly. We were also interested in knowing what the victim felt “worked best” in dealing with domestic violence and whether she believed the criminal justice system helped or worsened her situation.
- We wanted to get details about the study incidents and the context of the

⁵ We were also interested in the offender’s perspective on the study incident. To that end, we surveyed 36 offenders; a number too small for most statistical analyses, but large enough for a qualitative appraisal of how the offender saw the criminal justice system’s response to the incident. Data from the offender survey will not be presented in this report, but will be summarized in subsequent papers.

victim-offender relationship that are not typically available in official statistics. Surveys allow researchers to go beyond the type of information usually collected by agencies for agency purposes. For example, how often, in the past, had the victim called the police about domestic violence by this or other offenders? What kinds of resources were available to victims to deal with domestic violence? What kinds of victimization experiences have the victims had and how did they affect her response to the study incident and to the criminal justice system?

- We wanted to hear directly from victims about the defendant's re-offending behavior. A major problem with the interpretation of re-offending rates in the domestic violence literature is that they are often based on official records. The extent of under-reporting of violence and abuse is often not known. By surveying victims, we were able to estimate the extent of this bias.

Because one of the chief aims of the survey was to tap into the victim's perspective about experiences with the criminal justice system, victim interviews did not take place until approximately 12 months after the occurrence of the study incident. Our use of a 1-year time-frame was dictated to us by the fact that we had to wait until victims passed through contact with the prosecutor's office and court and our interest in self-reports about re-offending behavior 1-year after the study incident. However, this clearly had a severe effect on our response rate.

All participating victims completed either a short or long-form interview. The major difference between forms is the amount of detail we requested of women completing the long form. An identical core set of questions were included in both forms. Short forms took between 30-40 minutes to complete, on average, while long form interviews took between 1 and 1½ hours. Forty-five women or 38% of all those who completed the survey completed long forms and the remaining 73 respondents (62%) completed the short version. There were no significant differences between these two groups of respondents on the basis of demographic or incident characteristics.

To facilitate victim's participation and to ease the burden we were placing on them, they

were also given the option of being interviewed in-person, over the telephone, or self-administering the survey. We would have preferred to utilize one mode of survey administration, but this proved to be an impossible task. Some victims who were still living with study defendants would only fill out the interview themselves and did not want to speak to us over the telephone, whereas others did not want the survey mailed to their home address, but would speak to us on the telephone at particular times. While we were aware of the effects that different modes of survey administration can have on response quality, we had to balance these methodological concerns against issues of safety and non-obtrusiveness.

Victims were paid \$20.00 for their participation in the survey regardless of completing the long or short form. All participants read and signed an informed consent form and signed consent forms were kept in a locked file cabinet in a locked office for the duration of the study.

Response Rate and the Victim Survey. We were able to complete usable surveys with 118 victims in this study. Five victims who initially agreed to participate consequently “broke-off” the interview in the first 10-15 minutes, completing less than 20% of the survey items, and were considered “refusals”.

Part B of Table 3.1 summarizes response rate calculations for the victim survey. We were unable to contact 13 victims (3.7% of the overall sample) whose addresses were impounded. An additional 116 victims (32.8%) could not even be located to ask for their participation despite attempts to search for their addresses or phone numbers through multiple sources including the QDC. Another 118 (33.4%) victims were contacted (utilizing up to 10 call backs and multiple letters) but refused to participate in the survey. Reasons for refusing to participate were quite varied in this sample. Many of the women who refused told us that they were concerned about their safety

and/or the safety of their children if they took part in the survey. In some instances, adult children of the victim would not allow us to talk to the victim. In other cases, victims were very upset with the criminal justice system's handling of their cases and refused to talk to us. Despite our attempts to tell victims that we were not affiliated with the Court, they saw us as agents of the Court and refused to participate. Eight of the victims (6.8%) among the "refusals" could have been classified as "unable to be interviewed" if we had used that status category. Either because of disability or the effects of alcohol or drugs, we could not effectively communicate our purpose to them and they could not respond to our requests.

For the purposes of interpreting the results of this study, it is important to recognize that we only completed interviews with 35% of eligible study respondents. However, a more important question is the extent to which those who completed the survey are different from both "refusals" and those women we were unable to locate.

Data in Tables 3.3 and 3.4 summarize the extent to which we were able to address this issue. On the basis of official record information (police incident reports and criminal history information) we compared those who completed the survey to refusals and to those we could not locate on the basis of victim, offender, and study incident characteristics.

Tables 3.3 and 3.4 About Here

For most comparisons, we could not find major differences between victims according to their status on our survey. We were originally concerned that those victims we did not interview were involved with more dangerous men or in more serious domestic violence incidents. But this

does not appear to be the case. Those who completed the survey were , in fact, more likely to have been in incidents involving severe violence and the use or threat of guns and knives and were abused by men whose criminal histories were as extensive as offenders whose victims did not complete the survey.

There were, however, some noteworthy differences. Victims who completed our survey were significantly older than non-participants and women who preferred that the police not arrest the defendant were significantly more likely to be found among the ranks of those who completed the survey. While not statistically significant, victims who refused to be interviewed were more likely to have reported being injured in the study incident.

Despite the differences we have highlighted, it appears that victims who completed the survey component of the study were representative of all victims in the sample; at least on the basis of the variables measured here.

Coding and Reliability Issues in the Victim Survey. Three coders, including the Project Director, were used to code the core questions in both the long and short forms of the victim survey. This was a relatively straightforward task given that the vast majority of core survey items were of the forced-choice, closed-ended variety. Coders received 10 hours of training that was primarily concerned with familiarization with decision rules concerning ambiguous survey responses. Ambiguous responses were of two primary types. First, those instances in which some respondents chose “other; specify” responses needed to be carefully reviewed to determine whether the response could be fit into one of the existing coding categories. or the coding category needed elaboration. Second, some respondents answered using more than one coding category. For example, there were

a few instances in which a respondent circled both “yes” and “no” to a question about a subjective state (e.g., “Did the feel the victim advocate spent enough time with you?”) and the respondent wrote in next to the question “I feel both ways.” In this instance, we decided not to include this respondent’s answer or to elaborate the code (i.e., including a category “ambivalent”).

Because we were dealing with a relatively small number of surveys, all forms were edited and checked after coding and before data entry and eventual linkage to other data sources. Levels of agreement between coders on the survey closed-ended questions were uniformly high; .91 and higher.

Level of Agreement Between Police Incident Reports and Victim Survey Responses.

Going directly to victims for information about study incidents was designed to find out more detail about them than could be discovered from data in agency records. But even on this score, the survey was far from perfect. There are well known problems in surveys in regard to respondent’s willingness to confide and also in their ability to remember fully (Cannell et. al., 1981; Turner & Martin, 1984). As a general rule, people’s candor in surveys has turned out to be far greater than many social scientists and lay people once believed. In recent years, anonymous telephone surveys have gathered a great deal of information about extremely sensitive subjects: rape, child abuse, domestic violence, contraception, drug use and homosexual behavior (Finkelhor, Hotaling & Sedlak, 1990). Even so, some people do omit information about themselves in survey settings to avoid casting themselves in a negative light. In this study, we took a number of steps to help minimize this “social desirability” bias.

First, in introducing this study, we emphasized its importance in helping to inform social policy for other victims of domestic violence. Second, we carefully explained the study in terms of

the confidentiality rules we were following and exactly how we would handle the information that respondents gave us. Third, we introduced ourselves as faculty members and students from a research university and told respondents we were not affiliated with the police, prosecutor's office or court. Fourth, the eight interviewers who collected information in this study were trained to be courteous and supportive, to sound interested and to avoid expressing judgement, alarm, excessive sympathy or surprise. Fifth, we used a desensitizing technique in structuring the survey. In this technique, respondents were gradually led from more general and nonthreatening questions to more detailed and sensitive questions. These techniques helped minimize the number of respondents who withheld information about study incidents or their true opinions about the processing of their cases.

The choice of a 1-year time frame for conducting victim surveys strikes a middle course between two problems. A shorter time frame would not have allowed for the passage of enough time to capture the information we sought. We had to wait until study incidents had been processed by the entire criminal justice system and we wanted to allow for some time to pass to examine the outcomes of these incidents. A longer time frame would have exacerbated memory problems in recalling specific aspects of study incidents and caused more problems in locating respondents.

Respondents were asked about events that occurred at different points over the past year (i.e., police involvement, talking to a victim advocate, going to the prosecutor's office, going to court). The most distant event in that time span was the incident that led to their inclusion in the sample. If memory problems did affect the quality of the information gathered, we would expect that this problem would be most apparent for that event.

The issue of respondent memory was examined by comparing what survey respondents told us a year after the event about the study incident and police involvement in it with police incident

reports that were completed immediately following the study incident.

Data in Table 3.5 examines this comparison between police and victim accounts through common data elements collected by the police and reported by victims who completed a long form survey interview⁶.

Table 3.5 About Here

There is a very high level of agreement between victims and the police on a number of details concerning the study incident. Victims accurately recall specifics details about the incident in terms of participants, location, dynamics of the incident and police actions. There are, however, some exceptions. While the direction of the disagreement cannot be determined from the data in Table 3.5, it appears that victims are more likely to remember children being present at the time of the incident and more likely to have reported to us that they were injured in the study incident than were the police incident reports. This latter finding is understandable in that some victims may not have registered pain or injury until after the police incident form was filled out.

There was also disagreement between the police and victims concerning the number and types of police actions engaged in at the scene of the study incident. More victims reported to us that they had asked the police not to arrest the defendant than was noted in police incident reports. Along these same lines, victims told us that police gave them information about obtaining a restraining order more often than was recorded by police in their incident reports. In fact, when we

⁶ The long-form survey instrument contained a number of more detailed questions about the study incident as well as questions that were commonly found on police incident reports. This allowed us to compare police and victim accounts in these 45 cases. Information about victim-offender relationship and who called the police were also part of the short-form questions and can be examined for a larger sample of cases.

compared the victim and police accounts of the overall number of police actions taken at the scene, police incident reports underestimated the number by a wide margin. Victims reported that, on average, police engaged in 9.5 dispositions, while the police only recorded that they engaged in only 4.4 actions.

It appears that some of the discrepancy is a function of the report form used by police wherein certain kinds of information are not clearly requested. Historically, victim preferences, the presence of children, or acts of assistance for victims are not considered relevant to the police function in domestic violence cases. However, it is important to note that victims were able to recall accurately events that occurred 12 months ago giving us confidence that more recent events we asked about were recalled with the same or greater level of accuracy.

Weighting and Data Analysis

No weights were applied to study data. Since it was not our purpose to extrapolate to cases beyond those in our sample, no adjustments to data were undertaken. Analyses reported in this document are largely descriptive in nature. Bivariate comparisons of differences in proportions and means were conducted with appropriate statistical tests. Multivariate analyses were conducted at points, including logistic regression, but more complex multivariate investigations will be presented in later reports.

IV. CHARACTERISTICS OF INCIDENTS, VICTIMS, AND OFFENDERS

The purpose of this chapter is to describe the types of domestic violence incidents seen in a model court setting. It is important to determine whether the system is processing only a narrow band of very serious cases enter such a system or whether a wider array of incidents, victims and offenders. Data from both police reports and victim surveys will be used to examine the array of characteristics of those persons and events involved in domestic violence that come to the attention of law enforcement and the courts. Specifically, we present data about the time and place of occurrence of the incidents included in our sample, the nature of the incidents, including injuries and weapons use, the recollections of witnesses, offender alcohol/drug use at the time of the incident, and selected victim characteristics (i.e., demographic profile, history of victimization, and the dynamics of past and current offender/victim relationships). Data from this Quincy District Court (QDC) study can certainly be contrasted with the most recent data from the National Crime Victimization Survey (NCVS) to determine whether program developers' contentions are correct concerning the broader scope of their target population resulting in a much wider "safety net" for the victims of domestic violence.

Characteristics of the Incident

Data in Table 4.1 describe the nature of the domestic violence incidents that come to the attention of the QDC not only in terms of their place and time of occurrence, but also in terms of the nature of the acts.

TABLE 4.1 ABOUT HERE

1. Time and Place of Occurrence of the Incidents. The NCVS data reports that three-quarters of victimizations of intimate violence occurred at or near the victim's home (Greenfeld, et. al., 1998). Data in Table 4.1 show an exact parallel: in 73% of the incidents for which we have information on place of offense, (216 of the 296 completed reports) the offense occurred in the victim's household. When combined with the 2.7% (8) that occurred in another person's household (typically a relative or friend) and the 3% (9) in the offender's house, it appears that the vast majority of cases occurred in private settings.

Additionally, these data support the idea that moving away from a violent husband/partner or boyfriend does not guarantee safety. As will be seen in a later table, less than one-half of victims in this study were living with the offender at the time of the incident but three-fourths of victimizations occurred in her home.

While public attention has begun to be placed upon the potential for domestic violence to carry over to public places, especially the work place, the location of incidents data does not demonstrate a large problem at the victim's place of employment. Only 1.0% (3) of incidents that came to the attention of the police originated here, despite growing public concern about domestic violence in the workplace. A recent Bureau of Justice Statistics Special Report (1998), *Workplace Violence, 1992-1996*, for example, highlighted findings from the National Crime Victimization Survey, "which indicate that during each year US residents experienced more than 2 million violent victimizations while they were working or on duty" (Warchol:1998:1). The author of the report, Greg Warchol, reports that "intimates (current and former spouses, boyfriends, and girlfriends) were identified by the victims as the perpetrators of about 1% of all workplace violence crime" (1998:1). However, the actual figure may be higher since both male and female victims are included in this

total. Female victims reported that “their attackers were intimates in 2.2% of all offenses” (1998:4), while also reporting that their attackers were acquaintances in 46% of all offenses. Unfortunately the report does not break down the offender-victim relationship for specific types of workplace violence (i.e., aggravated assault, simple assault, robbery, sexual assault), but it seems reasonable to assume that the risk of violent victimization by intimates while at work is higher for female than male victims.

Table 4.1 also contains information on the time of occurrence of the incidents in the QDC study. Current NCVS data reports that a high percentage (46%) occur between 6PM and midnight (Greenfeld, et. al., 1998). The QDC data also shows a preponderance of incidents (36.9%) occurring during evening and late evening hours. On the surface, this distribution is not surprising. Most offenders and/or victims work and therefore, contact during daytime hours is limited.

This temporal distribution of incidents may prove to be quite challenging for criminal justice organizations. Approximately two-thirds of offenses were reported during evening or nighttime shifts when police departments typically operate short shifts, give priorities to accidents and or drunk driving initiatives, and key support personnel including members of designated domestic violence units, investigators, crime scene technicians and other staff personnel are not on duty. Court personnel are not available after 5PM to conduct arraignments nor are judges available before 8:30AM. In Massachusetts, arraignments have to be done by judges who are only available Monday to Friday 8:30 - 5:00 at most. This problem of temporal distribution is cumulative to the extent that 34% of the offenses occurred on a Saturday or Sunday, days of peak demands for traffic, petty crime and stranger assaults. It becomes clear why domestic violence cases are seen by many law enforcement professionals to provide an organizational challenge to any criminal justice system

where key actors in the courts, police, and District Attorney's office are not always available.

The Commonwealth of Massachusetts has responded to this dilemma by implementing a state-wide Emergency Response System (ERS) to handle the issuance of Restraining Orders and a wide variety of other emergency type issues during non-court hours. The state is divided into approximately 12 geographical regions with one judge assigned to each region. Each judge is provided with a beeper and cellular telephone. All of the police departments are provided with the name of the on-call judge to facilitate contact so that the on-call judge can be contacted for any emergency situation and request assistance. Judges are estimated to typically receive 40-50 requests for assistance within the week of coverage, but many have received as many as 120 calls during their period of coverage. The ERS also tries to integrate existing criminal history with the issuance of restraining orders by mandating that police officers check the defendant's probation record prior to contacting the judge (Black, Personal Communication, 7/22/99).

If there are any outstanding warrants on the defendant, he/she must be held on those warrants. The police officers request a Restraining Order by either calling the judge directly from the alleged victim's home or when he returns to the police station. If issued, the order is in effect until the next business day of the court. Each court in the jurisdiction the Restraining Order was issued is notified and the victim is instructed to go to that court to extend the order. Presiding Justice Charles Black has commented that:

The Emergency Response System is a fabulous system and the judges who participate do a superb job. If any judge thinks that domestic violence is a hoax perpetrated by women, a week of duty on the ERS will quickly bring any judge to a new awareness....The only fault that I have with the ERS is that the Restraining Orders issued through the system never get recorded in the state-wide registry unless the plaintiff actually goes to court and seeks to have the order extended

Black, Personal Communication, 7/22/99

As seen above, most domestic violence incidents occur during evening and week-end hours. Judge Black has estimated that the most calls for assistance are received between 10:00 p.m. and 2:00 a.m. on Friday and Saturday. Unfortunately, domestic violence advocates, typically civilians in police departments work Monday through Friday from 9:00AM to 5:00 PM. As a result, most victims will not have the benefit of their immediate assistance. Those police departments with established dedicated domestic violence units, will need these units to work these shifts or the chief must be prepared to pay overtime costs. Partially for this reason (and partially due to the philosophy of increasing overall training), this is why Quincy Police Department dissolved its special domestic violence unit in favor of universal, but more limited, 20 hour domestic violence training for all officers (Klein, 1994).

2. Acts, Injuries, and Weapons. Table 4.1 also contains information on the nature of the acts that led to police intervention as well as the extent of injuries that resulted from those acts. There is currently no government survey estimating the national incidence of domestic violence in the United States. Therefore, data from the QDC will again be compared to the recently published BJS Report (Greenfeld, et. al., 1998). This report included data from the 1992-96 NCVS data, 1995 National Incident Based Reporting System data, and 1976-96 Supplementary Homicide Report data. We consider this comparison important because the BJS reports on the largest data base of victims. BJS draws on the general population in an effort to identify unreported as well as reported incidents of crime. BJS data have some known limitations. Note, however, that the rates reported by BJS are considerably lower than those reported by the 1985 National Family Violence Survey (Straus and Gelles, 1988). Despite these limitations, these sources of data are often relied on as the best source

for determining general victimization levels.

Again, this comparison is useful for two reasons. It will show if our data base, relying on characteristics of those incidents that result in police intervention, differ from those of victims in general. In addition, the NCVS data base by its nature, reports on victims from all jurisdictions. As we noted earlier, the vast majority of these do not pursue as aggressive an intervention strategy as that displayed by the QDC.

The recent NCVS report found that 70% of female victims of intimate violence were physically assaulted, (i.e. hit, knocked down, or otherwise attacked), compared to 29% where an attack was threatened or otherwise attempted (Greenfeld, et. al., 1998). Our data found a remarkably similar result. Seventy-one percent (233) of police reports out of 341 reported physical violence in the incident. Data in Table 4.1 shows the variety of physical assaults that occurred. These incidents were quite varied, ranging from minor assaults to potentially life threatening beating. In the vast majority (97.8%) of the cases these acts were committed by single offenders. Consistent with customary accounts of domestic violence, only 7 of our 353 cases recorded multiple suspects (6 cases had two suspects; 1 incident involved 3 suspects). To the extent that number of suspects can be seen as proxy for “gang” type activity, it does not appear that this is a particular problem associated with offenders brought to the attention of QDC.

TABLE 4.2 ABOUT HERE

The recent NCVS report stated that no weapons were used in 78% of incidents where data was recorded (Greenfeld, et. al., 1998). Our data, reported in Table 4.2 also found that most offenders did not use weapons. If we can assume that police reports would have noted weapons on

their report if present and that “other” involves some type of weapon, then only 16.2% (50 of 309 cases) showed any use of weapons other than hands, feet, teeth, etc. This result is not surprising. Disproportionate physical strength may obviate the need for offenders to utilize additional weapons. However, the fact is that guns and knives, perhaps the most serious weapons, were used in 5.7% (18) of total cases. We can only speculate on the rationale for using a weapon in this subgroup of cases.

The victims of domestic violence included in this study reported a wide range of injuries. As seen in Table 4.2, about 10.4% (35) of the 304 cases received injuries serious enough to require hospitalization or immediate medical attention. The data distribution is noteworthy. Only 10% had serious injuries, 26.6% (81) had minor injuries while 63% (191) had no visible, medically substantiated injuries. These data appear to challenge the general belief that domestic violence injuries are typically moderate in nature. Consistent with research for the last 20 years, injury rates for domestic assaults have remained somewhat stable with over 50% of victims reporting injury. These data, while still reporting significantly high rates of victim injury, are appreciably lower than those of the general population of victims surveyed in the NCVS (Greenfeld, et. al., 1998) or those surveyed in general intervention programs (Fagan, 1996). While intriguing, it should be kept in mind that injury rates in the QDC sample reported above are based upon police observations that are recorded in officer reports. As such, they may be understated. Having said this, we had expected that aggressive (and earlier) enforcement would tend to reduce the total number of injuries.

It is also worthy of note that a somewhat different perspective is offered by our subsample of victims (N=118) who completed self report surveys. As can be seen in Table 4.2, when asked whether they felt they needed medical attention following the episode, 22% responded in the affirmative. Additionally, almost 70% of respondents felt they were going to be seriously injured in

the course of the incident. Thus, **while police reports find fewer visible injuries than is typically reported in NCVS survey situations, the fact that more than 2 out of 3 QDC respondents felt they were going to be seriously injured speaks clearly about the fear and apprehension victims were placed under in these incidents.**

The use of police reports may underestimate the extent of victim injury in one of three ways. First, in police reports, information on injury is recorded shortly after the occurrence of the incident. Many victims may not become aware of injuries until after police leave the scene. For example, the next day their wrist is sore or their neck is stiff or a bruise appears that was not apparent the night before. In victim surveys, in which victims are asked to report on past events, some as long as six months earlier, a more complete inventory of injuries might be obtained. Second, police intervention itself may prevent injury. The arrival of the police might have the effect of intercepting violence at an earlier point in time and result in lower rates of injury.

Third, and perhaps most importantly, many domestic violence incidents that come to the attention of the police are for violations of restraining orders not involving actual physical contact between the victim and offender, thus eliminating the possibility of physical injury. They may entail an offender telephoning a woman at home or work, sending letters through the mail, or driving by her residence. Twenty-seven percent (86) of the cases in the QDC study involve these kinds of restraining order violations. In contrast to calls for police assistance, victim surveys do not ask about restraining order violations. They ask about injury as the result of episodes of assaultive behavior only. Thus, because of the smaller denominator upon which the rate of injury is calculated, the amount of injury should be higher in victim surveys than that found in studies relying upon police reports. In fact, when we exclude from our analyses violations of restraining orders that

involve no physical contact between victim and offender, the injury rate rises to 50.2% (14% involving major injury and 36% involving minor injuries); a rate much closer to that found in previous studies.

In keeping with the private nature of domestic violence, few offenders injured any other victim besides their primary target. As seen in Table 4.3, only 6% (18) of the 353 police reports noted a “second victim.” Of those, 22% (4) were children, 22% (4) were parents of the victim, 17% (3) other relatives, and 33% (6) friends, bystanders or unknown. Of the 12 injuries for which there was confirmation (i.e. 6 were really miscoded by police and were really victim injuries), these additional victim injuries were minor such as bruises or swelling 58% (7) or no visible injuries 42% (5).

TABLE 4.3 ABOUT HERE

3. Witnesses to the Incidents. Despite the finding that few “second” victims were assaulted in these incidents which often took place in private settings, a significant number of people actually witnessed the assaults in the QDC sample. While a majority of the episodes (53% or 104) took place in the absence of anyone other than the victim and the offender, the remainder were observed by at least one other person. Twenty seven percent (84) were witnessed by one additional person, 13% (40) by 2 and 65% (20) 3 or more persons. Of those who witnessed the incident, 43% (61) were minor children and in 25 cases out of 144, there were multiple children. This finding is worth considering in the broader context of the “cycle of violence” (e.g. Widom, 1992). Research certainly suggests that childhood exposure to violence between parents leads to

profound sequelae in children including becoming a batterer for males and expressing symptoms of post traumatic stress disorder (PTSD) for children of both sexes.

4. Offender alcohol/drug use. Alcohol and drug use has been a consistent factor in studies of domestic violence rates. It was reported in 25% to 85% of incidents of domestic violence (Kantor and Straus, 1987). While Kantor (1993) found alcohol consumption patterns were associated with other variables related to violence such as witnessing violence in one's home, the NCVS data reports that 25% of incidents involved an offender who had been drinking prior to all intimate assaults, with a slightly higher rate of 28% for aggravated assault (Greenfeld et.al., 1998).

Their data were significant because of the lower rates of alcohol use in cases of victim intimidation (13%) compared to those involving actual violence (25%); graphically demonstrating that the offender's use of alcohol reduced inhibitions against the use of violence. In comparison, the QDC sample shows a somewhat higher rate of offender alcohol use than the NCVS. As seen in Table 4.2, 33.9% of offenders were characterized in police reports as having used alcohol, with an additional 1.9% using other drugs. However, the difference in proportions may be the result of methodological differences in the studies in that victim surveys rely on recalling information about distant events while the police records are based on direct questioning and observation of the offender shortly after the violent incident. In fact, the QDC estimate may be low because several offenders were arrested several hours after the incident and may have had time to become sober including those arrested due to a no contact restraining order or those who left the scene of the incident before the police arrived.

Characteristics of the Victim

Table 4.4 presents demographic characteristics of the female victims in the QDC sample. Information on victims comes from two sources: police records and victim survey responses. Police records only contained information on the age, race, and relationship to the offender of the victims in this study. Other demographic information comes from surveys with a sub-sample of victims (N=118).

TABLE 4.4 ABOUT HERE

1. Demographic Characteristics of Victims. The data in Table 4.4 show that women of all ages were represented in the QDC sample. The range in ages is from 16 to 73 years, with a mean of 33.8 years and a median of 32.0 years. The higher mean- than- median age indicates positive skew in the distribution meaning that the average age is being pushed upward by the presence of older females. The modal, or typical age is 29.0 years. Clearly, the intervention strategy of the QDC does not appear to be influenced by victim age. Cases involving teenagers are represented as much as those involving women in their 50's and 60's. This age distribution also was similar that that reported earlier by Greenfeld, et. al., (1998) in his NIBRS data from 9 states.

Even though the race of the victim was not recorded in the majority of police reports, the data we have indicate that the racial composition of this sample is overwhelmingly white (85%). The seven towns served by the QDC are also primarily white: in fact, non-whites were overrepresented by over a factor of two in this sample of victims. Census data for these towns show that non-whites comprised only 6% of the population in the early 1990's, but constituted 15% of the known QDC victim sample.

The victim-offender relationship of cases in the QDC sample shows that the model jurisdiction does, indeed, cast a wide net in responding to domestic violence incidents, at least in this area of review. Fewer than half (42.8%) of cases involve currently married or living together partners, while almost a quarter of cases (22.9%) involve ex-partners, ex-spouses, or ex-dating relationships. Over 20% of the cases are of current dating or boyfriend-girlfriend relationships, and 14% involve other family members. This last category primarily involves mothers and sons, adult brothers and sisters, and grandson - grandmother relationships.

Data from our victim surveys on education and income levels of the QDC sample presented in Table 4.4 also shows considerable diversity. Over a quarter of the sample is college educated or higher and income levels of victims range from poverty to relative affluence.

2. History of Victimization and Relationship Dynamics of Victims. Table 4.5 shows data on the victimization histories of the QDC sample as well as some characteristics of their relationship with the offender that led to their inclusion in the QDC sample. The data in Table 4.5 comes from victim surveys since police reports do not routinely record this type of information.

TABLE 4.5 ABOUT HERE

According to the self-report data we collected from a sub-sample of victims (N=118), substantial numbers of victims in the QDC sample reported various forms of prior violent victimizations¹. Over a third of the sample (35.6%) reported episodes of child sexual abuse and a

¹ Kramer (1989) interviewed 100 women in the Quincy District Court who were seeking a restraining order for domestic violence in 1987. She reported that 51% of these women disclosed childhood sexual abuse and 81% reported physical abuse during childhood. The discrepancy between Kramer's data and our data is unknown

higher proportion reported being victims of physical abuse during their childhood years (41.3%). While the reported child sexual abuse rates are in-line with some prior estimates (Russell, 1983), they are substantially higher than those reported in most victimization surveys (Finkelhor, 1994). In asking about childhood physical violence, we were clear in our effort to collect information only on severe forms of physical punishment, i.e., physical punishment that resulted in physical injury. The rates reported in Table 4.5 are anywhere from 6-10 times higher than rates of child physical abuse found in general population surveys (Straus & Gelles, 1986).

While on the surface, such data might appear to indicate that domestic violence victims are “preconditioned” to intimate violence, only a third of the QDC sample (36%) reported prior violent adult relationships with males. Therefore, in the majority of cases, the violent relationship that brought these women into contact with the criminal justice system was the sole violent relationship during their adult lives.

2. Current Relationship Dynamics. As can be seen in Table 4.6, almost two-thirds of women in the QDC sample described the violence or abuse at the hands of the offender as having become either more frequent, severe and/or controlling over time. For about a third of the women in this sample, an increase in the frequency or severity of violence did not serve to trigger police involvement. While no definitive pattern exists in these data, it is apparent that women initiated criminal justice intervention for a variety of reasons and that the QDC has contact with women who are at widely varying levels of distress in their dealings with offenders. Once again, our “wider net” contention appears to be supported.

Similarly, there is a good deal of variation in the extent to which fear served as a motivator

but may be due to differences in methodology and sample types between the two studies.

for criminal justice intervention. Almost half (48%) of the women in this sample reported that they had become more afraid in their situation over time, while (43.5%) implied that fear of the offender had decreased or stayed the same. An additional 8.5% of the sample were not sure about changes in fear over time.

TABLE 4.6 ABOUT HERE

As can also be seen in Table 4.6, a substantial number of women described their dealings with the offender as not only physically abusive, but also controlling and restrictive. Almost four of ten women (38.1%) in this sub-sample (N=118) reported that they were not free to come and go as they pleased in their daily routines because of the actions of the offender. Almost 60% (58.5%) reported being denied access to money and other resources during their time with the offender.

We also asked victims about a wide variety of restrictions placed on them by the offender. From a checklist of 15 items such as going to the store, getting together with friends, going to work, etc., we computed an overall restrictiveness score. Almost half of the women in this sample reported 3 or more such restrictions during their relationship with the offender. This situation is consistent with much literature on the psychological abuse of battered women and the controlling behavior of batterers (Walker, 1993) and the QDC clearly sees many women in such circumstances. However, there is a good deal of diversity in relation to the amount of control and restrictiveness being exercised by the offenders in this study. For example, 60.2% of victims stated that they were free to come and go as they pleased in their daily routines. In addition, a majority of women reported that they were not restricted by the offender in accessing medical care or in contacting sources of social support. It appears that overall restrictiveness is less a “general characteristic” of

these offender/victim relationships than a pattern of behavior followed in a smaller subgroup of cases.

What have we learned from this review? The data in Table 4.6 suggest that the QDC is responding to large numbers of women who, as suggested by the literature on battered women, are in chronically abusive, frightening and psychologically controlling relationships. At the same time, many of these cases are coming to the attention of law enforcement and the courts who are expanding their definition beyond the prototypical case of battering to the broader class of cases examined here.

Characteristics of the Offender

Two sources of data, police records and criminal history data, were examined to provide a profile of the offenders included in the QDC study. Data from police records include age, race and employment status of offenders (number of cases varies from 239 to 346 due to data availability). The Massachusetts Criminal History Systems data provides a complete profile of past history of criminal charges and criminal justice involvement of these offenders (N=353). As mentioned earlier, because the number of interviews with offenders (N=35) was not sufficient to support a full data analysis, we are restricted to criminal justice data systems for our knowledge of offenders in this sample. With this caveat in mind, we turn to our review of the demographic and criminal history profiles of QDC offenders.

TABLE 4.7 ABOUT HERE

1. Demographic Characteristics of Study Offenders.

A. Age. Offenders who came to the attention of the QDC for violations of domestic violence statutes ranged in age from teenage boys to elderly men (see Table 4.7). Initially we expected a far younger cohort of batterers. After all, the 1985 NFVS had found young males significantly more likely to abuse their partners (Fagan and Browne, 1994). In the QDC, police reports indicated that in our sample, over 20% of men between ages 18 and 25 and 16.9% of men between ages 26 and 35 committed at least one act in the past year. However, 32.6% of males were 36 to 50 years and 7% were over 50. The mean age in this sample of offenders was 34.4 years, with a median of 33 years. As was seen with victims, the distribution is positively skewed, with older males pulling up the average. One of the most noteworthy aspects of this age distribution is the proportion of older persons in the sample, almost one-quarter of the cases (23.2%) involve males over the age of 40 years.

b. Race. As was seen with victims, the QDC sample of offenders is largely white. Over 8 of 10 (83.9%) of the sample is white; 16% non-white. The majority of non-whites are black and the sample contains very few Asians. In the general population of the seven towns served by the QDC, non-whites comprised 7% of the male population in 1995, the year of the onset of the study. The over-representation of non-whites in the QDC sample is especially pronounced for Blacks who comprise only 2.2% of the general population but 11% of the QDC sample. This is 5 times the number of Blacks we would have expected in the sample given their numbers in the population.

Given that Blacks as a group tend to have lower rates of income, net wealth, and higher rates of single family households, some disparity in rates might be expected and is consistent with existing domestic violence literature (Neff, Holamon, & Schluter, 1995). However, there is no way to determine if the fivefold higher rate for Blacks is the result of higher rates of domestic

violence, a greater propensity to request criminal justice intervention, or a greater likelihood for police to arrest Black offenders (the last factor being somewhat less likely due to existing policies to arrest all offenders).

We were able to determine the employment status of 259 of the 353 offenders in our sample. At the time of their arrest, 24.3% of these men in the QDC sample were unemployed. This is a substantially higher unemployment rate than would be expected given that the regional unemployment rate in 1995-96 for the seven towns from which the sample was drawn was 5.5 %. Based on these data, it appears that our sample contains 4.4 times the number of unemployed males than would be expected given these population numbers.

2. Criminal Histories of Study Offenders: Number and Type of Prior Criminal Charges. An examination was made of all criminal charges for all defendants (N=353) brought in any Massachusetts Court. Eighty-five percent (N=301) were previously arrested as an adult. Of these, 89 also had prior arrests as a juvenile. In Massachusetts, a juvenile offense would be any offense committed before the defendant's 17th birthday.

TABLE 4.8 ABOUT HERE

The mean number of prior criminal charges in this sample was 13.1; with a median number of charges of 7.0. The disparity between these two measures is due to the high number of criminal charges for a sizable segment of our sample, including two persons with over 100 criminal charges each. It should be noted that, according to State Trial Reports, the average arrest in Massachusetts results in 2.02 criminal charges. In other words, the average QDC offender had been in court for

roughly 6 or 7 prior criminal incidents (Massachusetts Supreme Judicial Court, 1996). For the offenders in our sample, domestic violence is yet another example of criminal behavior through the life course; it is certainly not an isolated incident fraught with definitional issues and ambiguity.

The defendants in the QDC sample, it seems, have also had extensive contact with their town/city police apart from their criminal history. According to victim survey reports (N=118), close to three-quarters of victims had called the police about the defendant prior to the incident that brought them into our study. Over 15% of the defendants had 6 or more contacts with police for domestic violence against victims in our study.

Table 4.9 ABOUT HERE

Three hundred and one offenders (84.4%) had at least one prior criminal charge on their adult and/or juvenile record. More than three quarters (76%) had more than 1 prior charge. Fifty percent had 6 or more prior charges. Ten percent had 36 or more prior charges. As the data in Table 4.9 shows, the majority of study abusers had prior convictions for crimes against persons (usually assaultive behavior), property crimes (damage to property, thefts), drug and alcohol related crimes (possession of illicit drugs and drunk driving), and major motor vehicle crimes (operating recklessly and operating after license revocation).

An analysis of each defendant's prior record reveals that 210 (59%) had prior crimes against persons charges, with an average of 3.10 charges per such defendant and a mean of 1. Two hundred (56%) had prior crimes against property charges ($\bar{x} = 4.07$; Md = 1). Two hundred seven (58%) had prior charges that were for alcohol or drug related crimes, with an average of 2.17 and a median of 1.

Finally, 195 (54%) had major motor vehicle charges, including operating without a license or after revocation, driving recklessly and the like, with an average of 2.63 charges, and a 0 median score.

In addition, a minority had crimes against public order (disorderly conduct) and sexual offenses on their prior records. One hundred thirty-five (37%) had prior charges for public order crimes, ($\bar{x} = 0.87$; $Md = 0$). Thirty-one (9%) had prior charges of sex offenses, with an average of .14 charges.

TABLE 4.10 ABOUT HERE

3. Comparison of the QDC Sample of Offenders With the State of Massachusetts and Quincy, Massachusetts Probation Population in 1995.

Although there are no exact equivalent data on all defendants before the Massachusetts District Court during this time period, for comparison purposes, there exists a detailed description of Massachusetts defendants placed on probation statewide and in Quincy in 1995. In 1995, the average age of offenders on probation in Massachusetts District Courts (N= 15,053) was 30. Fifty three percent were on probation for crimes against a person, 19% for property offenses, 20% for drug offenses, and 8% for other offenses. Seventy-eight percent had a prior record within the past 5 years. Fifty-two percent had been on probation before within the preceding 5 years. According to probation officers, 79% had an active drug or alcohol abuse problem and 77% were judged to represent maximum risk for recidivism.

Quincy figures for all probationers in 1995 (N=408) were consistent with the state as a whole. Sixty-two percent were on probation for crimes against person, 15 % for property offenses,

12% for drug offenses and 11% for other offenses. Seventy-six percent had a prior record within the past 5 years. Forty-five percent had been on probation before in the preceding 5 years and 81% were reported to suffer an alcohol or drug abuse problem. Eighty-six percent were judged to represent a high risk for recidivism.

It is evident that the profile of the average probationer both in the state and in Quincy is not dissimilar from that of the average offender arrested for domestic abuse in this study. All groups have substantial criminal histories, are in their 30's, abuse alcohol and drugs, and commit crimes against persons. While the comparable variables are not exact, it would appear that the Quincy domestic abuser population is, if anything, more criminal and more violent than the average probation population. The slightly older average age of the former may account for these differences.

This finding is significant because it casts doubt on announced policies in a number of jurisdictions which do not regularly provide supervised probation for batterers who are thought to constitute low risk misdemeanants.

4. Criminal Histories of Study Offenders: Initial Contact With the Criminal Justice System.

As can be graphically seen in Table 4.10, offenders in the QDC study had early involvement with the criminal justice system. Almost 25% began with juvenile offending. The average age of that group of offenders with juvenile records was just 14 at their first arrest, ranging from 11 to the statutory maximum of 16. However, if the juvenile offense occurred before the state computerized

its files in the 1980's, the actual age is not known, except that the offender was under 17 years. For the purposes of this study, we assumed that the age of first juvenile arrest was 15 years for these 47 defendants, like their juvenile peers whose complete juvenile records were known in detail.

An additional 35.7% of the QDC offenders began offending by the age of 20. In all, over 60% had drawn criminal charges before the age of 21 years. Ninety percent of this sample had a first offense by age 35. Only 10% of the men arrested in the study were over 35 years of age when they first entered the criminal justice system. Seventy-five percent were younger than 28 with an average age of 18.

These data support the idea that battering does not exist in a criminal justice vacuum, but instead is, for many, part and parcel of an integrated lifestyle with extensive and varied criminal activity commencing at an early age (see, e.g., Laub and Sampson and Wolfgang et al., for more detail on crime over the life course).

The seriousness of the prior criminal histories is augmented by several additional pieces of information presented in Table 4.10. In the QDC sample, 191 or 54% of the defendants had been under at least one period of court ordered probationary supervision in the past with an average of just under three periods each. Also, 103 or 29% had been sentenced to jail in the past, with an average of 1 period of confinement each.

Even more germane to our purposes here is the fact that over 28% of defendants had at least one restraining order issued against them before the study domestic abuse charge. Since our study only included prior Massachusetts restraining orders issued after September, 1992, when the state first computerized and maintained its files on abuse restraining orders, it is likely that our data under-report the offender's history of restraining orders.

Of those 100 defendants in our sample who had such prior restraining orders, 66 had one and 34 had more than one ranging up to 4 restraining orders. Regarding such past orders, 55 were filed by the same victim as the victim in our study and 47 were filed by victims other than those in the study. Fifteen men in our sample had prior restraining orders taken out by both the same victim as the one named in the study domestic violence charge and at least one additional victim.

Our data base allowed a review of past criminal records to determine if offenders had committed crimes against more than one female victim. Data in Table 4.10 show that 13.5% of defendants in the QDC sample had victimized more than one female. Thirty-eight offenders had two female victims; 7 had three female victims and 2 offenders in our study had victimized 4 different females during their criminal careers.

Multiple female victimization appears to be strongly related to the offender's age at first criminal charge and the extensiveness of his generalized criminal offending. Preliminary analyses suggest that those whose criminal offending began before the age of 21 were 4 times more likely than those whose offending began after age 21 to have victimized multiple females ($\chi^2=7.91$; $df=2$; $p=.02$). Similarly, those with more than 30 prior criminal charges were over twice as likely to have more than one female victim ($\chi^2= 11.5$; $df=4$; $p=.02$).

As mentioned previously, we found that while this offender population had an extensive prior criminal history (mean of 13 prior criminal charges), this average was generally skewed by the existence of a relatively small percentage of extraordinarily active offenders. Two of the offenders had an astonishing prior criminal record of over 100 incidents (131 and 141 respectively).

More generally, 36 offenders (10%) in the QDC sample accounted for 41% (1895 out of 4,633) of all prior criminal charges in this sample and the next most prolific 10% of the offender

population, those with between 22-35 offenses, accounted for 21% (989 of the 4,633) of all charges. Together, the top 20% accounted for 62% of known, prior criminal offenses.

The above data demonstrate the interrelationship between chronic domestic violence and chronic criminality in general. Despite similar demographic and offense characteristics, this population of offenders had a far greater recidivism rate than the average offender taken into the Massachusetts probation system. Perhaps the population of domestic violence offenders in general has changed due to decreased societal tolerance for such behavior in the mainstream population. As such, only those without ties to the mainstream (e.g. with a strong criminal record) remain as offenders. We tend to believe that they are more criminally active, given what is known about other populations of offenders.

There are important policy implications that can be linked to the criminal history profile just presented. Any policy that aggressively targets incarceration for domestic violence offenders with extensive prior criminal histories may have the effect of preventing further offenses by these offenders. Therefore, the ultimate burden of such offenders to society in general, their potential victims in particular, and the criminal justice system is disproportionately reduced by identifying, and in appropriate cases, tracking their future activities. Even simply targeting those with lengthy criminal histories, i.e. those with 20 or more priors, would have eliminate only 74 individuals yet reduce about two-thirds of the court's domestic violence caseload during this period.

In addition, the combination of these figures suggest that policies that target chronic criminal offenders in general would also serve to target the vast majority of hardcore domestic abusers. However, the overall logic for deterrence of criminal behavior assumes a rational offender who weighs the costs of offending, both in terms of the act itself and the subsequent sanctions,

against whatever benefits may occur (Fagan, 1996). While domestic violence has been interpreted as goal oriented and implicitly rational behavior (Tedeschi and Felson, 1995), incidents of rage during more serious assaults often negate rational calculations and perceptions of costs (Browne, 1987; Dutton, 1995).

This phenomenon is even more pronounced among offenders whose behavior is patterned over time. Fagan, et. al. (1984) reported that when there is a lengthy history of prior calls, stronger legal intervention may be needed. Among violent offenders whose behaviors are increasing in frequency, the threat of sanctions may be remote and irrelevant under conditions of arousal and cognitive distortion (Fagan, 1996). Goldkamp (1996) reported from research in Dade County Domestic Violence Court that the probability of re-arrest was significantly higher for offenders with prior convictions, assault and battery arrests, and indications of substance abuse.

Unfortunately, this may mean that to aggressively target the continued criminal activity of the hardcore offender (in this study, the 74 accounting for two-thirds of the court's caseload) via enhanced prosecution and sentencing, may be the only effective method to lessening the overall burden of domestic violence on the criminal justice system.

But a caveat is certainly in order at this point: it is possible that what the community gains in the short-term by incarcerating these offenders may be lost in the long-term when they return to the community and offend against new and prior victims at even higher rates than in the past. Stated simply, the choice may be between short-term incapacitation effects and long-term increases in criminal activity (see, e.g. Byrne & Kelly, 1989 and Petersilia & Turner, 1990). Prison without treatment will only delay, and ultimately, exacerbate the problem.

V. The Police

It is widely acknowledged that the police play a key role in the formal criminal justice sanctioning of domestic violence; and their decision-making in domestic assault cases has been the subject of much research (see e.g., Buzawa & Buzawa, 1996). Unfortunately, the bulk of these investigations have been somewhat narrow; focusing on the implementation of jurisdictional arrest policies and their effects on subsequent battering.

While these are very important issues, more information is needed on several other pertinent questions before we can accurately gauge the deterrence value of police intervention. For example, arrest policies can often conflict with victim preferences and concerns and this interplay is currently not well understood. We also know relatively little about variations in what the police actually do in addition to, or instead of, arrest and why some victims and offenders are treated differently. We also do not know as much as we should about the role of the police from the point of view of the victim herself. Why did she call them in the first place, how satisfied was she with the actions they took, and would she use them again if in similar straits?

In an effort to understand some of these questions, this chapter examines police responses to domestic violence in a “full enforcement” environment. This chapter is organized into four sections. First, we will examine data on each victim’s perceived need for police intervention and the dynamics of the initiation of police contact. A second section will look at what the police actually did in our sample of domestic violence cases and whether their actions were carried out in a

manner consistent with jurisdictional policies. Third, we will present data on victim preferences and try to understand why some women preferred that the police not make an arrest and who these women were. A final section will detail how victims appraised police intervention. Did the police intervention make them feel safer? How satisfied were they with what things the police did and would they use their services again? It is our view that answers to these questions are needed to inform the current debate over “best practice” in domestic violence cases.

The Initiation of Police Intervention

This section presents data on 1) the extent of victims’ prior contact with the police and criminal justice system for domestic violence, 2) their perceptions of, and reactions to, the incidents that led to police contact in the current study, and 3) the identifiable differences between cases in which the victim contacted the police and those in which someone else initiated police action.

1. Prior Contact With the Police and Criminal Justice System. The question of repeat calls to the police by the same victim in cases of domestic assault has been frequently raised. These data clearly indicate the validity of such concerns. Data in Table 5.1 indicate that police involvement in domestic violence episodes is not a new experience for many victims. A substantial majority of women had called the police on prior occasions about the defendant in our study. Almost 14% of the sample said they (a) did not know how many times they had called the police in the past; and (b) did not reveal whether they had or had not ever called. It is probably safe to assume that this group had made prior calls but, if we eliminate the “don’t knows” from the distribution, 70% of the remaining 101 victims had at least one prior call about the defendant’s behavior (typically an assault or violation of a restraining order). In addition, about 19% of the respondents

reported having called police about a man other than the study offender in the past.

Table 5.1 About Here

Even more of note is the frequency of such calls. If we use the midpoint of each frequency category, the 101 respondents contacted the police approximately 258 times, or an average 2.5 times per defendant. But clearly, the bulk of these calls were about a small minority of offenders. Fewer than 20% of offenders accounted for close to 60% of prior calls to police in this sample.

It appears that, as we saw earlier with the data on total prior criminal offenses, a small minority of batterers are responsible for placing a real strain on criminal justice resources. About 29% of victims had a restraining order in effect against the defendant in the current incident. In these cases, police contact was due to the violation of one or more of the conditions of these orders. In addition to the substantial number of women with prior police contact, the restraining order data in Table 5.1 also indicate much prior contact with the criminal justice system at-large.

2. Victim's Perception of, and Reaction to, the Incident. Victims were asked a series of questions to understand their perceptions of the gravity of the incidents. Data in Table 5.2 show that close to 70% of victims thought they were going to be seriously injured and over half (56%) thought that they would be killed. There is a substantial gap between victim perceptions and actual outcomes. None of the victims in our sample were killed in the incident and, while 22% of victims felt they needed medical care as a result of the incident, 17% actually received it.

Table 5.2 About Here

At first glance it appears that victims clearly overestimated their chances of being injured or killed in the incident, but there were large variations in perceptions among sub-groups of victims. For example, in incidents involving men with no prior criminal charges, 34% of victims thought they might be killed compared to over 66% of victims involving offenders with 7 or more prior criminal charges ($\chi^2 = 10.67$; $p=.03$). Likewise, while 53% of women who had never before called the police about the defendant thought they would be seriously injured, 76% of victims with 1 or more prior calls to the police about the offender thought they might be seriously hurt ($\chi^2 = 5.40$; $p=.02$).

So, while victim perceptions did not mesh with the reality of the outcomes in these incidents, their perceptions were grounded in the reality of the offender's dangerousness. The amount of fear that is represented by victims' perceptions of possible harm seems appropriate given the offenders past conduct and extensive criminal justice involvement.

The important issue here is that, at least in this sample, the police are responding to situations that are not trivial from the point of view of victims and that victim perspectives are linked to the reality of past offender dangerousness and not only to the specifics of the incident in question.

3. Self-Reported Victim Tactics in Incident. Prior to the involvement of the police, victims utilized a variety of strategies of self-protection. Data from the NCVS (Greenfeld, et al., 1998) show that 43% of victims in domestic violence incidents tried non-confrontational measures of self-defense, e.g., trying to escape from the offender, calling the police and similar tactics. An

additional 34% directly confronted the offender by struggling, shouting, or using various other methods of self-defense. None of the strategies, apart from obtaining police protection were very effective, and some were quite counterproductive.

Data in Table 5.2 show that a majority of our sample used a variety of strategies to cope with the offender's violence. Sixty-two percent screamed during the episode and the modal response to the screaming was to make the offender more violent. In fewer than 10% of the cases did screaming serve to make the offender less violent.

A second tactic, threatening to hurt the offender, was only pursued by 15% of the sample. Less than 16% of those who threatened to hurt reported any effectiveness associated with this tactic. Cases in which the victim actually fought back were more frequent than the threat of fighting back. Table 5.2 shows that 37% of victims fought back but, in 6 out of 10 cases, its effect was to make the offender more violent. Finally, many victims threatened to call the police. Forty-eight percent made such a threat with very little positive effect. Only 20% of the time did this strategy make the offender less violent.

Overall, these data suggest that the victim strategies of screaming, threatening to hurt the offender, fighting back and threatening to call the police are widely followed, but highly ineffective. In each instance, the modal response, on the part of the offender, was to make him more violent. Without great exaggeration, one could say that all of these victim strategies, short of calling the police, was counterproductive.

4. Contacting the Police: The Victim Herself Versus Someone Else. The literature on domestic violence strongly suggests that many victims refuse to call the police for a variety of

reasons ranging from offender intimidation, financial dependence, and perceived police indifference. More recently, Buzawa & Buzawa (1996) have offered the perspective that aggressive case handling, especially mandatory arrest policies, may act to deter victim reporting.

Table 5.3 About Here

At least in this sample we did not find evidence of any reluctance on the part of victims to contact the police themselves. Data in Table 5.3 show that, of the 311 cases where the identity of the reporter was known to the police, over two-thirds (68%) were reported by the victim herself. The other cases were reported to the police by a wide variety of sources including family members, friends, neighbors, and the offender himself in close to 3% of the cases. A number of cases were also reported by persons outside of the victim's circle of family and friends including co-workers, business proprietors, and medical and social service personnel.

Table 5.4 About Here

Data in Table 5.4 presents bivariate comparisons between cases in which the victim contacted police and those in which someone other than the victim initiated contact. The data in Table 5.4 belie three standing beliefs about police interventions in domestic violence incidents. First, it has been assumed that incidents in which the police are involved do not differ in their basic dynamics on the basis of who initiates contact. For example, in their analysis of NCVS data, Bachman & Coker (1995) reported that victim initiated cases differed little from other initiated

cases in their basic features. Second, it has long been held that police are more likely to be called when the victim sustains a serious injury. Again, NCVS data contend that women who sustained injuries were more likely to report their victimization to police than were noninjured women (Bachman & Coker, 1995). Likewise, Kantor & Straus (1990) using general population data report that police were more than 4 times more likely to be called in incidents involving severe violence which was more likely to produce injuries compared to incidents involving minor violence. A third prevalent belief in the domestic violence literature is that non-whites (especially blacks) are more likely to call police than their white counterparts. This white underreporting of domestic violence, and crime in general, has been reported in several prior studies (Bachman & Coker, 1995; Bachman, 1994; Miller, 1989).

In contrast to prior findings, data in Table 5.4 show several important and significant differences between victim and other initiated cases. Primary among these differences are the findings on victim injury and race. In this sample, victims who experienced a major injury were significantly less likely to call the police themselves than victims who experienced minor or no injuries at all. This may be due to the incapacity of victims with major injuries to initiate contact with the police. Supporting this, several women in our sample were knocked unconscious and others were hurt badly enough to make it unrealistic for them to call the police before others intervened. In fact, victims who experienced no injury at all were the most likely to initiate police contact themselves. This is probably due to the large number of women in our sample who called police to report violations of restraining orders which often did not involve actual physical violence. Non-whites were less likely to contact police themselves, and to a significant degree. As a group, fewer than half of Non-whites in our sample called the police themselves.

Overall, the data in Table 5.4 reveal that young people, those in dating and boyfriend/girlfriend relationships, those without a restraining order in effect, those involved with offenders with less prior criminal justice involvement, and victims in incidents involving weapons, were less likely to have called the police themselves.

What does this mean? Taken together, these findings suggest that in a full enforcement jurisdiction, with a high likelihood of arrest and criminal justice involvement, a different profile of victim initiated cases emerges. Those women with a greater knowledge of how such a system operates may be more likely to take an assertive approach in domestic violence incidents. Thus, older women, women with prior experience with the criminal justice system (those with restraining orders), and those involved with offenders with more extensive criminal justice histories were more likely to call the police themselves. Non-white women may be less likely in this kind of jurisdiction to initiate police contact because of the certainty of further criminal justice processing or because of their own or their families' adverse experiences with the police. Calling the police to help stop violent episodes is one thing, but if calling the police means a high likelihood of prosecutorial and court processing in which Non-whites have not traditionally fared well, they may be reluctant to initiate police intervention.

The data in Table 5.4 also imply that, in a full enforcement environment, those who are not fully socialized in its workings may be less likely to initiate contact with it. Those who are young, in dating relationships, and those with little prior contact with the criminal justice system appear to be more likely to come into contact with the police through the efforts of others rather than themselves. It is clear that cases in which victims initiate contact with the police are significantly different from those in which someone else contacts the police. What exactly accounts

for these differences awaits further and more detailed analyses. However, it is clear from the data in Table 5.4 that when police are called by someone else about a domestic violence incident, the odds are 2.5 to 1 that the incident involves a major injury and almost 2 to 1 that a knife, gun, or object has been used in the assault.

Police Actions Taken in the Study Incidents

Police can take a variety of potential dispositions in cases of reported domestic violence. First and foremost is the decision to arrest. In a jurisdiction where arrest is uncommon, researchers have traditionally focused upon the variables on which the decision to arrest is based. Some research has suggested little congruence between laws mandating arrest for domestic assault and the police enforcement of these laws. This is most evident in studies that have analyzed the impact of a “pro arrest” policy upon “street level” officer behavior. Buzawa & Austin (1993) reported that in one Midwestern jurisdiction, neither pro-arrest policies nor a very aggressive state statute resulted in high rates of arrest. They replicated this work in three additional Midwestern jurisdictions with similar results. In a study of the link between “pro-arrest” policies and arrest in a small Southeastern city, it was reported that prior to the implementation of a pro-active domestic violence policy, 18% of 96 domestic violence incidents resulted in arrest. After its implementation, only 9% of 157 incidents ended in arrest. The researchers in this study believed that this counterintuitive finding was due to “trickle-up” report writing, whereby less serious cases were written up after the policy change even though the total number of actionable reports did not increase. In other words, a pro-arrest policy did not alter arrest behavior, but widened the net of official attention so that more reports were written for less serious cases. In support of that conclusion, they observed that before the policy 44.1% of incidents had no reported visible injury,

while 77.4% produced no visible injury after the implementation of the policy (Lanza-Kaduce, Lonn, Greenleaf & Donahue, 1995).

These kinds of analyses are largely inappropriate for this study as we are not analyzing all cases where the police are responding to a domestic assault, but rather those cases reaching the Quincy District Court for adjudication through a formal police report (known in previous research to be between 70-75% of total reported cases; see Klein, 1994).

A more sophisticated analysis of police behavior examines the entire spectrum of responses police can make or are required to consider by state statute. There are many actions an officer can take other than, or in addition to, arrest. For example, he/she can refer to a warrant officer (if the offender has left the scene by the time the officer(s) arrive); arrange protective custody; transport the victim (and her children) to a shelter or safe place; advise the victim of her rights and her option to obtain a restraining order; advise a victim to press charges later; counsel or advise the victim and/or batterer; and/or obtain medical assistance for the victim.

In addition to what the police actually did, we will examine in this section whether the actions that police took were influenced primarily by legal or extra-legal variables, i.e., characteristics of the victim, offender, or incident. We will also look at the criminal charges that the police leveled against the offender in these situations. First, we will present data on the situations the police first encountered.

5. The Initial Police Response. Data in Table 5.5 show the frequency distributions of a number of aspects of the initial police response to study incidents of domestic violence. The police response times are reported first. We only have data on a small subsample of episodes (N=81). The data needed to calculate response time (time of call, time of dispatch, time of arrival) were often

missing on one or more crucial elements. However, the data we do have indicate a relatively fast response with police arriving within 10 minutes in almost 60% of episodes. The data here are similar to those from the NCVS which found police to respond domestic violence incidents within 10 minutes in 56% of episodes.

Table 5.5 About Here

Police in this jurisdiction responded to domestic violence calls with the dispatch of patrol officers. Data in Table 5.5 show that cases were treated as potentially serious events justifying their dispatch of 2 or more officers in 59% of cases. This was largely due to policies to protect officers from presumed danger in such conflicts and because such policies are useful for deployment practices where the police desire to have the parties separated with one officer taking each party. However, in the QDC, judges ask victims if they are aware of a defendant's possession of firearms and then notify the relevant police departments of this information.

A common theme in the police response to domestic violence is a concern with officer safety. Results of interventions in this jurisdiction did not find much validity for such concerns, or at least did not uncover concerns that could not be addressed through departmental policies and training. As can be seen in Table 5.5, in only 1.1% of cases of domestic violence intervention did any officer injury occur. Since no charges of assault and battery on a police officer were found in the police files, we assume that injuries to officers were generally minor. Records would not be likely to omit mention of an officer injury or it would be expected to have led to a separate charge.

Consistent with the private nature of domestic violence, when dispatched, police

were more than 3 times more likely to report to a private, rather than, public setting. Once there, they found the offender present in just over 56% of the incidents.

The police reports used in this study typically had “check-off” boxes for recording the demeanor of victims and offenders. In the past, many police officers have expressed a concern that the victim is emotionally upset, crying, and distraught when they arrive. Historically, this perception of the “out of control” victim has been used to marginalize the victim’s input into the officer’s decision-making. Little evidence of the victim’s extreme emotional behavior was evidenced by the police reports in this sample. Slightly more than 1 out of 5 victims were depicted as emotionally distraught by the police upon their arrival. Similarly, of the offenders present, about the same percentage were depicted as being verbally or physically aggressive toward the police.

6. What the Police Actually Did. The police undertook a number of actions in these study episodes. Data in Table 5.6 show the actions that were measured in this study as recorded by the police on incident forms. The data here may undercount actual police actions. As we saw in Chapter 3, surveyed victims reported more police actions, on average, than the police themselves. Even so, these actions need to be examined in terms of their number and type, as well as their appropriateness. Looking first at the number of actions, the average number taken was 4.4 with a range from 2 to 7. In fewer than 8% of the episodes did the police take only one action in addition to taking a report about the incident, while they took 7 actions in close to 5% of the incidents. As can be seen in Table 5.6, only about 21% of police actions were directed exclusively to the victim.

Table 5.6 About Here

The most frequent actions involved taking a report (100% of cases), arresting an offender (75.0% of cases), giving information to victims, i.e. advising a victim about her rights and restraining order information (48.9%), interviewing witnesses to the incidents (30%), issuing an arrest warrant for the offender (25.0%), searching for offenders who were not present (23.5%), and mediating the conflict/restoring order (22.2%).

7. The Appropriateness of Police Actions Toward Offenders. As we saw above, police arrested the offender at the scene in 75% of all study incidents. However, when the offender was present, police made an arrest in all cases (174 of 174). Among offenders who were not present when the police arrived (N=116), police attempts to search for and locate the offender resulted in an additional 63 arrests. Overall, 75% of incidents resulted in the arrest of the offender and a warrant was issued for the arrest of the offender in the remaining 25%.

The assertiveness of this police response is underscored by police behavior in instances in which the offender had left the scene by the time the police had arrived. Of the episodes about which we have full information, the police took active steps to locate the offender in 72.7% of the incidents. Among some of the things police did to locate absent offenders was to actually search several blocks around the area where the incident occurred, to canvas witnesses to the incident about the whereabouts of the offender, and/or to procure address and phone number information from the victim on the offender or friends of the offender.

The pro-active approach of the police in this jurisdiction toward absent offenders appears to be well-founded. Our data show that offenders who left the scene before the police arrived were significantly more likely to have had prior, and more extensive contacts with the

criminal justice system for a variety of reasons. For example, among assaultive men with no prior criminal charges on their records, 81% were present when the police arrived. Among men with 7 or more prior criminal charges on their records, 59% were present ($\chi^2 = 8.69$; $p=.01$). Absent men are also more likely to be violent men in that their criminal histories reveal an average of 4.05 prior crimes against persons compared to 2.4 such crimes among men who remained at the scene ($F=3.96$; $p=.02$).

8. The Appropriateness of Police Actions Toward Victims. In these incidents, the police informed the victim of her rights and gave information on obtaining a restraining order in less than half of the cases. We expected this proportion to be far higher given the emphasis on restraining orders in this jurisdiction. The fact that police only informed 48.9% of women about restraining orders might be due to one of three reasons. First, this might be a piece of information that the police do not routinely record on incident forms even though they inform a larger number of victims about the process. In fact, survey responses of victims indicate that a higher number was informed about the process of obtaining a restraining order. Fully 60% of victims reported that police gave them information about their rights and how to go about getting a restraining order.

A second possibility is that police only inform victims of this information if the person does not have a restraining order in effect at the time of the incident. Among victims without such orders in effect, police did tell 59.5% about their right to do so; a higher figure than the 48.6% for the sample as a whole.

A third possibility, and one that has some degree of empirical support, is that police are more likely to inform victims of their rights if they experienced an injury (either major or minor) in the course of the incident. Police informed over 63% of injured victims about how to obtain a

restraining order compared to telling only 42% of women who did not suffer an injury; a significant difference ($\chi^2 = 12.1$; $p=.002$).

Victim injury also appears to be a key element in dictating other actions the police take toward victims. For example, we can see in Table 5.6 that police took photographs of 15.1% of victims in this study. As we would expect, victims who experienced major injuries were more than 10 times more likely than non-injured victims to have had their photographs taken but still, only 44% of women with major injuries had those injuries documented with photos.

As we would logically expect, injury was also an important element in prompting police to transport victims to shelters or other services, to obtain medical help, and to make referrals to victims for other services.

9. The Appropriateness of the Number of Actions Taken by the Police. While the police appeared to take a number of actions in these study incidents, averaging 4.4 actions per episode, there is still a good bit of variation around this number. There was a range of 5 and a standard deviation of 1.27 in the distribution of police actions. In addition to asking whether specific actions fit the situation, it is also important to determine whether the number of actions taken by the police is based primarily on legal or extra-legal variables. For example, did police simply perform the minimum number of actions in situations in which the victim had been drinking or using drugs, were they more active in responding to White than Non-white victims? Or, were their actions guided by the logic of the situations in which they found themselves?

Tables 5.7 AND 5.8 ABOUT HERE

Data in Tables 5.7 and 5.8 present the mean number of police dispositions by several variables associated with characteristics of the victim, offender and incident. It appears that there is little variation in the amount of police activity with respect to either the victim or offender. Data in Table 5.7 show that whether the victim was White or Non-White, had been using alcohol or drugs, whether she preferred arrest or non-arrest of the offender, and regardless of her relationship to the offender, the number of police actions were not influenced. Only the age of the victim appeared to influence the amount of police activity. Other things being equal, the younger the victim, the higher the number of police actions.

The police also did not make discriminations in their handling of incidents on the basis of offender characteristics. No differences in the amount of police activity were found on the basis of the offender's age, race, substance use or prior contact with the criminal justice system.

Data in Table 5.8, on the other hand, show the amount of police actions is more dictated by aspects of the situation to which they respond. More actions were taken, as we would predict, in incidents involving more serious physical violence, those in which the offender threatened the victim, those involving a weapon, and those involving injury to the victim. When someone other than the victim contacted the police, the police also engaged in more steps probably because these incidents tended to be more serious than those in which law enforcement responds via a call from the victim herself.

We did not find differences in the amount of police activity on the basis of children being present at the scene of the incident, or in incidents in which the offender had been called about on prior occasions. Here again, police appeared to be responding to actual behavior observed

rather than characteristics of the involved parties. Finally, we did not find significant differences in the average number of police actions by a town's median income level. Incidents occurring in more affluent communities, on average, received the same amount of police attention as those in poorer towns.

10. Police Charging Behavior. Another marker of police activity in their response to domestic violence is the number and type of criminal charges that are leveled at offenders. Data in Table 5.9 show that a variety of criminal charges were filed against offenders. The mean number of charges per offender was 1.53. Over 62% of offenders had one criminal charge filed against them; another 22.7% of offenders had 2 charges and 3 charges were filed against 14.9% of offenders.

TABLE 5.9 ABOUT HERE

There were quite a number of serious criminal charges handed out to offenders in this sample, including attempted murder, rape, robbery, aggravated assault, assault and battery with a dangerous weapon, stalking, kidnapping, and one charge of civil rights violation. As shown in Table 5.9, almost a quarter of all charges (24.7%) were of this serious nature.

By virtue of the existence of these serious charges and the sheer number of criminal charges leveled, it appears the police in this jurisdiction do not undercharge. The charges also appeared to be appropriate to the extent that more serious charges accompany more serious incidents. For example, 93.2% of the incidents in which serious charges were filed involved an episode involving the use of severe violence (Beating-up, kicking, choking, threatening with a knife or gun). Likewise, incidents involving a major injury to the victim were 3 times more likely than

incidents involving minor injury to result in serious offense charges.

Victim Preferences to Forego the Arrest of the Offender

An examination of police narratives of incident forms in this study revealed that 50 of 307 (16.3%) victims stated a preference to responding police officers that they did not want the arrest of the offender. By departmental policies such victim preferences are to be ignored, at least insofar as arrest is concerned. However, a number of questions arise concerning the handling of these victim preferences: central among them is whether they played a role in later re-offending behavior on the part of the defendant. This issue will be addressed in Chapter 7 of this report. For now, this section will attempt to answer questions concerning just who are the victims who prefer no arrest, the type of incidents of domestic violence they were involved in, and whether other aspects of police action, in addition to arrest, were affected by these stated preferences.

11. Factors Associated with Victim Preference for Arrest. Data in Tables 5.10 through 5.13 address some of these issues. Table 5.10 presents bivariate comparisons between those victims who preferred arrest and those who stated no preference in this regard and a number of victim characteristics. There were no differences by race or victim-offender relationship but older victims were significantly less likely to have preferred arrest.

TABLE 5.10 ABOUT HERE

Victims who did not want an arrest were significantly less likely to have called the police on a previous occasion about the study defendant. Twice as many women among the “didn’t want arrest” group had not called the police on a prior occasion for domestic violence. Also, as we

might have expected, those who preferred no arrest were significantly less likely to have called police themselves.

TABLE 5.11 ABOUT HERE

Data in Table 5.11 look at victim preference for arrest by offender's criminal history. The only significant difference concerns property crimes and age of offender at first arrest. Victimizer of women who preferred no arrest had a significantly greater number of property crimes than others and were older at first contact with the criminal justice system. While not significant, offenders of women who preferred no arrest show a somewhat less violent history than offenders in the no preference group. For example, offenders in the "victim didn't want arrest" group have fewer crimes against persons in their pasts and fewer prior restraining orders taken out against them.

TABLE 5.12 ABOUT HERE

Some of the data in Table 5.12 support this idea of less violent offenders among the "didn't want arrest" victims. The study incidents in which they were involved were significantly less likely to involve severe violence, less likely to involve the use of a knife, gun or object, and the offenders were significantly less likely to run away before the police arrived. These incidents were also less likely to result in a major injury to the victim, though not to a significant degree.

Otherwise, the data in Table 5.12 do not show much difference in incident characteristics by victim preference. Both groups of victims were equally likely to have had a restraining order in effect, to have had children witness the incident, and to have fought back in

response to the offender's assaultive behavior.

A major question remains: how did the police respond to situations where it may have been perceived that the victim did not want their help? Data in Table 5.13 show that the police ignored victim's preferences concerning arrest. All offenders present when the police arrived were taken into custody whether the victim wanted it or not.

TABLE 5.13 ABOUT HERE

Victim preference was also not a factor when it came to the number of police actions undertaken at the scene, the number of police actions for the victim specifically, whether the police searched for the offender, or the mean number of criminal charges leveled against the offender in the incident. However, the police were significantly less likely to have charged offenders in the "victim didn't want arrest" group with a very serious crime or to have advised victims of their rights and provided information about procuring a restraining order. As seen in Table 5.13, only slightly more than a third of victims (35.2%) who preferred no-arrest were given such information compared to almost 53% of victims who had no stated preference about police action.

Victim Satisfaction With the Police

Data from victim surveys (N=118) were used to judge the extent to which contact with the police in these study incidents was a positive or negative experience. In addition to presenting information on the victim's evaluation of police contact, we also delineated the contours of dissatisfaction with police performance. The data in Tables 5.14 through 5.17 present these data.

TABLE 5.14 ABOUT HERE

First of all, as can be seen in Table 5.14, the vast majority of victims were satisfied with the police response to the incidents under study. Eighty-two percent of respondents were very or somewhat satisfied with their police contact. An even higher proportion of respondents told us they would definitely or probably use the police again for similar incidents.

The police presence also made the vast majority of respondents feel safer (73.7%) and over 4 of 5 felt that the police remained at the scene of the incident for as long as they wanted. For about 1 of 5 respondents, the police went out of their way to convince victims to take action against offenders. In most of these situations, the police told victims to consider getting restraining orders or to get help from a shelter or counseling service.

According to victim testimony, over two-thirds reported that the police contact led them to get a restraining order against the offender. This finding conflicts with data from police reports that indicated that the police told victims about the mechanisms for obtaining a restraining order in fewer than one-half of all cases.

Even though levels of satisfaction with the police and their actions were high, there was, nonetheless, a substantial minority of respondents who were somewhat or very dissatisfied about the police intervention. The data in Tables 5.15-5.17 attempt to unravel the basis of this dissatisfaction.

12. Factors Associated with Victim's Satisfaction With the Police. The most obvious reason for dissatisfaction with the police appears to relate to police action or inaction. In an attempt to examine this, data in Table 5.15 compare cases in which victims were satisfied to those

who were dissatisfied in terms of a variety of police actions.

TABLE 5.15 ABOUT HERE

Data in Table 5.15 show that the overall level of police activity was similar between those satisfied and those dissatisfied. Neither the rate of offender arrest nor the number of actions for the victim discriminated between those satisfied and those dissatisfied. Whether the police searched for offenders not present, referred victims to services, or leveled serious criminal charges, it did not effect satisfaction levels among victims.

Two actions taken by the police, however, appeared related to victim satisfaction. A significantly greater number of dissatisfied victims were found in the ranks of those whose preference for no arrest was ignored by the police. Almost 87% of those who were dissatisfied with the police contact were persons who did not want the offender's arrest to occur. This figure can be contrasted to 60% of the satisfied victims who did not want arrest. By law, there is nothing much police can do about this. They are required to make probable cause arrests. But for those who did not want an arrest to be made, their dissatisfaction may cause them not to initiate police contact in the future, if needed. This appears to be a real possibility in that those dissatisfied with the police are largely those who say, in survey responses, they would not use the police again in similar incidents ($r=.42$; $p<.01$).

Police dissatisfaction is also significantly related to whether or not victims are informed of their rights and advised about obtaining a restraining order. As seen in Table 5.15, victims who were not so advised were significantly more likely to be dissatisfied with the police.

Other factors, in addition to the things that police do or don't do, also appear to affect levels of satisfaction with the police. Data in Table 5.16 indicate that there are situational variables that play a role in police satisfaction. Victims who were dissatisfied with the police were assaulted by offenders with a significantly larger number of prior criminal charges. Offenders who assaulted women who were dissatisfied had, on average, 18.9 prior criminal charges with 4.8 of them being charges concerned with violence compared to 11.8 prior charges and 2.6 violence-related charges in the backgrounds of the satisfied group.

TABLES 5.16 AND 5.17 ABOUT HERE

As expected, survey responses indicated that victims who felt they were going to be seriously injured according to survey responses, were significantly more likely to have been satisfied with police contact. Police satisfaction also related to characteristics of the victims in this study. Although it was not associated with demographic characteristics of victims such as age, race, and victim-offender relationship, it was strongly related to past victimization experiences of women in our sample. As seen in Table 5.17, women whose life has been marked by violent and abusive relationships were significantly more likely to have been dissatisfied with police contact. Women with child sexual abuse histories were 2.5 to 3 times more likely to be dissatisfied with law enforcement. The chronicity of violent relationships seems to be particularly linked to a negative evaluation of police behavior. Those who reported to us that virtually every relationship, during both childhood and adulthood, was characterized as violent and/or abusive, were very likely to be dissatisfied. For example, among victims who reported no violent relationships with intimates, other

than the one that was the focus of this study, 91.2% of them were satisfied with police contact.

Victims who reported that all of their relationships with men were violent and abusive were generally dissatisfied. Only 33% of such victims were satisfied with police response.

VI. THE PROSECUTORIAL RESPONSE

As described earlier, it has been a long standing concern that prosecutors in domestic violence cases tend to dramatically limit charges filed after the police present the initial charges. The effect of this screening has been severely criticized as representing the effective subversion of activist policing. The concern is that even if the police are motivated to make domestic violence arrests, their efforts, and ultimately their commitment, is undermined by these kinds of actions on the part of the prosecutors. It is easy to assume that prosecutors do not take domestic violence cases seriously when multiple charges of felony battery and specific domestic violence offenses are reduced to generic simple assaults which are amenable to judicial dismissal. The effect of prosecutorial actions of this sort have contributed to a “funnel effect” wherein domestic violence cases are channeled out of the criminal justice system by nullifying police charging behavior and, ultimately, undermining pro-arrest policies.

In recent years, some researchers have suggested that large increases in police arrests have simply been offset by corresponding increases in dismissals resulting in approximately the same number of domestic violence cases reaching judicial attention as in the past. According to one study, the major effect of the institution of mandatory arrest policies has been to “simply move discretion from the point of arrest to the point of prosecutorial screening” (Davis & Smith, 1995). This same study, conducted in Milwaukee, WI, after mandatory arrest policies for domestic violence were implemented, presents data in support of such concerns. These researchers reported case rejection rates of 80% at prosecutors’ initial screenings. They have speculated that the reason

for this high rejection rate is to avoid the enormous burden a high number of domestic violence cases would bring to bear on existing resources. Prosecutors, in effect, have developed adaptive responses to pro-arrest laws that effectively screen out large numbers of cases. While such practices have long been suspected, empirical evidence of their existence has only been recently developed (Davis & Smith, 1995).

Case screening by prosecutors is often accomplished through the use of relatively obscure and typically unpublished collateral procedures. For example, in the previously quoted Davis & Smith study, when the Milwaukee Prosecutor's Office had a policy in which misdemeanor domestic violence offenders were only charged when the victim came to a charging conference the day after the arrest, only 20% of cases were prosecuted and the remaining 80% of cases were screened out. In 1995, when the Milwaukee prosecutor changed the policy to no longer require victims to attend charging conferences, the rate of accepting cases tripled overnight from 20% of cases to 60%. The authors of this report strongly suggested that the analysis of criminal justice impacts on the handling of domestic violence should change focus

Whether this same displacement of discretion from the decision to arrest to the decision to prosecute has occurred elsewhere as a result of mandatory arrest laws is unknown, but it is certainly an important subject for investigation (Davis & Smith, 1995: 546).

The Prosecutorial Response in the Quincy District Court

Prior research in the Quincy District Court has found little evidence of case screening by the police prosecutor and a high percentage of domestic violence arrests resulting in ultimate convictions (Klein, 1994). In this study, data presented in Table 6.1 support the contention

that prosecutors did not engage in the marginalization of domestic violence.

TABLE 6.1 ABOUT HERE

We found that in the 353 study cases the total number of criminal charges issued by the prosecutor was 505 compared to 531 issued by police officers, a drop-off of only 5%. In addition, the average number of prosecutorial charges per case was 1.43 compared to 1.53 by the police.

However, we did find differences in the charging behavior between the police and the prosecutors. The police response in terms of charges was internally more diverse. In 62.4% (217) of cases, they made only one charge compared to 57% of prosecutors. In 23% of the cases, the police made two charges, whereas the prosecutors did so in 33% of cases. However, in 14.9% (52) cases, the police gave three charges compared to 9.6% (34) of prosecutors. Hence, the standard deviation in the police response was .74 compared to only .41 on the part of prosecutors. This suggests that police officers are more likely than prosecutors to make multiple charges, but in the vast majority of cases, police officers do not appear to go out of their way to find additional charges.

While the QDC is a full arrest jurisdiction in actions as well as policy, these data are suggestive that neither prosecutors nor the police “overcharge” or even use all of the charges that are justified in the incident. For example, if someone is charged with Assault and Battery (the prototypical charge used in 42% of the cases by the police and 47% of the time by prosecutors), we would expect to find additional charges involving the specific conduct, i.e., breaking and entering, destruction of property, stalking, trespassing, disorderly conduct, etc. Table 6.1 does not show this

multiple charging behavior by either the police or the prosecutors. Additionally, we would expect in the actions of a pro-active police and court that there would be somewhat fewer charges made by the prosecutor. This is because some police charges may lack sufficient legal evidence for the case to go forward.

Our analysis did not stop at simply the raw number of charges filed by the police and prosecutors. We were aware that some research had suggested that prosecutor charges in domestic violence cases have been routinely downgraded to less serious offenses such as generic disorderly conduct or disturbing the peace (Cahn, 1992, Lerman, 1981, Pleck, 1989, and Schmidt & Steury, 1989). As noted earlier, the police in this sample did not excessively use trivial charges. Of the 531 police charges, less than 1 percent (0.6%) were for disorderly conduct. Similarly, in the case of the prosecutors, only 0.4% were for disorderly conduct.

There are two notable areas in which prosecutors were more likely to charge than the police: First, the charge of violation of a restraining order was the most common charge on the part of both parties. This charge was leveled in 16.6% (88) cases by the police and in 19.6% (99) by the prosecutor. This is important since it suggests that prosecutors may be better able to elicit information regarding restraining order violations than the police and/or were quick to file charges for those violating restraining orders subsequent to arrest.

Second, as can be seen in Table 6.2, when only charges involving actual acts of physical violence are aggregated, the prosecutors were more aggressive in charging than were the police, with the exception of attempted murder and aggravated assault. This discrepancy between the prosecutor and the police was most apparent in the area of assault and assault and battery with a dangerous weapon which in Massachusetts constitutes a significant enhancement of the charges of

assault and assault and battery. In examining the two crimes of assault with a dangerous weapon and assault and battery with a dangerous weapon, the police asserted such charges in 14.1% (74) of the cases overall compared to 23.8% (120) of cases by prosecutors.

Table 6.2 About Here

These findings suggest that prosecutors were more likely to charge in more objective areas such as restraining order violations, whereas in less objective areas such as attempted murder in which they may have had legal concerns about proving criminal intent, charges were at times made more objective, being changed to offenses such as assault with a dangerous weapon.

Perhaps the best method for determining whether prosecutors engaged in the process of marginalizing domestic violence offenses was whether they generally reduced charges from major to less serious offenses. We categorized serious criminal charges as those in Table 6.2 including assault and battery, assault and battery with a dangerous weapon, assault with a dangerous weapon, attempted murder, aggravated assault, assault and rape. Police filed serious criminal charges in 24.7% (86) cases. This number dropped only an insignificant amount to 23.8% (84) for prosecutors.

Measures of the Interaction between Prosecutors and Victims

There were several important measures of the quality of the interaction that took place between the victim and the prosecutor addressed by this research. These included: 1) whether the victim wanted the prosecutor to become involved in the incident; 2) whether there were differences in the goals of the victim and the prosecutor and how these differences were resolved; 3)

whether the victim perceived that the prosecutor helped increase her capabilities to prevent future violence and; 4) her overall satisfaction with the actions of the prosecutor.

TABLE 6.3 ABOUT HERE

Data on victim desire for contact with the District Attorney show much diversity. Table 6.3 shows that even though the prosecutor became involved in 91% of the cases in this study, victim's preferences for such contact were more mixed. In response to the question, "Did you want to talk to the prosecutor?", a plurality, 47.5% answered affirmatively, a substantial minority did not want such contact, and 21.1% were ambivalent. The fact that the majority of victims did not want or were ambivalent about contact with the prosecutor suggests that victims perceived a gap between their interests and the interests of the prosecutor. The reasons for this gap are undoubtedly complex but, since victims know that a successful prosecution can be obtained in this jurisdiction through the District Attorney's office, a fairly sizable number of victims did not want criminal case processing.

TABLE 6.4 ABOUT HERE

Data in Table 6.4 indicates that a slight majority of victims did not support aggressive case prosecution. Thirty-seven percent either wanted the charges dropped by the prosecutor or did not even want to go to the prosecutor in the first place and an additional 14% wanted the charges lowered. On the other hand, 36% of victims were content with the nature of the filed charges and 10% wanted the prosecutor to increase the severity of the charges. Not

surprisingly, approximately 46% of victims directly asked the prosecutor to drop criminal charges against the offender. Despite that request, the vast majority were told that charges would not be dropped.

The above data are consistent with literature that has repeatedly shown that many victims did not actually want their cases prosecuted. It also shows that despite such preferences, and even formal requests to the prosecutor's office, prosecution in a full enforcement jurisdiction does continue.

Another important facet of the interaction between the prosecutor and victim is how the prosecutor's actions actually impacted on her future perceptions and actions. We asked victims in this study a series of questions (anywhere from 3-8 months after their initial contact with the prosecutor) about their perceptions of the effects of the prosecutor's handling of her case. It is not surprising that when asked the specific question about whether the prosecutor "gave you a sense of control over your life", a majority of study victims (57%) answered in the negative. These responses probably reflect the disparity between the stated goals of prosecutors in this jurisdiction, i.e., to treat all domestic violence cases as a crime warranting prosecution, and the often far more diverse goals of victims.

A majority of victims (69%) also reported that the prosecutor did not motivate her to take steps to end the abuse and 60% of the victims reported that they did not feel safer as a result of the actions of the prosecutor. However, in response to a specific question about whether the prosecutor actually affected the victim's safety, 61% believed that their actual safety was either greatly or somewhat increased compared to 30% who reported no effect on personal safety, and 9% who reported a deterioration in personal safety because of the actions of the prosecutor.

These data are significant in that they show that, while as a group, victims cannot point to any particular benefits in terms of motivating them to end abuse or to feel safer, the actions the prosecutors took, by processing the charges, were associated with an increase in sense of personal safety. However, it should be noted that in 3 out of every 10 cases, the victim did not report any change in her subsequent safety, and in 9% of the cases, there was a reported decrease in actual personal safety.

The dilemma is that those victims who reported that contact with the prosecutor did not affect safety or actually decreased it were more likely to have been involved with more dangerous offenders. These men were more likely to have had more extensive criminal histories (16 prior criminal charges versus 11 charges), more prior restraining orders taken out against them by the victim and other females (.65 compared to .37) and to have had a greater number of prior periods of probation (1.8 versus 1.3). Victim reports of the prosecutor not affecting personal safety or decreasing safety may have been well founded in that these women were involved with the more hardcore offenders in our sample who were not deterred by the criminal justice system and who might have been more angry and more prone to retaliation.

The Victim's Level of Satisfaction With the Prosecutor

Despite the victim's general reticence regarding charging, the majority were satisfied with the actions of the prosecutor. Fully 65% said they were either "very" or "somewhat" satisfied compared to 33.5% who were dissatisfied to some degree. Another 2% of the sample did not express an opinion on this issue.

Overall levels of satisfaction appeared related to whether the prosecutor affected the victim's safety. For example, among those who felt the prosecutor increased their personal safety,

fully 83% reported high levels of global satisfaction. On the other hand, global satisfaction did not appear related to specific survey items asking whether the prosecutor motivated the victim to end the abuse or whether victims felt safer as a result of prosecutorial contact. The reason for this disparity is not well understood. Perhaps victims as a group expected only a limited role from the prosecutor. It may be that many victims did not really believe the prosecutor was responsible for increasing their level of control or even to have felt safer, but decided their level of satisfaction on the basis of whether they were actually made safer by the overall actions of the prosecutor and, by extension, the rest of the criminal justice system.

As can be seen in Tables 6.5 and 6.6, levels of satisfaction with the prosecutor were significantly higher for victims who felt that the prosecutor had increased their safety. Fully 83% of those reporting increased safety were satisfied compared to much lower levels of satisfaction among those who perceived the prosecutor as not making them safer.

In general, levels of victim satisfaction with the prosecutor did not vary significantly by offender's criminal history. Although the data are in the direction of suggesting that satisfaction is inversely related to the extensiveness of offender criminal history, the differences are not strong enough to support such a finding.

TABLES 6.5 and 6.6 ABOUT HERE

The Utilization of Victim Advocacy Services

The QDC has a well-developed procedure and funding for victim advocates who are structurally attached to the District Attorney's office. Looking back at the data in Table 6.3 indicates

that such services are routinely used. In over 80% of cases, the victim talked to a victim advocate. This was typically not a perfunctory interaction. While 20% of the victims did talk with an advocate for less than 15 minutes, 36% spent 15-45 minutes and a plurality, 42%, spent 45 minutes or more. When the reasons for the time disparity were discussed, victims reported that in many cases, especially for those involving restraining orders or those outside counsel, a longer time was not needed.

Satisfaction with the time spent with a victim advocate is a significant measure of the efficacy of such services. In this case, 81% were either very or somewhat satisfied with time spent. The remaining 19% who were somewhat or very dissatisfied or ambivalent, present an interesting contrast.

While the reasons for the expressed dissatisfaction are unclear, in some cases it may be due to victim perceptions that the victim advocate either did not provide the services she wanted or did not spend enough time with her for her to detail her wishes. In still other cases it could be a reflection of the victim advocates structural position as part of the District Attorney's office and their orientation to try to proceed with the prosecution of cases. This criticism, that victim advocates are not really advocates for victims, but are instead an extension of court personnel, has been previously observed (Buzawa & Buzawa, 1996). Nevertheless, over three-quarters of victims (77.1%) say they would want to talk to the victim advocate again if a similar incident re-occurred.

The Court Response: Bail and Processing Time

While each agency in the QDC is committed to resolving domestic violence cases, there are marked contrasts between the initial response by the prosecutor and subsequent case

handling within the system. This appears to start with the initial judicial decisions at the time of arraignment. Data in Table 6.7 shows that in over three-quarters of the cases, defendants were released on personal recognizance. This is true even though many of these men were involved in very serious domestic violence incidents. For example, of those men released on personal recognizance, 36% had caused physical injury to their victim and 15% had used a weapon against her. Almost 22% of these men had serious criminal charges filed against them in the study incident and 27% of these men had a restraining order out against them by the victim at the time of the incident.

TABLE 6.7 ABOUT HERE

In short, a substantial number of defendants who were released on personal recognizance could, by most standards, be considered serious current threats to victim safety. Furthermore, released suspects in such cases often put pressure on victims to drop charges or harassed them further. The literature cited earlier in this report makes it clear that if bail is excessively granted there is a risk that both offenders and victims will perceive that the criminal justice system does not view the case as serious. Despite this concern, we found that a near immediate release was the modal outcome of initial case disposition by the court.

A second issue with particular import for victim safety is the length of time between arraignment and initial court disposition. Data in Table 6.7 show that while there was a range of between 1 and 22 months, the average amount of time between arraignment and initial court disposition was 6 months. Even more surprising, there was a longer gap in time for cases involving

serious criminal charges and cases involving injury to the victim. This may be due to the increased likelihood of these offenders obtaining lawyer who delayed case processing.

The generally long period of time between arraignment and court disposition is typical of general purpose courts. The QDC is a court of combined jurisdiction handling a variety of cases. It should be noted, however, that long delay periods may be more than a systemic problem involving overloaded court dockets. Initial disposition can be significantly affected by the tactics of defense counsel who do not typically seek early resolutions of their clients' cases. In general, the QDC's backlog may be an issue warranting further attention given the many serious criminal histories of offenders in this population. Clearly, many of these offenders present a danger to victims as further substantiated in Chapter 7 of this report.

It is not clear from the available data in this study what, if anything, accounts for differences in the length of time between arraignment and initial court disposition. Data in Table 6.8 reveals that neither characteristics of the offender nor their criminal histories influence the length of processing time.

TABLE 6.8 ABOUT HERE

There were no significant differences in court times among different types of offenders. While this may be positive in a demographic sense, i.e., no differences on the basis of race or age, the fact that there are no differences in processing time based on prior criminal history, prior crimes against the person or age at first criminal charge is revealing. It illustrates that there was no attempt to use aggressive case docketing as a vehicle to address high risk cases.

The Court Response: Initial Disposition of Defendants

Data in Table 6.9, Part A show the distribution of initial court dispositions of defendants in this study. Almost 1 in 3 men were not prosecuted; the remainder were prosecuted without supervision (27%), placed on probation (58%), or were incarcerated (13.5%).

TABLE 6.9 ABOUT HERE

Data in Part B of Table 6.9 list the reasons given by the prosecutor for why cases were nolle prossed or dismissed. The most common reasons have to do with lack of victim cooperation in the prosecution of cases or a failure to locate the victim.

It appears that the initial disposition was not greatly influenced by the dynamics of the incident. Neither the seriousness of the incident, the presence of weapons, victim injury nor victim preference appear to be important in accounting for the variety of dispositions that a defendant received. However, the nature and extensiveness of the offender's criminal history is clearly linked to the initial disposition of cases.

TABLES 6.10 AND 6.11 ABOUT HERE

As can be seen in Table 6.11, men with several past contacts with the criminal justice system were significantly more likely to have been placed under court supervision through probation or incarceration. These past contacts were not only for crimes of violence but for a variety of criminal offending from an early age.

Victim Perceptions and Satisfaction With the Court

Data in Table 6.12 reports the victim's evaluation of her dealings with the court. In line with previous reports of victims' ambivalence toward arrest and prosecution in domestic violence cases, a substantial minority of study victims, in this case 47% did not want their case to go to court compared to 48% who desired the case to go forward and 5% who were unsure about further processing.

TABLE 6.12 ABOUT HERE

A majority of victims, however, felt that the court experience increased their personal safety. More than 6 out of 10 victims felt the court either greatly or somewhat increased their safety. In contrast, only 11.5% felt that the court jeopardized their safety. A majority of victims also reported that the court experience gave them a sense of control and more than a third were motivated to end the abuse in their relationships because of the court. However, almost 4 in 10 victims reported that the court experience embarrassed them. Perhaps because of this or for other reasons, about the same percentage of victims told us that they would not want to go back to court in the future if a similar incident re-occurred.

Overall, 72.5% of victims reported being very or somewhat satisfied with the court handling of their case and the data in Table 6.13 show that only a few factors appear to be related to whether a victim was satisfied or not. We found none of the following factors related to victim satisfaction with the court: whether the victim wanted her case to go to court, whether anyone was in court with her, whether the court experience motivated the victim to leave the relationship, whether the court experience made her "feel embarrassed", the number of months between

arraignment and disposition, and the initial court disposition of the case, e.g., dismissal, probation, or incarceration.

TABLE 6.13 ABOUT HERE

In fact, only 3 factors were related to levels of satisfaction with the court. The most significant was whether the court was perceived by the victim as actually having influenced her personal safety. Eighty-eight percent of those who felt their safety was increased by the actions of the court were satisfied compared to only 12% who were dissatisfied. However, among those who reported that their safety was “decreased”, only 55% were satisfied with the court. Finally, the lowest level of satisfaction was reported by those who perceived that the court had no effect on her safety. Only 50% of these victims were satisfied.

Second, among victims who reported that the court experience motivated them to end the abuse in the relationship, 84% were satisfied with the court compared to 65% of those who were not motivated to end the abusive relationship. Finally, in cases where victims perceived that the court experience gave them a sense of control, 85% were satisfied with the court experience compared to only 62% in which the victim did not feel her sense of control had increased.

Looking back at data in Part B of Table 6.6 suggests that victim satisfaction with the court is somewhat dependant upon the offender’s prior criminal history. Those victims who were associated with very active criminal offenders of all kinds were more dissatisfied with the court experience than others.

The reasons for this link between dissatisfaction with the court and having been victimized by an offender with a lengthy criminal history may be due to the belief that many victims

give deference to the actions of the judge. They fully expect that the judge, acting as society's highest authority, should have the capability of ending abuse. Victims involved with chronic offenders may no longer trust the power of the judiciary to protect them.

VII. RE-OFFENDING AND RE-VICTIMIZATION

One of the goals of this research was to examine the extent and pattern of re-offending and re-victimization in a sample of domestic violence cases seen in a model court setting. We gathered this information from both criminal justice records and victim interviews for a 1-year period following arraignment for the original study incident. Valid estimates of re-offending and re-victimization are difficult to obtain from any one source of data. Offenders obviously cannot be relied upon for accurate data and victims may not recall all instances of abuse and/or not accurately reflect the levels of abuse present. Criminal justice statistics are known to minimize reported levels of violence since many incidents, for a variety of reasons, never enter the criminal justice system.

We chose to minimize the impact of distinctions in reporting by measuring re-offending and re-victimization in two distinct ways. The first way was to monitor new offender contacts with the criminal justice system for a 1-year period through arrests for new offenses and protective orders taken out against these study offenders by either the same or a different victim. Each study offender was tracked through criminal history records and the Civil Restraining System Board data for a 12-month period. This method produced an estimate of recidivism based upon re-contact with the criminal justice system. Hence, it is an “official” re-offending rate in that it depends upon criminal activities coming to the attention of, and being recorded by, system authorities.

A second estimate of re-offending was developed from victim accounts. As mentioned in Chapter 3 of this report, we interviewed a sample of 118 study victims 12-13 months after arraignment for the domestic violence offense that brought them into this study. These victims

were asked questions about assaults that were perpetrated by the study offender during the 12-months following the study incident, violations of restraining orders by the study offender, and new restraining orders they had taken out on the offender during that time period. This allowed an estimate of re-offending that bypassed criminal justice processing and was closer to a “true prevalence” of re-victimization behavior (despite its own reliance on victim recollection).

Another important distinction that guides this chapter is that between the terms “re-offending” and “re-victimization”. For our purposes, re-offending is a more general concept and will refer to any arrest for a new offense or a new restraining order taken out against the study offender. Re-offenses can refer to crimes against a person as well as to other offenses not involving violence or threats. On the other hand, re-victimization is a narrower concept and will refer specifically to any new personal crime committed by the offender against the study victim or new restraining order being taken out against the study offender only by the victim involved in the original study incident.

It is acknowledged that many offenders seek new victims who may not report assaultive behavior. A more accurate, but for practical purposes unrealistic, estimate would include all new victims with unreported offenses. As will be discussed later, the number of restraining orders by new victims certainly supports this likelihood.

Using the above distinctions, this chapter has four major objectives. They are:

1) to describe “official” re-offending and re-victimization rates in terms of the type of re-offense, the relationship and gender of the victim, and when the re-offense or re-victimization occurred during the 1-year study period;

2) to examine variations in “official” re-offending and re-victimization across

original study incident characteristics, victim and offender demographics, the criminal histories of offenders, and criminal justice processing variables;

3) to examine “true prevalence” re-victimization rates in victim accounts, and;

4) to examine why some victims did not report re-victimization and the factors that might account for this non-reporting.

Estimates of “Official” Re-offending and Re-victimization

Tables 7.1-7.3 present data on the “official” re-offending behavior of males in this study. As can be seen in Table 7.1, almost 48 percent (169 of 353) of our sample was either arrested for a new crime or had a new restraining order taken out against them during the year following arraignment for the original study incident. Eighty-seven offenders (24.6%) were arrested for a new personal crime either against the same victim or someone else and 61 offenders (17.3%) were the subjects of new restraining orders taken out against them by either the same or a new victim. Fifty-three offenders (15.0%) were arrested for a non-personal crime, including alcohol/drug crimes, crimes against property, and major motor vehicle offenses.

A majority of those arrested for a new personal crime or who had a new restraining order taken out against them came to the attention of the criminal justice system before they appeared in court for the original domestic violence offense causing their inclusion in our study.

Not all new offenses were committed against study victims. In fact, among those arrested for a new personal crime, only 65.5% were against the same victim as in the original study incident while 67.2% of new restraining orders were obtained by the same victim.

Several offenders fell into more than one of our re-offending categories. For example, 32 (9.1%) offenders were arrested for a personal crime and had a new restraining order

taken out against them. Eight offenders committed a non-personal crime and were the subject of a new restraining order.

Table 7.3 presents a typology of re-offending types based upon the nature of the offense and the identity of the victim in the re-offense. This table shows that 78 (22.1%) offenders were named in cases involving the same victim as in the original study incident. In effect, this constitutes our estimate of re-victimization. Based on official data, more than 1 of every 5 study victims were re-victimized within 1-year of the original domestic violence incident.

An additional 38 (10.1%) offenders were involved in new personal crimes and new restraining orders with different victims and 15% of offenders were arrested only for a non-personal crime. One-hundred eighty-four offenders (52.1%) were not known through criminal justice records to have re-offended during the 1-year study period.

If we were to rely solely on official statistics, we would conclude that the rate of violent re-offense, 25%, is surprisingly low given the extensive criminal history of subjects. In fact, Table 7.3 demonstrates that per official statistics, only 22% were named in cases involving the same victim. This is far lower than many other jurisdictions (Sherman, 1992a).

Of particular interest for policy development is that a majority of offenders, 52% (184) did not have any new criminal offenses in a one year period. A policy that targets re-offenses in a particular period might effectively discriminate by capturing a significant percentage of hard-core offenders.

A Profile of Re-offending Types

Tables 7.4 through 7.7 examine the bi-variate relationships between re-offending type and information on the dynamics of the original incident, criminal justice processing of the

original incident and victim and offender characteristics. We first examined whether characteristics of the original domestic violence incident were markers for eventual re-offending behavior. As can be seen in Table 7.4, the seriousness of the violence in the original incident, whether the victim was injured or not, and whether the offender was using alcohol or drugs do not distinguish between re-offending types. First, those who re-victimized different victims were more likely to have used a knife, gun or object in the original incident compared to the other three re-offending types.

Second, offenders who re-offended against the same victim were more likely to have been involved in incidents where the victim herself called the police, in which there was a restraining order in effect, and where the offender had left the scene before the police arrived.

Data in Table 7.5 examine demographic characteristics of both the victim and offender and re-offending type. A noteworthy, but not surprising, finding is that victim characteristics have little or nothing to do with eventual re-offending. Victim age, race, resources or relationship to the offender are not fruitful as markers of either re-offending or re-victimization. Demographic characteristics of offenders were also not very useful predictors of re-offending. One exception is offender age which appears to distinguish re-offenders of all types from those who did not re-offend. Over 87% of those who did not re-offend were over 25 years of age; a significantly greater proportion than those who had subsequent contact with the criminal justice system.

These data are consistent with previous research on the QDC. In a 1990 study of the demographic variables, only age was inversely correlated with continued re-offending. The relationship of age to re-abuse is somewhat unclear. We know that within this population, older batterers were often first time offenders. Similarly, the differential in age may be a statistical artifact based on other characteristics that are often age dependant. For example, serial abusers are

violent crime charges ($p < .01$), and prior restraining orders ($p < .05$). However, these variables were in the logistic model and independently appeared to exercise a significant effect in a multi-variate context. Fleeing the scene before the arrival of police exercises an independent effect on same victim re-offending and, whatever the reason, could be an important marker for criminal justice intervention.

These data reinforce the conclusion that as a policy matter, police as part of their role in responding to a domestic violence incident, must target those who flee the scene for arrest. If not, there is a perverse impact whereby new offenders who statistically are less likely to re-offend and less likely to have a criminal record, are more likely to be arrested.

Estimate of Re-victimization from the Victim Survey

Up to now, the information presented in this chapter on re-offending comes from official sources of criminal justice data. This section will present a re-victimization rate based upon victim accounts obtained through a survey at the end of the 1-year study period. We believe it critical to determine directly from victims their observations and experiences. The use of victim surveys in the study of domestic violence has become commonplace over the past 20 years. What is unusual is to have extensive information from official data sources and self-reports on the same individuals. This allows for a fuller understanding of certain issues concerning re-victimization. For example, some victims may not report re-victimization because of their past treatment by the criminal justice system, because they preferred to use alternate responses, or because they are intimidated by dangerous males. Criminal justice data can be used to assess those kinds of issues independently of victim accounts.

The victim survey produced a re-victimization rate substantially higher than that

developed on the basis of official criminal justice data. Based on victim self-report, 49.2% (58 of 118) of respondents reported that they were either assaulted by the study offender, that the study offender had violated at least one condition of an existing restraining order, or they had taken out another restraining order on the study offender during the 1-year study period. Compared to the estimate of 22.1% developed from official data, this estimate from victim accounts is 123% higher.

One possible explanation for this discrepancy is that the victim survey was biased in that victims who experienced re-victimization may have been more likely to agree to being surveyed. Since we only interviewed 118 of 353 study victims, this is a distinct possibility. However, the rate of re-victimization that would have been developed for our 118 respondents using only criminal justice data would have been 22.0%. In other words, only 26 out of the 58 victims who reported an instance of re-victimization to us, reported the re-victimization to the police or another agent of the criminal justice system. Thus, our estimate of re-victimization of surveyed victims would have been 22.0% (26 of 353) had we relied exclusively on official data which is exactly the same re-offending rate as for the complete sample of 353 offenders.

In addition, such a differential between responding victims and those not available is, in theory, unlikely. Many victims who could be located left the community because they could not successfully escape abuse (or feared retaliation). We would not expect these victims to have lower rates of re-abuse than those who stayed, apart from the fact that they were successful in flight and therefore may be less likely to be found by their abuser.

This finding adds to our confidence that these estimates are reliable. A re-victimization rate based upon criminal justice reporting indicates that between 1 in every 4 or 5 victims is re-victimized in the year following coming to the attention of the criminal justice system.

An estimate based on the accounts of the same individuals unmediated by reporting behavior would put the re-victimization estimate at 1 of every 2 victims.

A Profile of Re-victimization from Victim Accounts

We asked victims about experiences with the offender and perceptions of the incident that originally brought them to our attention. The types of information we asked victims to report to us are typically not available through official agency records. Table 7.10 presents bivariate comparisons of those who reported a re-victimization and those who did not on a number of these variables. It is apparent that many of these variables are strongly related to re-victimization. Women who had called the police about the study offender on two or more occasions were significantly more likely to report re-victimization than women with fewer prior police calls.

Women who depicted their relationship with the offender as characterized by controlling behavior on the part of the offender were much more likely to report re-victimization than those women who reported many fewer restrictions. Variables concerned with level of fearfulness and accelerating levels of violence were also related to risk of re-victimization. Those women most at-risk to re-victimization were those who left the offender. Women no longer in a relationship with the offender or in social contact with the offender were more than twice as likely as those still in contact with the offender report having been re-victimized.

Somewhat surprisingly, characteristics of the original study incident were also related to re-victimization. Women who felt they were going to be seriously injured and who felt they were going to require medical attention as a result of the incident were relatively more likely to experience re-victimization. Perhaps the perception of harm that many victims anticipated in describing the study incident was related to the spiraling severity and frequency of violence

mentioned earlier.

An attempt to determine which of these victim perception factors was most important in predicting re-victimization is presented in Table 7.11. A logistic regression of re-victimization as a function of victim experiences and perceptions is presented as Model A of Table 7.11. This model shows that victims who described the violence of the offender as becoming more severe and frequent were almost 4 times more likely to report a re-victimization. Victims who anticipated serious injury as a result of the incident were almost 3 times more likely to report offender re-abuse during the 1-year study period. Those who described their relationships with offenders as characterized by control and restrictiveness and those who left the offender were more than twice as likely to be re-victimized as not.

Overall, the picture that is painted by victims themselves indicates that what we are calling re-victimization is, from their perspective, another event in a long line of offender actions marked by control and intimidation. For this group of victims, the model court has not broken this pattern of control and intimidation. But just who these offenders? Victims themselves can identify them, but what characteristics do the re-victimized possess that could be identified independent of victim accounts?

Part B of Table 7.11 presents a logistic regression model of re-victimization that includes the same set of variables as in Model A, with the addition of three offender criminal history variables. This model indicates that the odds of re-victimization are most significantly affected by the offender's age at the time of his first criminal charge. More specifically, those offenders who first came to the attention of the criminal justice system as juveniles were almost 4 times more likely to have engaged in re-victimizing the study victim. Measures of offender control

and restrictiveness of the victim are augmented in this model. The total number of restrictions placed on the victim by the offender and the victim's appraisal of her lack of freedom to come and go as she pleased each independently raised the odds of her subsequent re-victimization by a factor of more than 3. Those victims who attempted to break this pattern by leaving the offender were also at greater risk of re-victimization.

The Link Between Victim Preferences, Perceptions of the Criminal Justice System and Re-victimization.

Victims' perceptions of the dangerous of offenders were generally good predictors of subsequent re-victimization. The same does not appear to be the case with victim preferences and perceptions of the criminal justice system. The data in Table 7.12 examines bivariate comparisons of women who were re-victimized by study offenders and those who were not by a number of variables concerned with victims' perceptions of their criminal justice involvement.

In general, victim preferences and perceptions are mixed as accurate markers of re-victimization. There are, however, some notable findings. Women who did not experience re-victimization were twice as likely as their re-victimized counterparts to have preferred that the police not arrest the offender in the original study incident. This preference not to initiate criminal justice involvement was accurate, at least for the 1-year period following arraignment for the original offense. In addition, more women who were not re-victimized wanted the prosecutor to drop or lower criminal charges against the offender than women who were re-victimized. Relatedly, a greater number of women who felt that the court was going to decrease their safety were accurate in their assessment. Women who felt that going to court was going to reduce their ability to bargain with the offender were also more likely to be re-victimized.

These data certainly give credence to the concept that many victims were able to accurately assess the likelihood of future victimization, a key factor in the debate over whether “mandatory” policies (mandatory arrest or no drop prosecution) should be mediated by victim preferences.

Factors Related to the Non-reporting of Re-victimizations

As mentioned earlier in this chapter, many women who reported a re-victimization by the study offender in the context of the survey did not report the criminal act to the police or other agent of the criminal justice system. Of the 58 victims who reported a re-victimization experience, 26 reported the offense to the police and 32 did not.

An obvious question was why over half of the women who re-experienced a domestic violence episode within 1-year of the original incident decided against re-involvement with the criminal justice system. If one assumes that the non-reporting of domestic violence incidents is similar to the non-reporting of crime in general, then there are at least five separate reasons for the non-reporting rate found here. First, it may be that some re-offenses are not seen by victims as serious enough to involve the criminal justice system. For example, victims might be more likely to report subsequent assaults, but less likely to report restraining order violations. Second, victims might not report subsequent victimizations because of the fear of retaliation on the part of the offender. This hypothesis would gain support if it were found that women who were re-victimized by offenders with extensive criminal histories or about whom the victim’s fear has increased over time were those who failed to report. Third, victims might be skeptical about the effectiveness of criminal justice involvement for their situation. Like other crime victims who do not report law violations, victims in this study might have felt that there was little that law

enforcement could do to remedy the situation. Fourth, victims might have felt that criminal justice intervention would simply have made matters worse. These victims don't see the legal intervention as benign but as exacerbating an already bad situation. Fifth, the criminal justice system might not have followed victim preferences and therefore, this group of victims might have sought alternative sources of help or simply not seek any further assistance.

Table 7.13 presents data on each of these possible reasons for not reporting re-victimization. Bi-variate comparisons of those who reported and who did not report show several interesting findings. First of all, victims appear ready to report both serious and not as serious re-victimizations. In fact, victims appear more likely to report restraining order violations than actual violence. This does not support the idea that victims forego reporting less serious offenses.

Does this mean that victims are intimidated and fail to report crimes because they fear and retaliation from dangerous offenders? The data seem to argue in the negative. Victims who reported to us that their fear of the offender had increased over time were just as likely to have reported the re-victimization as those who did not report. In fact, the data in Table 7.13 seem to indicate that victims were more likely to report re-victimizations by offenders with more extensive criminal histories. For example, offenders who were reported for re-victimizing had an average of almost 19 prior criminal charges compared to 12 among those who were not reported. The same pattern is apparent for other aspects of the offender's criminal history.

Skepticism about the effectiveness of the response of the criminal justice system does not seem to be a sufficient explanation for non-reporting behavior. A greater proportion of women who did not want an arrest in the original domestic violence incident reported re-victimization than those who did not report the re-victimization. Additionally, there are no

differences in re-reporting among those who, in the original incident, wanted and those who did not want the case to go forward to the prosecutor and courts. However, women who preferred that more serious charges be leveled against the offender in the original study incident and did not get more serious charges simply did not report re-victimizations. Lastly, there is evidence that victims who felt that their safety was jeopardized in the original study incident by their contact with the prosecutor and the courts, were less likely to report their re-victimizations. Although not statistically significant because of the small sample size, these relationships do provide some support for the idea that victims may feel that reporting the offense may actually exacerbate the situation.

An attempt to separate out the independent effects of these factors is presented in Table 7.14. A logistic regression model that predicts the likelihood of victim non-reporting using the same variables as in the previous table shows clearly that non-reporting is related to the quality of the victim's past dealings with the criminal justice system for domestic violence. Victims who wanted more serious charges filed against the offender in the initial incident were 6 times more likely to have not reported subsequent re-victimizations than victims with other charge preferences. Those victims who felt that contact with the court in the initial incident decreased their safety were over 2½ times less likely to report their re-victimization. The same pattern of findings can be seen in terms of contact with the prosecutor. Those victims who felt that this contact decreased their safety were twice as likely to forego reporting their subsequent re-victimization. Reporting re-victimizations was also significantly less likely to occur among those cases involving assault compared to restraining order violations.

In sum, the evidence seems to support the idea that a latent outcome of aggressive law enforcement and court response that includes the dismissal of victim preferences may be to

discourage the future utilization of the system by both victims who wanted the system to do more (those who wanted more severe criminal charges brought against the offender) as well as those who wanted it to do less (those who felt taking the case forward would decrease their safety).

Summary of Findings

I. Domestic Violence incidents in this study were serious criminal events.

Despite being labeled as misdemeanors, in this jurisdiction:

- 71% of incidents involved the use of violence.
- 10% of victims experienced a serious injury in the incident including broken bones, broken noses, internal injuries, lacerations, and loss of consciousness.
- An additional 27% experienced moderate injuries involving bruises, swellings, and joint soreness.
- In 16% of incidents, a weapon other than hands or feet was used by the offender. Weapons included firearms, knives, blunt objects, and motor vehicles.
- Almost 70% of victims interviewed felt that they were going to be seriously injured in the incident.
- More than 1 of 5 victims (22%) felt they needed medical attention as a result of the incident.

II. The majority of domestic violence incidents in this study did not involve alcohol or drugs nor did it occur between individuals living together in private settings .

- According to police reports, the offender was under the influence of alcohol or drugs in only about 36% of incidents.
- Even though 73% of incidents took place in the victim's household, the victim was not living with the offender in over half of these incidents.
- Close to half of the study incidents (47%) were witnessed by at least one other person. Forty-three percent of incidents in which there was a witness involved a child under the age of 18.

III. The majority of offenders in this study had prior contacts with the criminal justice system for a wide variety of criminal behaviors.

- Only 15.6% of offenders had no prior juvenile or adult criminal record.

- 84.4% were previously arrested.
- 54% had 6 or more prior criminal charges.
- 14% of study offenders had 30 or more criminal charges.
- 59% had prior crimes against person charges with an average of 3.10 charges per defendant.
- Over 28% had at least one restraining order issued before the study incident.
- 60% had criminal charges before the age of 21 and 90% by age 35. Only 10% were over 35 when they first entered the criminal justice system.

In short, the profile of the batterers in this full enforcement court is one with a history of lengthy prior involvement with the criminal justice system.

IV. Despite long histories of victimization, the majority of victims tried a variety of strategies to end the violence.

We found that the majority of victims of physical abuse had a lifetime history of victimization experiences. For example:

- Many victims had lengthy prior histories of physical and sexual abuse victimization.
- The victims in this study had 6-10 times the rate of child physical abuse compared to the general population, 36% were victims of child sexual abuse, and 36% were in prior violent adult relationships.

However, our data did not support the model of passive women who somehow contributed to their victimization. In fact:

- Almost 3 of 4 victims in this study had called the police on or a prior occasion about the same offender.
- Victims tried a variety of self-defense tactics, but most of the time, these tactics increased offender violence.

- Even moving away from a violent husband/partner did not guarantee safety. Less than half the victims were living with the offender at the time of incident, but 3/4s of victimizations occurred in their homes.
- 68% of victims called or contacted the police themselves in this incident.

V. **The offender's restraining order history proved a reliable marker for other criminal activity and future violence. The use of civil restraining orders was not discouraged in this jurisdiction and orders were enforced by the criminal justice system.**

- Offenders who had an active restraining order out at the time of incident were almost twice as likely to re-offend against the same victim within the one year follow up period.
- Conversely, those who sought out different victims had a significantly greater number of restraining orders and greater number of prior alcohol/drug charges.
- Those who had restraining orders taken out against them in the past by more than 1 female were 13 times more likely to re-offend against a new, different victim.

This jurisdiction generally enforced and did not displace restraining orders. Specifically:

- There did not appear to have been inappropriate diversion of cases from civil restraining orders to the criminal justice system.
- When previously obtained restraining orders were breached, there was aggressive enforcement and criminal charges were filed by police or prosecutors in accordance with state law and policies.

VI. **An analysis of re-offenders confirmed a subset of offenders deeply committed to a criminal life style.**

- Official data identified re-victimization in about 1 of every 5 victims. Victim survey data showed a re-victimization rate of 49.2% compared to 22.1% in official data.
- Re-offenders were more likely to have used a weapon in the original incident.
- Re-offenders were more likely to have been involved in incidents where the victim did not call the police.

- Offenders who sought out new female victims had a significantly greater number of prior restraining orders and greater number of prior alcohol/drug charges.

VII. Police in this jurisdiction acted in a manner consistent with the pro-active goals of the QDC.

- Police in this jurisdiction did not undercharge cases. We found no evidence of this being a jurisdiction with a paper policy of making arrests without an actual commitment to do so.
- Police did not simply use non-domestic violence charges of disorderly conduct or resisting arrest, but rather multiple and specific domestic violence charges were filed.
- Victims reported that police regularly took a variety of actions, in addition to arrest. These included providing referrals for obtaining temporary restraining orders, transporting victims and children, and providing assistance in getting medical care.
- Police actions did not appear to discriminate based on victim's race, use of alcohol or drugs, relationship of offender, criminal history, or presence of children. Police behavior primarily was in response to the actual incident, not the ascribed victim's qualities.
- Police often, but not always, appeared to take efforts to pursue arrest for absent offenders in sharp contrast to common practices in other jurisdictions.

VIII. Victims were largely satisfied with the police.

- 82% of victims stated that they were "satisfied" with the police response.

Our analysis of victim satisfaction reveals several key factors:

- While most victims were satisfied, those victims not wanting arrest were more likely to be dissatisfied.
- Victim satisfaction appeared related to whether the victim was informed of her rights and advised about obtaining a restraining order.
- The inability of the criminal justice system as a whole to prevent future abuse rather than the actual police performance significantly impacted victim satisfaction with the police even if they had little real ability to prevent re-abuse.
- Not surprisingly, dissatisfied victims were primarily assaulted by more chronic offenders - those with an average of 18.9 prior charges.

Police in this jurisdiction have largely functioned as part of a coordinated criminal justice response. However, the system does not appear to prevent recidivism among "hard-core" re-offenders.

IX. Prosecutors and their staff of victim advocates performed their duties in a manner consistent with the objectives of the ODC, however, their overriding mission to support prosecution may conflict with victim preferences.

While the gross number of criminal charges pursued by the prosecutor was slightly lower than that received from the police, the differences appeared to be consistent with review procedures by competent criminal lawyers:

- Prosecutors lessened the number of charges in cases that had difficult to prove evidentiary requirements such as those that required a finding of specific criminal intent, like intent to commit murder.
- Prosecutors increased the number of charges related to concrete offenses, e.g. violation of restraining orders, assault with a dangerous weapon, and charge enhancements.
- The data on prosecutorial action in this court was inconsistent with reports from other jurisdictions that the prosecutor is part of a "funnel" which inappropriately screens out cases brought by aggressive police departments.

Victims perceived a gap between their interests and those of the prosecutors. How wide was this gap, and why did it exist? To some extent, it started with differential expectations about the need for the criminal justice system's continued involvement with the victim:

- A majority were either ambivalent or opposed to even talking to the prosecutor about their cases.
- This opposition was related to differences between a full enforcement policy and victim

preferences which included 37% of victims wanting charges dropped or the case not go forward, and an additional 14% wanting charges lowered.

- While most victims stated that prosecutors increased their safety, in about 9% of the cases, victims felt that contact with the prosecutor jeopardized their safety.
- 65% of victims were satisfied and 34% dissatisfied with prosecutor's actions.

X. Victim advocates are used and appreciated.

- Victim advocates, organizationally placed in the prosecutor's office, appeared to be routinely used by prosecutors as an integral part of the prosecutorial team.
- 81% of victims were "satisfied" in their contacts with victim advocates.
- Victims reported confusion about whether victim advocates primarily supported organizational goals, e.g. prosecution of offenders, or tried to increase victim's authority within the system, e.g. was she acting as a true "victim advocate" as opposed to "an assistant prosecutor".

As a result of the above, we also can say that the prosecutor's office, including the victim advocates, largely performed as expected in providing an integrated response and did not marginalize domestic violence cases. However, while victims were primarily satisfied with the prosecutor's office, there was more ambivalence in victim sentiment than was evident in victim evaluation of police.

XI. The courts largely upheld the domestic violence related mission of the ODC. However, high case loads affected rapid and aggressive targeting of high risk offenders.

- The judiciary used discretionary powers in an explainable manner. The large number of cases that were continued without a finding, nolle processed, or dismissed, disproportionately involved those offenders least likely to recidivate.
- Judicial discretion implicitly acted to prioritize the more high-risk cases for judicial

intervention.

- While explainable in the context of a misdemeanor charge, many offenders who presented a serious continued threat to victim safety based on past criminal behavior were released on personal recognizance or bail.
- Resource allocation of scarce judicial time remains a problem.
 - The QDC, as a district court with a general docket of civil and criminal cases, operates with scarce resources in terms of number of judges and the ability to quickly process criminal cases to completion.
 - There was a lengthy time between arraignment and initial case disposition (6 months on average).
 - Ultimate efficacy, of even a well run system, is limited by overloaded dockets.
 - Court delays were of particular importance since the majority of recidivists in this study re-offend within one month of arraignment leaving courts with little capability to prevent further victimization during the most crucial time period.

XII. Victims had more ambivalence toward "the courts" than to the police or prosecutor.

- 53% thought courts increased their "sense of control".
- 40% said they felt "embarrassed " about having to go to court.
- 39% said they were made to feel safer because of the actions of the court.
- Only 3 factors were related to positive levels of victim satisfaction with the court:
 - Perceiving the court experience as increasing personal safety.
 - Feeling the court experience motivated her to no longer tolerate a violent relationship
 - Feeling that the court gave a sense of control in the relationship.

Why the harsher evaluation of the court? Perhaps the reality is that victims ultimately

assessed the judiciary as the key decision maker in the criminal justice system. From this perspective, if the violence did not end, then the courts were to a larger extent blamed. For that reason, those victims who were abused by chronic criminal offenders and those who were subsequently re-abused remained likely to be less satisfied with court actions.

XIII. Victims are often capable of assessing their danger.

There is a developing policy consensus favoring mandatory arrest and prosecution of all offenders. To some extent, this relies on an implicit belief that victims of domestic violence are not capable of (and should not even be asked to) assess the future risk presented by an offender. We largely did not find this to be true.

- Women's fears of offenders were accurate. Despite aggressive intervention by a full enforcement criminal justice system, the pattern of future offenses in many cases had not been broken. From victim accounts, almost half reported another instance of abuse or violation of a restraining order.
- Women who thought they would be seriously injured in the study incident were almost 3 times more likely to be re-victimized.
- Women who thought they were in need of medical attention as a result of the incident were one and a half times more likely to be re-victimized.
- Women who described offender violence over the course of the relationship as having become more severe and frequent were almost two and a half times more likely to be re-victimized than women who reported no discernable pattern of violence.
- Women in controlling relationships were almost twice as likely to be re-victimized.
- Victims who feared serious injury were almost 3 times more likely to be re-victimized.
- Victims who felt that going to court was going to reduce their ability to bargain with the offender were also more likely to be re-victimized.

- Victims called the police for a variety of reasons other than just arrest.
 - 16% of victims did not want arrest.
 - Victims not wanting arrest were women who usually had not called the police before and/or were less likely to have called the police themselves about the study incident.
- Victims who left the offender during the first year after the study incident were twice as likely to be re-victimized.

XIV. Many victims did not report re-offending to the criminal justice system.

- Victim skepticism about the criminal justice system did not explain non-reporting of re-offending.
- A greater proportion of victims who did not want an arrest in the original incident reported re-victimization to authorities.
- Victims reported both serious and not as serious re-victimization. They were more likely to report new violations of restraining orders than actual violence.
- Failure to consider victim preferences may discourage future use of the criminal justice system by victims who wanted the criminal justice system to do more as well as those who wanted it to do less out of fear of offender retaliation.
- Victims who wanted more serious charges filed in the initial incident were 6 times more likely not to have reported subsequent re-victimization
- Those who felt contact with the criminal justice system decreased their safety were over 2-1/2 times less likely to have reported future incidents.

As a result, we reach the conclusion that except in cases where danger is apparent, or a chronic offender is involved, the criminal justice system should try to follow informed victim preferences and not assume that a universal response is appropriate.

XV. The only significant predictors of re-offending were prior criminal history and age at first offense.

- The majority of re-offending occurred prior to initial disposition of study incident
- The majority of offenders not prosecuted or prosecuted without subsequent court supervision did not commit new violent offenses in the study period.
- The majority of offenders receiving probation did commit new violent offenses during the study period.
- Completing batterer treatment had no significant impact upon re-offending behavior.

Discussion

I. We believe a coordinated domestic violence response was largely achieved. Victims and offenders dealt with agencies in this jurisdiction with shared goals and apparent resources to carry these out.

In this jurisdiction, criminal justice agencies and the court functioned as an integrated unit with the apparent purpose of ending repetitive violence. Aspects of coordination included:

- Criminal justice agencies and the courts becoming aware of and enforcing temporary and permanent restraining orders;
- Police following prescribed policies to actually make specific domestic violence related arrests which could be easily prosecuted by the District Attorney's office.
- Police viewed their role as being more than merely arresting; they pro-actively arranged provision of medical assistance, typically informed victims of their legal rights and made referrals to other agencies.
- Prosecutors did not diminish aggressive actions by police through excessive case dismissal or the inappropriate lowering of charges.
- Victim advocates were in fact widely used and provided essential bridging functions between victims and policies and operations of the criminal justice system despite organizational biases toward continued prosecution.
- Court discretion was focused on those least likely to recidivate rather than based upon a desire to limit caseload or formal processing.
- Court policies and actions were well understood by their agencies and largely predictable per established policies and/or practices.
- Sentencing was based on the Probation Department's summary of the offender's risk

profile, including his criminal history.

In short, we found that by and large the system functioned in an integrated manner with some constraints imposed by limited resources.

II. Have the intended consequences in this model jurisdiction been achieved?

While many past studies have focused upon re-victimization within a specified time period, we believe that there are several other goals of a full enforcement court that should be measured. These include:

- Recidivism reduction both against the same or different victims;
- Positive victim perceptions of the actions of criminal justice agencies;
- Enforcement or enhancement of low cost civil restraining orders; and
- Targeting limited resources (police, prosecutors, court and probation officers) toward the

most serious cases and the highest risk offenders (i.e. efficiency concerns).

A. Recidivism Reduction is Problematic

We found that despite aggressive enforcement, recidivism rates remained quite high especially within the first month after arrest, but before the formal court processing of cases. Criminal justice records showed a high rate of re-victimization but still underestimated the full amount of new offenses since not all new offenses were reported to the police. In fact, victim interviews in this study provided an estimate of re-victimization of approximately 50% - more than double that of official reports. Given that our database cannot identify new victims for which police reports were not filed, even this study victims' data base probably understates the true extent of re-offense in this population.

In fact, few policy actions appeared to dramatically effect recidivism among the hard-core offenders. In this research, the aggressive actions of a court were typically matched with supervised probation, sentencing to nationally recognized treatment programs for batterers, i.e. Emerge, and/or incarceration. Unfortunately, we did not find major differences in recidivism rates, both official, and according to victims reports, as a result of the different intervention strategies employed. This is partially explained by the fact that agency supervision detected, and therefore reported, a higher proportion of new offenses than in cases that were dismissed, nolle processed, or continued without a finding. However, we do not believe this fully explains why aggressive treatment failed to work better than mere probation or incarceration or why offenders completing treatment were no less likely to re-offend than those dropping out.

While these figures did not show the expected positive impact of aggressive enforcement, we should understand that the population of offenders in this jurisdiction was highly criminally oriented. The majority more closely represented a profile of high-risk repeat offenders with only a small percentage of first time offenders. In short, the impact of aggressive intervention on the population studied here may not have represented the profile of batterers in general as reported by other research.

Does this mean that the criminal justice system is unable to prevent recidivism? Not necessarily. Many in the population of offenders seen in this court appeared to have been extensively involved with law enforcement and the courts, often from their teen years. This population of offenders has been identified in past research, including the Milwaukee replication study (Sherman, 1992a, 1992b) as least likely to end violence.

Does this mean the system was ineffective? We do not believe so. While not probable in

the context of this research, we believe that the highly publicized coordinated response of the criminal justice system and courts has deterred many potential offenders, especially those who had not been exposed to the criminal justice system before as defendants. This may be the reason why this offender population is dominated by a high number of hard-core recidivists. Hence, there is the possibility that general deterrence of potential offenders had occurred even if specific deterrence of those with a past criminal history could not be easily documented.

B. Other measures of the impact of intervention including levels of victim satisfaction may be more beneficial.

Prior evaluations of criminal justice interventions in domestic violence, by design, typically focused upon one type of recidivism, usually violence against the same victim. However, there are many other important outcome measures including victim satisfaction with case processing, her perceptions of well being and his adoption of alternate forms of abusive behavior such as stalking or non-specific harassment or violations of restraining orders.

At least from the perspective of victims themselves, the impact of aggressive enforcement in this court appeared far more favorable. As a group, most victims were highly satisfied with the actions of the system and each of the component organizations. From this perspective, a key goal of the system has been achieved. This is true despite the fact that at each stage of the case many victims did not initially want aggressive criminal justice action. In fact, many victims responded consistently that they wanted neither arrest nor prosecution. While many of these victims never became satisfied with agency performance, others, after intervention, came to view their experiences favorably. In any event, the majority of victims (84%) did ultimately find their experience positive, did report their safety increased generally, and also, would call for intervention

of criminal justice services in any future, similar incident.

C. The system issued and enforced restraining orders.

Civil restraining orders, if effective, are the lowest cost method of trying to prevent repeat violence. Their issuance directly empowers a victim because it is initiated by her extensive involvement; she also does not need agency assistance in starting the process.

What she does need is a system that enforces the restraining orders with their violation being a separate offense even prior to commission of further acts of violence. Police should arrest for the violation of "no-contact" restraining orders. Prosecutors should carry forward these charges and courts should impose penalties for their violations. We believe that this system functioned in a manner that enforced the efficacy of restraining orders. By enforcing the breach of restraining orders prior to new violence, it is highly likely that many acts of further violence by this cadre of offenders was prevented. Similarly, by showing their willingness to enforce restraining orders, the system may have deterred many if not most potential offenders.

D. Scarce criminal justice resources were by impact, if not by express policy primarily targeted toward the most serious offenders.

As described earlier, in the QDC system, the police arrest, prosecutors charge, and the courts sentence most offenders. These offenders as a group have apparently committed a variety of crimes and have been extensively involved with the criminal justice system, often from early adolescence. Within this context, the use of some discretion became apparent. Judges ultimately screened out many cases via deferred sentencing that involved first time offenders and those who

appeared not to have strong likelihood to recidivate. Is this the most efficient use of scarce resources? Not necessarily. There is some inherent inefficiency when there is no attempt to differentiate between high and low risk offenders early in the processing stage.

II. Were any unintended consequences observed?

Part of a complete analysis of the criminal justice system upon a particular type of offense has to be an examination of the unintended consequences of a policy. As described earlier, we were concerned that retaliation against victims and/or non-reporting of new offenses might occur.

A. Victim non-reporting

Two groups of victims were most likely to have reported fear as a result of criminal justice intervention or to believe that future intervention might not be in their interests: those involved with the most serious offenders and those whose offenders were new to the criminal justice system. Each of these subsets brought special concerns.

1. High non-reporting of future incidents and intimidation of victims

We did find a number of victims who may have been intimidated and/or been the victim of retaliation. Not surprisingly, those victims most likely to be deterred from future use of the criminal justice system were those who accurately determined that they were in greater danger of retaliation. In other words, these victims, whose knowledge of an offender was obviously greater than those of agency personnel, accurately predicted offender recidivism. As described in Chapter 7, re-offenders were the most serious hard-core subjects studied where threats to retaliate were actualized.

2. Victim deterrence in low risk cases

In another population subset, the victims who were least likely to want formal intervention, were involved with the least serious offenders. It can, of course, be argued that victims cannot accurately predict the course of violence in a relationship. After all, practitioners and researchers alike know that in many relationships, an isolated act of violence may progress into more serious physical and psychological abuse. However, as in the case of victims of the most violent offenders, many victims in this group were in the position to accurately assess their risks. They also were quite probably aware that the imposition of formal sanctions would have had an adverse economic impact on her, her children, or fatally disrupt an ongoing, if flawed, relationship.

As suggested by our interview data, this group of victims really wanted limited, and less coercive, assistance, e.g. offender substance abuse counseling, dispute mediation, or help in shifting the balance of power in a relationship. The system needs flexibility to handle these cases. In fact, we even found situations where arrests were made and cases prosecuted when there was no actual assault or restraining order violation, but the victim initially believed calling the police was her only mechanism to receive any degree of official assistance.

The foregoing types of victims, those with the most serious and those with the least serious offenders or who do not wish formal intervention were most likely not to report future occurrences of abuse. For this reason, a blunt criminal justice policy of mandatory arrest and no-drop policies through conviction may not always serve the individual needs of victims.

Policy Implications

A. Police

While police performance was highly regarded, there are a number of policies and practices that might be considered on a case by case basis.

First, our research shows that victim risk of injury is quite high - certainly higher than typical misdemeanor type offenses. As such, police should prioritize domestic violence calls to provide a rapid response whenever possible. Further, when someone other than the victim calls, the police should treat these calls with seriousness since this research indicates the odds are 2-1/2 higher that such cases will involve a major injury to the victim compared to cases in which the victim calls police herself.

Second, the standard police incident form may not be adequate for the needs of successful case prosecution. We believe they should require that certain kinds of information be gathered. For example, victim arrest preferences should be solicited and their reasons for or against arrest explained in the police report. If victim preferences are not going to be honored, because of policy requirements for arrest, or because the officer reasonably suspects imminent violence, the reasons for this should be entered in the report and stated to the victim. Specifically, a detailed police report form including the specific acts of violence, harassment, and stalking involved, whether children or others were present and might have been at risk, and ancillary acts of property damage would help prosecutors to develop more comprehensive charging. In this manner, the police would enhance their role in an overall system focusing resources on an identifiable target group of the

most violent offenders.

In general, we believe that much more information could be obtained with a specific domestic violence form to be given to victims by responding officers. Accuracy would increase and time minimized if a clear, closed-ended form were used in place of or in as an adjunct to the general-purpose arrest report using open-ended questions.

Third, police in this jurisdiction already track those offenders not present to make a subsequent arrest. Our research did demonstrate that as a group, those offenders who left the scene had twice the number of past criminal charges and twice the recidivism rate of those present when police arrived. Therefore, these findings strongly suggest that high priority should be given to offenders who left the scene before police arrival, and even more significantly, to those fleeing offenders with lengthy criminal records (who may know they would be likely to be arrested again). Police should receive training to understand the increased danger to victims when offenders flee to ensure a comprehensive response to victim needs.

Fourth, we believe the system should have a clear policy to target repeat offenders. This policy should prioritize admittedly scarce resources to rapidly apprehending fleeing offenders with a prior criminal record. We realize there are often severe resource constraints. However, given the violent profile of "absentee" offenders as well as their history of general offending, additional priority should be given to expeditious apprehension. If necessary, a specialized detail police could be formed to locate these offenders.

Fifth, to assist in response consistency, police should be specifically trained in interpreting and properly responding to victims as well as offenders. The cases of victims "turning" on officers when they decide to make an arrest are part of the common "folklore" of policing. While victim

aggression is rare, it is symptomatic of the root cause - a failure to understand and communicate with victims who typically are in various stages of physical and emotional shock and stress. Recurrent training conducted with the assistance of shelter workers, victim advocates, and academies involving both lectures and role playing could be quite beneficial.

In addition, police should be trained to distinguish between whether victim preferences appear due to fear of the offender or instead reflect their true commitment to pursue alternate resolutions. In turn, those victims who are afraid should receive additional assistance, perhaps including mandatory arrest with the concurrence of the supervisory officer, while those preferring alternatives to arrest might initially be directed to victim advocates or other personnel prior to arrest.

B. Prosecutors and Victim Advocates

While prosecutors and victim advocates were clearly aggressively responding to victim problems, they were not viewed as very sympathetic or responsive to victim needs. This may be a difficult problem to solve as it involves the impact of generalized policies not tailored to specific victims. As we described earlier, aggressive enforcement of the law against generally violent offenders may legitimately heighten fears of retaliation of some individual victims. However, the need for such enforcement may outweigh the initial victim preferences. In such an event, prosecutors and victim advocates should anticipate the victim's ambivalence shown in this research. We believe several approaches might help.

First, although it is time consuming, the goals and rationales for standard operating procedures of the system should be communicated, even at times excessively, to the victim.

Communications should emphasize how the prosecutors and victim advocates are responsive to the needs of victims as a whole and, wherever possible, in specific cases.

Second, if resources are available, the prosecutor's office can establish a 24 hour, 7 day a week emergency response team perhaps staffed by one of the victim advocates and coordinated with the police. Acts of further violence or intimidation should be prioritized so that they receive a prompt, coordinate response.

Third, existing programs of community outreach should be strengthened where in a non-case specific, regular basis, and non-confrontational manner, prosecutors can demonstrate to large numbers of people in the community, including unreported victims, relatives, the media, and even potential offenders, that their office is vitally concerned with the problem.

To achieve maximum impact, such efforts should go beyond requested appearances at groups with traditionally female clientele to include talks with community groups with a largely male membership - rotary clubs, Chambers of Commerce, fraternal organizations, etc.

Fourth, we recognize that current system practices in Massachusetts involve generally charging domestic violence offenders with misdemeanor offenses and trying them in district court. However, prosecutors do have the option of charging many offenses, such as assault and battery with a dangerous weapon, as felonies and referring them to Superior Court. Given the dangerousness of many domestic violence offenders, this research suggests that such a referral should be a recommended option for hard-core, repeat offenders - perhaps on the basis of a publicized policy that explicitly informs prospective repeat offenders of how they will be singled out.

Fifth, we recognize that victim advocates may be the single most interested group in

providing services to victims of crime. Despite this, victim advocates are often placed in the uncomfortable role of the advocate for prosecution despite victim concerns about further case processing. We know that these people are highly trained and motivated. However, it is imperative that resources be available for training and retraining in stress counseling, and understanding and addressing victim concerns. Perhaps existing policies that have victim advocates discouraging dropping of charges should be re-examined to give them greater responsibility for educating victims of their options, the reasons for policy preferences favoring prosecution and yet allowing greater flexibility on the face of divergent victim needs. At the same time, in cases involving repeat offenders, the traditional emphasis on prosecution should be maintained and even strengthened.

III. Courts

This research found that a significant number of domestic violence offenders are hard-core criminal offenders in general. Clearly, resources would most profitably be concentrated upon these offenders. Unfortunately, to do this impacts on already scarce resources. Therefore, our recommendations must be even more tentative in this area.

First, judges and prosecutors might consider a task force approach to identify and rapidly process offenses committed by multiple offenders. If coordinated with the courts, cases involving these offenders could be most rapidly processed, thereby limiting the chances for re-offense during the otherwise lengthy period between arrest and case resolution.

Second, subject to limitations imposed by the state Constitution and laws, granting release on bail/personal recognizance should be more individualized to the past criminal history of the offender. In this jurisdiction, the practice is typically for a court to grant bail or release on personal

recognizance. Decisions appear to be based solely on an offender likelihood to reappear rather than on dangerousness.

Ironically, full enforcement courts may be particularly prone to release batterers pre-trial. Even if they hold the same percentage of offenders before them on high bail, the larger number of cases before them may mean that more offenders will be released without high bail. However, if batterers tend to be surrounded by similar batterers, it is difficult to separate them out. If all batterers were held on bail, especially in courts with large domestic violence dockets (such as full enforcement courts), the courts would not be able to afford them speedy trials. In Massachusetts, if a suspect is held prior to trial, the court by law must bring him back to court within 30 days of the date that he is initially held. In many cases, the defendant then appears before the court and is merely held for an additional 30 days. Clearly, Quincy could not easily do this given court resources. Granting bail or release on personal recognizance is currently essential to court administration.

In cases involving a repeat batterer, especially with the presence of a generalized criminal history, there is a likelihood of further risk if injury to the victims or others. As a result, we believe that use of bail/release should be re-examined in the context of repeat offenders. Specifically, we suggest that in such cases, bail as a routine matter be denied pending the rapid resolution of these cases on an expedited basis.

Our research suggests that judges and prosecutors need a new mechanism to identify the higher risk batterers among the many batterers entering the system. We found that this can be accomplished by reviewing easily obtained criminal justice documents such as civil and criminal records (computerized in Massachusetts). Currently, judges and prosecutors do not make full use of

these records in determining release. Instead they appear to rely on the seriousness of the current charge. This is problematic since, in reality, the actual seriousness of a charge depends on the charging officer's discretion. Our research suggests that the offender's prior criminal history and age at first offense are the real keys to predicting re-offending, not the circumstances of the actual incident.

Finally, while the judiciary clearly have acted responsibly to prioritizing this problem, we would suggest regular attendance at conferences outlining current best practices and available options.

IV. Victim Trust Issues

In general, all agencies, police, prosecutors, victims advocates, and the court, should endeavor to actively listen to victims, especially when they want more serious charges filed against offenders. Victims who wanted more serious charges brought against the offender were largely able to predict re-victimization. The victim who states she does not want arrest or prosecution presented a different dilemma. In most cases, it was because the victim could reasonably predict an offender was not dangerous, but in some situations, it was the fear that the system would be unable to protect her from retaliatory violence.

Currently, when police, prosecutors, or the courts are told by a victim that she does not want arrest or prosecution against a chronic batterer, the victim is considered to be unreasonable and resigned to staying with an abusive partner. However, our research finds that women often correctly predict that arrest and prosecution will not deter certain batterers from re-abuse. Unfortunately, the criminal justice system may reach the erroneous conclusion that the incidents

must not be too serious if the woman is not committed to the prosecution of a case. This is only partially correct. The men who women don't want arrested and prosecuted are less dangerous most of the time. It is the remainder of the time that we should address, where offenders are so dangerous that women are afraid of the consequences of prosecution. Further, these women are less apt to report new abuse, thus making it easier for the criminal justice system to underrate their dangerousness.

The conclusion appears to be that for low risk offenders or first time batterers or those whose offenses are marked by multi-year latency periods, the victim's preference for arrest and prosecution should be honored. For high risk offenders, even a "model" court has not broken their pattern of intimidation and control and the interventions they have used to date are insufficient.

Stopping chronic and/or serial batterers is apt to be a long, difficult process, not easily impacted by any one criminal justice intervention, especially one that is fundamentally compromised by long prosecutorial and judicial delays and restricted to misdemeanor type sentences. Possibilities to be considered are long term, strictly supervised periods of probation and escalating penalties for repeat arrests and restraining order violations if necessary via referral to the Superior Court. Clearly, these offenders are testimonials to the fact that lesser sanctions will not deter them.

TABLE 3.1: Missing Cases by Data Source and Response Rates for Victim Survey

Part A. <u>Missing Cases by Data Source</u>		
<u>Data Source</u>	<u>N</u>	<u>% of Total</u>
Total number of in-scope domestic violence cases in 7-month period	353	-
Through Quincy District Court Department of Probation:		
Offender criminal histories <u>prior</u> to study incident	353	100
Offender criminal histories for 1-year period <u>after</u> study incident	353	100
Restraining orders taken out on defendant <u>prior</u> to study incident	353	100
Restraining orders taken out on defendant for 1-year period <u>after</u> study incident	353	100
Prosecutor data on criminal charges brought against defendant	353	100
Defendant status re: batterer treatment programs	353	100
Initial and final court dispositions on cases	335	95
Police reports on study incidents	317	89
Victim survey	118	33
Offender survey	36	10
Part B. <u>Response Rates for Victim Survey</u>		
<u>Victim Survey Status</u>	<u>N</u>	<u>Response rate</u>
Completed survey	118	
Refused	106	
Could not locate	116	
Could not contact	13	
Response rate as a function of all respondents	118/353	33%
Response rate as a function of all eligible respondents	118/340	35%
Response rate as a function of located respondents	118/214	53%

TABLE 3.2: Inter-rater Reliability Scores for Police Incident and Police Intake Forms: Basic and Evaluative Coding **

<u>Demographic Variables</u>	<u>#A</u>	<u>#D</u>	<u>#CS</u>	<u>#T</u>	<u>Gen. Rel.</u>	<u>Adj. Rel.</u>
Age of victim	46	1	0	47	.98	.98
Race of victim	48	3	0	51	.94	.94
V-O relationship	45	8	0	53	.85	.85
Age of offender	46	1	0	47	.98	.98
Race of offender	50	3	0	53	.94	.94
Offender employment status	44	3	0	47	.94	.94
Town police department	47	0	0	47	1.0	1.0
Demographic Totals	326	19	0	345	.94	.94
<u>Incident Variables</u>						
Time of offense	41	7	0	48	.85	.85
Day of offense	46	1	0	47	.98	.98
Location of offense	39	7	0	46	.85	.85
Time of dispatch	34	11	0	45	.76	.76
Time of arrival	39	5	0	44	.88	.88
Time of departure	35	9	0	44	.80	.80
Number of suspects	41	3	0	44	.93	.93
Number of victims	35	6	0	41	.85	.85
I.D. of 2 nd victim	34	7	4	45	.76	.83
Age of 2 nd victim	33	5	4	42	.79	.87
Gender of 2 nd victim	35	4	4	43	.81	.90
Who called police	40	3	0	43	.93	.93
Number of witnesses	34	9	0	43	.79	.79
I.D. of 1 st witness	31	6	6	43	.72	.84
I.D. of 2 nd witness	29	2	8	39	.74	.94
I.D. of 3 rd witness	28	5	8	41	.68	.85
Number of child witnesses	38	4	0	42	.90	.90
Most serious injury to victim	37	4	0	41	.90	.90
2 nd injury to victim	33	6	5	44	.75	.85
3 rd injury to victim	31	4	7	42	.74	.89
Injury to 2 nd victim	34	5	6	45	.80	.87
Type of 1 st weapon used	35	6	0	41	.85	.85
Type of 2 nd weapon used	30	5	7	42	.71	.86
R.O. in effect	39	3	0	42	.93	.93
Violence used in incident	41	2	0	43	.95	.95
Seriousness of violence	36	3	4	43	.84	.92
Incident Totals	928	132	63	1123	.83	.88

TABLE 3.2: Interrater Reliability Scores from Police Records (continued)

<u>Police Involvement Variables</u>	<u>#A</u>	<u>#D</u>	<u>#C/S</u>	<u>#T</u>	<u>Gen. Rel.</u>	<u>Adj. Rel.</u>
# police responding	36	6	0	42	.86	.86
Gender of 1 st officer	35	7	0	42	.83	.83
Gender of 2 nd officer	30	3	8	41	.73	.91
Was offender present?	37	4	0	41	.90	.90
Offender arrested?	35	6	0	41	.85	.85
Searched for offender?	32	8	2	42	.76	.80
Police issued warrant	31	4	5	40	.78	.89
Injury to police officer	40	1	0	41	.98	.98
Victim given rights inform.	29	11	0	40	.73	.73
Victim given info re: R.O.	36	6	0	42	.86	.86
Police mediated conflict	35	7	0	42	.83	.83
Police restored order	31	9	0	40	.78	.78
Victim transported to services	31	8	0	39	.79	.79
Witnesses to incident interviewed	32	7	2	41	.78	.82
Police got victim medical aid	30	1	8	39	.77	.97
Victim referred to services	29	12	0	41	.71	.71
Protective custody for victim	29	3	0	32	.91	.91
1st criminal charge	40	2	0	42	.95	.95
2 nd criminal charge	40	4	0	44	.91	.91
3 rd criminal charge	36	3	3	42	.86	.92
Was victim stalked?	41	2	0	43	.95	.95
Was victim threatened?	40	2	0	42	.95	.95
Police list offender using alch/drugs	38	4	0	42	.90	.90
Police list victim using alch./drugs	30	11	0	41	.73	.73
Police photographed victim	27	9	6	42	.64	.75
Victim did not want arrest	37	3	0	40	.93	.93
Other victim preferences	30	10	0	40	.75	.75
Mention of offender as aggressive	33	8	0	41	.80	.80
Mention of victim as angry	32	12	0	44	.73	.73
Mention victim emotionally upset	30	8	0	38	.79	.79
Victim refused all help	37	4	0	41	.90	.90
Police transported offender	38	6	0	44	.86	.86
Police Involvement Totals	1087	191	34	1312	.83	.85
Overall Totals	2341	342	97	2780	.84	.87

** #A = Number of agreements between coders; #D = Number of disagreements between coders; #CS = Number of coding errors because of skip patterns; # T = Number of coded cases for that variable; Gen. Rel.= percentage agreement between coders including skip pattern errors; Adj. Rel.= percentage agreement between coders excluding skip pattern errors.

TABLE 3.3: Victim Survey Completion Status by Selected Victim and Offender Characteristics

Characteristics	Completed Survey	Refused	Could Not Locate	Statistic
<u>Victim Age</u> (N=243) (in years)	35.6	34.1	31.5	F = 3.13 *
<u>Victim Race</u> (N=152)				
White	40%	28%	32%	$\chi^2 = 2.53$
Non-white	26%	26%	48%	
<u>Victim-Offender Relationship</u> (N=292)				
Married/Cohab.	38%	34%	28%	$\chi^2 = 7.50$
Dating/Friend	27%	27%	46%	
Ex-relationship	35%	28%	37%	
Other family	36%	30%	34%	
<u>Victim Alcohol/Drug Use in Incident</u> (N=353)				
Yes	28%	37%	35%	$\chi^2 = 1.34$
No	34%	29%	37%	
<u>Offender Race</u> (N=336)				
White	35%	29%	36%	$\chi^2 = 0.53$
Non-white	30%	31%	39%	
<u>Offender Use of Alcohol/Drugs in Incident</u> (N=318)				
Yes	33%	32%	35%	$\chi^2 = 0.74$
No	37%	30%	33%	
<u>Offender Age</u> (N=353)	34.2	34.4	33.6	F = 0.18
<u>Offender Total Prior Criminal Charges</u> (N=353)	13.0	14.2	12.4	F = 0.34
<u>Offender Total Prior Violent Charges</u> (N=353)	3.0	3.6	2.9	F = 0.55
<u>Offender Total Prior Alcohol/Drug Charges</u> (N=353)	2.3	2.1	2.1	F = 0.16

* p < .05; ** p < .01; *** p < .001

TABLE 3.4: Victim Survey Completion Status by Selected Incident Characteristics

Characteristic		Completed Survey	Refusal	Could Not Locate	Statistic
<u>Was The Physical Violence in Incident (N=341)</u>					
	Yes	33%	31%	36%	$\chi^2 = 0.22$
	No	36%	28%	36%	
<u>Seriousness of Violence in Incident (N=238)</u>					
	Battery	44%	29%	27%	$\chi^2 = 3.64$
	Severe	31%	31%	38%	
<u>Was a Restraining Order in Effect? (N=255)</u>					
	Yes	34%	32%	34%	$\chi^2 = 1.23$
	No	41%	30%	30%	
<u>Presence of Weapon in Incident (N=308)</u>					
	Gun/knife/obj.	37%	33%	30%	$\chi^2 = 1.89$
	Hands/feet	37%	27%	36%	
	No weapon	31%	36%	34%	
<u>Injury to Victim (N=304)</u>					
	Major	22%	44%	34%	$\chi^2 = 6.42$
	Minor	32%	31%	30%	
	None	46%	26%	36%	
<u>Who Called Police? (N=324)</u>					
	Victim herself	39%	30%	31%	$\chi^2 = 3.83$
	Someone else	30%	30%	40%	
<u>Victim Preference About Offender Arrest (N=309)</u>					
	No arrest	59%	25%	16%	$\chi^2 = 18.86 ***$
	No preference	30%	32%	38%	
<u>Mean Number of Police Actions Taken at Scene (N=317)</u>					
		4.32	4.41	4.35	F = 0.13

* p < .05; ** p < .01; *** p < .001

TABLE 3.5: Level of Agreement between Police Reports and Victim Reports on Selected Incident Characteristics

High Agreement Incident Characteristics

<u>Characteristic</u>	<u>#A</u>	<u>#D</u>	<u>#T</u>	<u>Level of Agreement**</u>
Number of officers responding	38	3	41	.93
Was offender arrested at scene?	36	3	39	.92
Location of offense	37	2	39	.95
Was a restraining order in effect?	39	4	43	.91
Was offender present when police arrived?	32	6	38	.84
Offender under influence of alcohol/drugs	25	4	29	.86
Age of victim	39	4	43	.91
Race of victim	26	2	28	.93
Weapon used in incident	37	6	43	.86
Victim-offender relationship	92	12	104	.88
Who called police?	90	16	106	.85
Police got victim medical assistance	36	5	41	.88

Low Agreement Incident Characteristics

Child(ren) present at incident	30	12	42	.71
Injury to victim	29	13	42	.69
Victim told police not to arrest offender	27	15	42	.64
Police gave victim information about R.O.	23	17	40	.58
TOTAL	636	124	760	.84

** #A = Number of agreements between police reports and victim reports on a particular variable;
 #D = Number of disagreement between police reports and victim reports on a particular variable;
 #T = Total number of comparisons on a particular variable; Level of Agreement = ratio of agreements to total comparisons.

TABLE 4.1: Time, Location and Nature of Violence in Incidents in the QDC Sample

Characteristic	Percent
<u>Location of Offense</u>	
(N=296)	
Victim's household	73.0
Offender's household	3.0
Another household	2.7
Restaurant, club or bar	2.0
Store, mall or other shop	1.4
Place of work	1.0
Outdoors (park, parking lot)	8.8
Other	8.1
<u>Time of Day</u>	
(N=242)	
Midnight - 6 AM	25.6
6:01 AM - 12 noon	16.5
12:01 PM - 6 PM	21.0
6:01 PM - Midnight	36.9
<u>Day of the Week</u>	
(N=349)	
Sunday	15.9
Monday	15.6
Tuesday	13.5
Wednesday	11.2
Thursday	12.1
Friday	13.5
Saturday	18.2
<u>Was There Physical Violence in the Incident?</u>	
(N=343)	
Yes	71.3
No	28.7
<u>Nature of the Most Serious Violence in the Incident</u>	
(N=233)	
Pushing, shoving, grabbing	15.0
Slapping	10.3
Hitting with fist	19.3
Choking, strangling	14.6
Kicking	9.0
Beating up	13.3
Hit with Object	12.0
Threatened or used knife or gun	6.4

Table 4.2. Weapons, Injuries, Perceptions of Harm and Alcohol Use in QDC Study Incidents

Characteristic	Percent
<u>Most Serious Weapon Used</u>	
<u>in Incident</u> (N=309)	
Hands	44.7
Feet, teeth	7.5
Blunt object	6.1
Firearm	1.5
Knife, cutting instrument	4.2
Motor vehicle	1.6
Other weapon	2.6
No weapon used in incident	31.7
<u>Most Serious Injury to</u>	
<u>Primary Victim</u> (N=304)	
Broken bone	1.0
Broken/bloody nose	3.9
Internal injury	1.6
Severe laceration	2.3
Burns	0.3
Unconsciousness	1.3
Bruises, swelling	26.6
No visible injuries	62.8
<u>Victim Felt She Needed</u>	
<u>Medical Attention</u> (N=118)	
Yes	22.0
No	78.0
<u>Victim Felt She Would</u>	
<u>Be Seriously Injured in</u>	
<u>Incident</u> (N=118)	
Yes	69.5
No	30.5
<u>Offender Under Influence</u>	
<u>of Alcohol/Drugs During</u>	
<u>Incident</u> (N=318)	
Alcohol only	31.1
Other drugs only	1.9
Alcohol and drugs	2.8
Not present	59.4
<u>Number of Suspects in</u>	
<u>Incident</u> (N=118)	
One	97.8
Two	1.9
Three	0.3

TABLE 4.3: Number and Identity of Witnesses in Sample of QDC Domestic Violence Incidents

Characteristic	Percent
<u>Number of Witnesses to Incident</u>	
(N=308)	
None	53.2
One	27.3
Two	13.0
3 or more	6.5
<u>Identity of Incident Witnesses</u>	
<u>in Relation to Victim</u>	
(N=308)	
Children	43.1
Neighbors	4.4
Relative	17.7
Bystander	11.8
Police officer	2.9
Boy/girlfriend	9.8
Co-workers	2.0
Unknown	8.8
<u>Number of Child Witnesses</u>	
<u>to Incident</u>	
(N=308)	
No children present	79.9
One child present	12.3
Two or more children present	7.8

Table 4.4. Demographic Characteristics of Study Victims and Source of Information

Characteristic (Source)*		Percent	Summary
<u>Age</u> (PR) (N=243)			
	<21	9.1	X = 33.8 Md= 32.0 Mo= 29.0
	21-25	14.4	
	26-30	18.5	
	31-35	18.9	
	36-40	15.6	
	41-45	9.1	
	46-50	5.8	
	51-55	5.3	
	56-60	2.1	
	61 & over	1.2	
<u>Race</u> (PR) (N=152)			
	White	85	
	Non-white	15	
<u>Relationship of Victim to Offender</u> (PR) (N=292)			
	Married/living together	42.8	
	Girlfriend/dating	20.2	
	Ex-relationship	22.9	
	Other family member	14.0	
<u>Education level</u>			
(S)	(N=118)		
	Less than 8 years	1.6	
	Some high school	11.9	
	High school grad	33.9	
	Some college	23.7	
	College graduate	19.5	
	Graduate work	6.8	
	Did not answer	2.5	
<u>Income</u>			
(S)	(N=118)		
	<\$10,000	25.4	
	\$10,001-\$20,000	24.6	
	\$20,001-\$30,000	18.7	
	\$30,001-\$40,000	13.6	
	\$40,001 and higher	8.5	
	Did not answer	9.3	

• PR = from police records; S = from victim survey

Table 4.5. History of Victimization Among Study Victims
(From Self-Report Survey, N = 118)

Characteristic		Percent
<u>Sexual Abuse Before the Age of 18</u>		
	No	61.0
	Yes	35.6
	Did not answer	3.4
<u>Frequency of Parental Punishment Severe Enough to Cause Injury Before the Age of 18</u>		
	Never	58.7
	Once or twice	9.2
	3-5 times	5.5
	6-10 times	2.8
	11-20 times	3.7
	More than 20 times	20.2
<u>Number of Adult Violent Relationships (in addition to study relationship)</u>		
	None	64.0
	One	22.8
	2-3	9.6
	4	1.8
	5 or more	1.8

Table 4.6. Relationship Dynamics of Victim with Defendant (from Victim Survey, N=118)

Characteristic	Percent
<u>Change in frequency and/or severity of violence of defendant</u>	
More frequent and severe	23.7
More frequent, no change in severity	19.5
No change in frequency, more severe	11.9
No change in frequency or severity, more controlling	11.0
No clear pattern	21.2
Less frequent and severe	7.6
Did not answer	5.0
<u>Change in fear of defendant over time</u>	
More afraid	48.3
Less afraid	21.2
Never afraid	12.7
No change in fear	9.3
Don't know	8.5
<u>Victim was free to come and go in daily routine</u>	
Yes	60.2
No	38.1
Don't know	1.7
<u>Total number of restrictions placed on victim by defendant (out of 15 item checklist)</u>	
0 (none)	16.9
1-2 (few)	35.6
3-5 (several)	25.4
6-9 (many)	12.7
10-15(most)	7.6
Don't know	1.7
<u>Victim denied access to money/ financial resources by defendant</u>	<u>% "yes"</u> 58.5
<u>Victim denied access to social support by defendant</u>	45.8
<u>Victim denied access to medical/counselling services by defendant</u>	16.1

Table 4.7. Demographic Characteristics of Study Defendants From Police Records

Characteristic	Percent	Summary
<u>Age</u>		
(N=345)		
<21	8.9	Mean = 34.2
21-25	9.8	Md = 33.0
26-30	17.7	Mo = 33.0
31-35	23.8	
36-40	16.2	
41-45	9.2	
46-50	7.2	
51-55	4.3	
56-60	1.5	
61 & over	1.2	
<u>Race</u>		
(N=345)		
White, non-Hispanic	83.9	
Black, not Hispanic	11.0	
White Hispanic	1.5	
Black Hispanic	1.8	
Pacific islander	0.3	
Asian/Oriental	0.9	
Other	0.6	
<u>Employment Status at Time of Incident</u>		
(N=259)		
Employed, full or part-time	75.7	
Unemployed	24.3	

Table 4.8. Offender Prior Criminal Charges and Prior Calls to Police by Study Victims About Domestic Violence Involving Study Offenders

<u>Characteristic</u>	<u>Percent</u>	<u>Summary</u>
<u>Offender Prior Criminal Charges</u>		
None	15.6	Range = 131
One	8.8	Mean = 13.12
2-5	22.0	Median = 7.00
6-10	15.6	s = 17.52
11-20	16.8	Sum = 4,633
21-30	7.1	
31-50	9.5	
51-131	4.5	
 <u>Number of Calls to Police by Study Victim About Defendant Prior to Study Incident (from victim survey) (N=118)</u>		
None	25.6	
One	16.2	
2-3 times	22.2	
4-5 times	6.8	
6-10 times	8.5	
11 or more times	6.8	
Don't know	13.7	

Table 4.9. Mean Number and Types of Prior Criminal Charges in Sample of Study Offenders

Type of Criminal Charge	Mean	Median	s.d.	Range	Percent with at least one criminal charge of this type %
Total number of criminal charges (N=353)	13.12	7.0	17.5	131	84.4
Number of property offenses (N=353)	4.07	1.0	9.1	108	56.1
Number of offenses against person (N=353)	3.11	1.0	5.4	42	59.1
Number of major motor vehicle offenses (N=353)	2.64	1.0	4.9	37	54.4
Number of alcohol/drug offenses * (N=353)	2.17	1.0	3.3	20	57.8
Number of public order offenses (N=353)	0.87	0	1.7	12	37.4
Number of sex offenses (N=353)	0.14	0	0.5	4	8.5

* Alcohol related crimes included drunk driving, a minor transporting alcohol, minor on possession of alcohol, or possession of open container of alcohol. Drug crimes included all offenses involving possession, sale, distribution or manufacturing of an illicit drug.

Table 4.10. Past Criminal Justice Involvement Among Study Defendants (N=353)

Characteristic		Percent	Summary Measures
<u>Age of Defendant at First Criminal Charge</u>			
	Under 17	24.6	Mean = 22.7 years Md = 19.0 Mo = 15.0 Range= 52
	17-20	35.7	
	21-25	11.6	
	26-30	11.0	
	31-35	6.5	
	36-40	3.1	
	41-45	2.8	
	46-50	3.1	
	51 & over	1.5	
<u>Prior Number of Restraining Orders Taken Out Against Defendant</u>			
	0	71.7	Mean = 0.43 Md = 0 Mo = 0 Range= 4
	1	18.7	
	2	5.9	
	3-4	3.7	
<u>Prior Number of Probation Periods</u>			
	0	45.9	Mean = 1.61 Md = 1 Mo = 0 Range= 16
	1	20.4	
	2	9.9	
	3	7.6	
	4	5.1	
	5 or more	11.1	
<u>Prior Number of Incarcerations</u>			
	0	71.4	Mean = 1.02 Md = 0 Mo = 0 Range=16
	1	9.1	
	2	6.2	
	3	2.5	
	4	2.3	
	5 or more	8.6	
<u>Total Number of Female Victims</u>			
	1	86.5	Mean = 1.17 Md = 1 Mo = 1 Range= 3
	2	10.9	
	3-4	2.6	

TABLE 5.1: Extent of Victims' Past Contact With Police and Restraining Order Use in Current Incident of Domestic Violence

<u>Characteristic</u>	<u>Percent</u>
<u>Number of Calls to Police</u>	
<u>by Victim About Defendant</u>	
(N=117)	
None	25.6
One	16.2
2-3	22.2
4-10	15.3
11 or more	6.8
Don't know	13.7
<u>Has Study Victim Called</u>	
<u>Police in the Past About Other</u>	
<u>Men for Domestic Violence?</u>	
(N=117)	
Yes	18.8
<u>How Many Times Were the</u>	
<u>Police Called About Other</u>	
<u>Men? (N=22)</u>	
Once	50.0
2-3 times	27.3
4 or more times	22.7
<u>Did Victim Have a Restraining</u>	
<u>Order in Effect Against Defendant</u>	
<u>at Time of Study?</u>	
(N=353)	
Yes	28.9
<u>Percent of Each Condition of</u>	
<u>Existing Restraining Order</u>	
(N=99)	
Refrain from abuse	100
No contact with victim	79.6
Vacate/stay away from residence	81.8
Stay away from victim workplace	55.5
Offender's belongings be picked up only with police	3.0
Offender surrender guns, ammo, etc.	40.4
Victim given child custody	29.3
No contact with children	9.1
No visitation with children	9.1
Offender to pay child support	5.1
Other conditions	65.7

TABLE 5.2: Victim Perceptions of and Strategies in Dealing with Offender in Study Incidents
Prior to Police Contact (from victim survey)

Characteristic	Percent
<u>Victim thought she would be killed in incident</u> (N=118)	55.9
<u>Victim thought she would be seriously injured in incident</u> (N=118)	69.5
<u>Victim felt she needed medical attention because of incident</u> (N=118)	22.0
<u>Victim screamed in response to offender's violence</u> (N=118)	61.9
<u>Effect of screaming on offender</u> (N=73)	
More violent	60.3
Had no effect	30.1
Less violent	9.6
<u>Victim threatened to call police</u> (N=118)	47.5
<u>Effect of threatening to call police on offender</u> (N=56)	
More violent	44.6
Had no effect	35.7
Less violent	19.6
<u>Victim threatened to hurt offender</u> (N=118)	14.4
<u>Effect of threatening to hurt on offender</u> (N=19)	
More violent	42.1
Had no effect	42.1
Less violent	15.8
<u>Victim fought back</u> (N=118)	37.3
<u>Effect of fighting back on offender</u> (N=44)	
More violent	59.1
Had no effect	29.5
Less violent	11

TABLE 5.3: Identity of Person Who Reported Study Incident to Police (N=311)

Reporter	Percent
Victim in incident	67.5
Offender in incident	2.9
Parent of victim	2.6
Child of victim	2.9
In-law of victim	1.0
Sibling of victim	1.0
Friend of victim	2.6
Neighbor	4.5
Baby-sitter	0.3
Co-worker of victim	0.3
Other known person (acquaintance)	2.3
Business proprietor/worker	0.9
Social service provider	0.6
Medical provider	0.6
Bystander	3.2
Unknown person, but not victim	6.8

TABLE 5.4: Bivariate Comparisons of Incidents in Which Victim or Someone Else Contacted the Police

Characteristic	Who Contacted the Police?		χ^2
	Victim herself (N=210)	Someone else (N=101)	
<i>Victim Characteristics:</i>			
Age			
<21	47.6%	52.4%	
21 and older	69.0%	31.0%	4.07**
Race			
White	70.3%	29.7%	
Non-white	47.6%	52.4%	4.21**
Relationship to offender			
Married/living together	67.8%	32.2%	
Boy/girlfriend, dating	50.9%	49.1%	
Ex-relationship	70.8%	29.2%	
Other family members	74.4%	25.6%	7.65**
<i>History of Offender Violence</i>			
Total prior crimes against person			
None	60.9%	39.1%	
1-5	70.4%	29.6%	
6 or more	75.9%	24.1%	4.84*
Victim had restraining order re: offender			
Yes	87.4%	12.6%	
No	59.8%	40.2%	21.7****
Offender had victimized 2 or more women			
Yes	82.9%	17.1%	
No	65.0%	35%	5.18**
<i>Incident Characteristics</i>			
Victim felt she would be seriously injured (from victim survey; N=118)			
Yes	76.3%	23.8%	
No	62.9%	37.1%	2.18
Victim injury			
Major	33.3%	66.7%	
Minor	62.0%	38.0%	
No injury	74.0%	26.0%	20.1****
Weapon used			
Gun, knife, object	54.2%	45.8%	
Hands, feet	64.2%	35.8%	
No weapon	75.5%	24.5%	7.03**

* p<.10; ** p<.05; *** p<.01; **** p<.001

TABLE 5.5: Initial Police Response to Study Incidents.

<u>Characteristic</u>	<u>Percent</u>
<u>Police Response Time</u>	
(N=81) Within 5 minutes	43.2
6-10 minutes	16.0
11-20 minutes	12.3
More than 20 minutes	8.6
Victim went to police station	19.8
<u>Number of Officers Responding</u>	
(N=305) One	40.7
Two	47.5
Three	9.5
4 or more	2.3
<u>Location Police Responded To</u>	
(N=296) Private location	77.4
Public location	22.6
<u>Was Offender Present When the Police Arrived</u>	
(N=290) Yes	60.0
<u>Among Offenders Present, Were They Physically and/or Verbally Aggressive Toward Police</u>	
(N=177) Yes	22.5
<u>Victim Emotionally Upset When the Police Arrived</u>	
(N=306) Yes	22.5
<u>Were any Police Officers Injured in Incident</u>	
(N=305) Yes	1.1

TABLE 5.6: Frequency of Actions Taken by the Police at Site in Study Incidents (N=317)

<u>Police Actions Taken</u>	<u>Percent of Cases</u>	
Filed report about incident	100	
Arrested offender	75.0	
Issued arrest warrant	25.0	
Searched for offender when not present	23.5	
Interviewed witnesses	30.0	
Mediated conflict/restored peace	22.2	
Gave information to victim (e.g. how to get restraining order, available services, etc.)	48.9	
Took photograph(s) of victim	15.1	
Obtained medical help for victim	7.1	
Transported victim to shelter/services	4.8	
Referred victim to services	6.5	
Arranged protective custody for victim	0.9	
<u>Number of Overall Police Actions by Case</u>		
Two	7.9	
Three	18.3	
Four	26.5	Mean = 4.4
Five	29.7	s.d. = 1.27
Six	12.9	Sum = 1381
Seven	4.7	
<u>Number of Police Actions for Victim by Case</u>		
None	33.2	
One	42.7	Mean = 0.94
Two	20.6	s.d. = 0.82
Three	3.5	Sum = 298

TABLE 5.7: Mean Number of Police Actions by Selected Victim and Offender Characteristics

Characteristic		Mean	Statistic
<i>Victim Characteristics:</i>			
<u>Age</u> (N=317)	Under 25	4.68	F = 3.55 *
	26-35	4.46	
	36 and older	4.19	
<u>Race</u> (N=146)	White	4.44	t = 1.16
	Non-white	4.77	
<u>Alcohol/Drug use in Incident</u> (N=317)	Yes	4.53	t = 0.90
	No	4.33	
<u>Victim-Offender Relationship</u>			
(N=280)	Married/living together	4.37	F = 1.04
	Dating/boy-girlfriend	4.50	
	Ex-relationship	4.33	
	Other family members	4.63	
<u>Victim Preference</u> (N=304)	No arrest of offender	4.33	t = 0.53
	No Preference	4.44	
<i>Offender Characteristics:</i>			
<u>Age</u> (N=314)	Under 25	4.26	F = 0.31
	26-35	4.41	
	36 & older	4.34	
<u>Race</u> (N=307)	White	4.33	t = 1.02
	Non-white	4.53	
<u>Alcohol/Drug Use in Incident</u> (N=309)	Yes	4.42	t = 0.08
	No	4.38	
<u>Total Prior Criminal Charges</u>			
(N=317)	None	4.50	F = 0.98
	1-3	4.54	
	4-11	4.28	
	12 or more	4.26	

* p< .05; **p<.01; ***p<.001

TABLE 5.8: Mean Number of Police Actions by Incident Characteristics

Incident Characteristic	Mean	Statistic
<u>Town's Median Income</u>		
(N=316)		
Below Median	4.34	
At and Above Median	4.43	t = 0.45
<u>Prior Calls to Police by Victim re: Offender</u>		
(N=110)		
None	4.24	
One or More	4.35	t = 0.38
<u>Who Called Police?</u>		
(N=297)		
Victim Herself	4.26	
Someone else	4.72	t = 9.41 ***
<u>Was a Restraining Order in Effect?</u>		
(N=317)		
Yes	3.94	
No	4.51	t = 3.56 ***
<u>Seriousness of Violence in Incident</u>		
(N=316)		
Pushed, Shoved, Slapped	4.22	
Beat-up, Kicked, Choked	4.64	t = 2.31 **
<u>Victim Threatened in Incident?</u>		
(N=302)		
Yes	4.59	
No	4.34	t = 1.69 *
<u>Injury to Victim?</u>		
(N=302)		
Major Injury	4.94	
Minor Injury	4.75	
No Injury	4.18	F = 9.61 ***
<u>Weapon Used in Incident</u>		
(N=303)		
Knife or Gun	4.50	
Object	4.43	
Hands/Feet	4.57	
No Weapon	4.17	F = 2.13 *
<u>Children Witnesses Incident?</u>		
(N=306)		
Yes	4.30	
No	4.44	F = 0.65

* p <.10; ** p <.05; *** p <.01

TABLE 5.9: Frequency, Distribution, and Seriousness of Criminal Charges Issued by Police in Study Incidents

Criminal Charge	Percent (N)	Summary
Assault & Battery	42.4 (225)	
Violation of Restraining Order	16.6 (88)	
Assault & Battery with a Dangerous Weapon	11.7 (62)	
Threats to Commit a Crime/Kill	9.0 (48)	
Malicious Destruction of Property	2.8 (15)	
Assault with a Dangerous Weapon	2.3 (12)	
Attempted Murder	1.9 (10)	Mean = 1.53
Robbery	1.9 (10)	s.d = 0.74
Default Warrant	1.9 (10)	Sum = 531
Breaking & Entering	1.5 (8)	
Aggravated Assault	1.3 (7)	
Rape	1.3 (7)	
Stalking	1.3 (7)	
Kidnapping	0.9 (5)	
Assault	0.9 (5)	
Obscene/ Harassing Phone Calls	0.8 (4)	
Disorderly Conduct	0.6 (3)	
Larceny	0.4 (2)	
Trespassing	0.2 (1)	
Civil Rights Violation	0.2 (1)	

Number of Criminal Charges Per Incident
(N=348)

One	62.4%
Two	22.7%
Three	14.9%

Serious Criminal Charge**

<u>Filed in Incident?</u>	Yes	24.7%
(N=348)	No	75.3%

** Serious criminal charges included attempted murder, rape, aggravated assault, kidnapping, robbery, assault & battery with a dangerous weapon, stalking and civil rights violations.

TABLE 5.10: Bivariate Comparison of Victim Preference for Arrest by Selected Victim Characteristics

Characteristic		Victim Preferred No Arrest	No Victim Preference	Statistic
<u>Victim's Race</u>				
(N=143)	White	13.2%	86.8%	$\chi^2 = 0.01$
	Non-white	14.3%	85.7%	
<u>Mean Age of Victim</u>				
(N=238)		38.8	32.5	$t = 3.67 ***$
<u>Victim-Offender Relationship</u>				
(N=275)	Married/liv.together	18.5%	81.5%	$\chi^2 = 1.75$
	Dating/boy-girlfriend	16.4%	83.6%	
	Ex-relationship	9.7%	90.3%	
	Other family	10.3%	89.7%	
<u>Prior Call to Police About Offender</u>				
(N=110)	Yes	17.3%	82.7%	$\chi^2 = 4.17 **$
	No	35.7%	64.3%	
<u>Prior Calls to Police by Victim re: Other Men</u>				
(N=110)	Yes	10.0%	90.0%	$\chi^2 = 2.06$
	No	24.7%	75.3%	
<u>How Many Past Adult Violent Relationships?</u>				
(N=109)	All of them	28.6%	71.4%	$\chi^2 = 3.88$
	Some of them	9.4%	90.6%	
	None of them	26.1%	73.9%	
<u>Victim Herself Called the Police</u>				
(N=293)	Yes	12.9%	87.1%	$\chi^2 = 4.62 **$
	No	22.3%	77.7%	

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

TABLE 5.11. Victim Preference for Arrest of Offender by Selected Offender Characteristics.

Characteristic		Victim Preferred No Arrest	No Victim Preference	Statistic
<u>Offender Employment</u>				
<u>Status at Time of Incident</u>				
(N=235)	Employed	14.7%	85.3%	$\chi^2 = 1.88$
	Not Employed	22.4%	77.6%	
<u>Race of Offender</u>				
(N=299)	White	16.3%	83.7%	$\chi^2 = 0.03$
	Non-white	15.2%	84.8%	
<u>Total Prior Criminal</u>				
<u>Charges (N=309)</u>				
	None	23.9%	76.1%	$\chi^2 = 2.35$
	1-6	14.7%	85.3%	
	7 or more	15.0%	85.0%	
<u>Total Prior Criminal</u>				
<u>Charges Against</u>				
<u>Person (N=309)</u>				
	None	18.9%	81.1%	$\chi^2 = 1.13$
	One or more	14.4%	85.6%	
<u>Mean Age: First Criminal</u>				
<u>Charge (N=309)</u>				
		26.1	22.1	$t = 2.87^{***}$
<u>Mean Prior Property Crimes</u>				
<u>(N=308)</u>				
		5.46	3.29	$t = 1.78^*$
<u>Mean Prior Major Motor Vehicle Offenses</u>				
<u>(N=308)</u>				
		3.10	2.51	$t = 0.82$
<u>Mean Prior Alcohol/Drug Charges</u>				
<u>(N=308)</u>				
		2.07	2.23	$t = 0.36$
<u>Mean Prior Probation Periods</u>				
<u>(N=308)</u>				
		1.62	1.60	$t = 0.08$
<u>Mean Prior Restraining Orders</u>				
<u>(N=308)</u>				
		0.33	0.43	$t = 0.91$

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

TABLE 5.12: Bivariate Comparisons of Victim Preference for Arrest by Incident Characteristics

Characteristic		Victim Preferred No Arrest	No Victim Preference	χ^2
<u>Was There a Restraining Order in Effect?</u>				
(N=309)	Yes	14.5%	85.5%	0.26
	No	16.9%	83.1%	
<u>Was Offender Present When Police Arrived?</u>				
(N=283)	Yes	18.9%	81.1%	3.56 **
	No	10.6%	89.4%	
<u>Seriousness of Violence in Incident</u>				
(N=224)	Push, Shove, Slap	25.4%	74.6%	3.13 *
	Beat-up, Kicked	15.2%	84.8%	
<u>Weapon Used in Incident</u>				
(N=309)	Knife, Gun, Object	6.8%	93.2%	10.58 ***
	Hands/Feet	21.9%	78.1%	
	No Weapon	9.1%	90.9%	
<u>Injury to Victim</u>				
(N=299)	Major injury	12.9%	87.1%	0.51
	Minor Injury	17.7%	82.3%	
	No Injury	14.9%	85.1%	
<u>Victim Fought Back in Incident</u>				
(N=111)	Yes	19.0%	81.0%	0.52
	No	25.0%	75.0%	
<u>Children Witnessed the Incident</u>				
(N=303)	Yes	16.7%	83.3%	0.07
	No	15.3%	84.7%	

* p< .10; ** p< .05; *** p<.01

TABLE 5.13: Comparison of Victim Preference for Arrest by Police Response Variables

Police Action		Victim Preferred No Arrest	No Victim Preference	Statistic
<u>Did Police Arrest Offenders</u>				
<u>Who Were at Scene?</u> (N=172)	Yes	100%	100.0%	
	No	-	-	-
<u>Did Police Search for Offenders</u>				
<u>Who Were Not at Scene</u> (N=91)	Yes	7.5%	92.5%	
	No	16.7%	83.3%	$\chi^2=1.68$
<u>Police Filed One or More Very Serious Criminal Charge</u>				
(N=307)	Yes	10.4%	89.6%	
	No	18.3%	81.7%	$\chi^2=2.62^*$
<u>Police Advised Victim of Rights in Obtaining Restraining Order?</u>				
(N=305)	Yes	20.5%	79.5%	
	No	11.2%	88.8%	$\chi^2=4.96^{**}$
<u>Total Number of Police Actions</u>				
(N=304)		4.32	4.45	t = 0.70
<u>Total Number of Police Actions for Victim</u>				
(N=305)		1.08	0.93	t = 1.30
<u>Total Number of Criminal Charges Filed by Police</u>				
(N=308)		1.46	1.55	t = 0.90

* p<.10; ** p<.05; *** p<.01

TABLE 5.14: Victim Evaluation of Police Response in Study Incidents (N=118)

Characteristic	Percent
<u>Victim Satisfaction With Police Response to Study Incident</u>	
Very Satisfied	65.8%
Somewhat Satisfied	16.2%
Somewhat Dissatisfied	8.5%
Very Dissatisfied	9.4%
<u>Would Victim Use Police Again for Similar Incident</u>	
Yes, Definitely	72.6%
Yes, Probably	12.8%
Probably Not	5.1%
Definitely Not	9.4%
<u>Did the Police Response Make You Feel Safer?</u>	
Yes	73.7%
No	20.3%
Safety Was Never an Issue	5.9%
<u>Did the Police Stay at the Scene of the Incident for as Long as You Wanted?</u>	
Yes	82.9%
No	17.1%
<u>Did the Police Try to Change Your Mind in Taking Action About Incident?</u>	
Yes	19.5%
No	78.0%
Not Sure	1.7%
<u>Did Victim Get Restraining Order Because of Police Contact?</u>	
Yes	67.8%
No	30.5%
Not Sure	1.6%

TABLE 5.15: Level of Victim Satisfaction With Actions Taken By Police in Study Incidents
(N=118)

Police Action		Victim Satisfied With Police	Victim Dissatisfied With Police	Statistic
<u>Mean Total Number of Police Actions Taken at Scene</u>		4.29	4.40	t = 0.36
<u>Mean Number of Police Actions Taken for Victim's Welfare</u>		0.93	1.0	t = 0.52
<u>Police Arrested Offender at Scene?</u>	Yes	80.0%	86.2%	$\chi^2=0.55$
	No	20.0%	13.8%	
<u>Police Searched for Offenders Not Present at Scene?</u>	Yes	89.5%	100%	$\chi^2=0.91$
	No	10.5%	–	
<u>Police Advised Victim of Right to Obtain Restraining Order?</u>	Yes	88.9%	74.5%	$\chi^2=3.74$ **
	No	11.1%	25.5%	
<u>Police Referred Victim to Services?</u>	Yes	80.0%	81.7%	$\chi^2=0.10$
	No	20.0%	18.3%	
<u>Police Filed at Least One Very Serious Criminal Charge Against Offender?</u>	Yes	77.3%	83.2%	$\chi^2=0.42$
	No	22.7%	16.8%	
<u>Police Arrested Offender When Victim Preferred No Arrest?</u>	Yes	61.1%	90.5%	$\chi^2=13.5$ ***
	No	38.9%	9.5%	

* p < .10; ** p < .05; *** p < .01

TABLE 5.16: Level of Victim Satisfaction With Police by Incident and Offender Characteristics (N=118)

Characteristic		Victim Satisfied With Police	Victim Dissatisfied With Police	Statistic
<u>Total Prior Criminal Charges of Offender</u>		11.8	18.9	t=1.79 *
<u>Total Prior Crimes Against Person of Offender</u>		2.6	4.8	t=1.86 *
<u>Total Prior Property Crimes of Offender</u>		3.8	5.8	t=0.87
<u>Victim Herself Called Police?</u>	Yes	81.7%	18.3%	$\chi^2=0.01$
	No	82.4%	17.6%	
<u>Victim Felt She Would be Seriously Injured in the Incident?</u>	Yes	91.4%	8.6%	$\chi^2=15.5****$
	No	61.1%	38.9%	
<u>Extent of Injury to Victim in Incident</u>	Major	66.7%	33.3%	$\chi^2= 1.45$
	Minor	78.4%	21.6%	
	None	84.4%	15.6%	
<u>Weapon Use in Incident</u>	Knife, Gun	80.0%	20.0%	$\chi^2= 0.39$
	Object	84.6%	15.4%	
	Hands/Feet	79.3%	20.7%	
	No Weapon	83.9%	16.9%	
<u>Incident Witnessed by Children?</u>	Yes	81.8%	18.2%	$\chi^2=0.01$
	No	81.2%	18.8%	

* p< .10; ** p< .05; *** p< .01; **** p< .001

TABLE 5.17: Victim Level of Satisfaction with Police by Victim Characteristics (N=118)

<u>Characteristic</u>		Victim Satisfied With Police	Victim Dissatisfied With Police	χ^2
<u>Victim's Age</u>	Under 25	91.3%	8.7%	1.67
	26-35	80.0%	20.0%	
	36 & older	79.7%	20.3%	
<u>Victim's Race</u>	White	74.5%	25.5%	1.98
	Non-White	100.0%	0 %	
<u>Victim-Offender Relationship</u>	Married/Cohabiting	80.9%	19.1%	2.94
	Dating/Friend	87.5%	12.5%	
	Ex-Relationship	91.3%	8.7%	
	Other Family	72.2%	27.8%	
<u>Prior Calls to Police by Victim About Offender?</u>	Yes	84.9%	15.1%	1.05
	No	76.7%	23.3%	
<u>Prior Violent Adult Relationships With Males</u>	All violent	44.4%	55.6%	10.73 ***
	Some violent	88.2%	11.8%	
	None violent	85.9%	14.1%	
<u>Victim Reported Child Sexual Abuse?</u>	Yes	70.7%	29.3%	5.49 **
	No	88.2%	11.8%	
<u>Victim Reported Severe Parental Physical Abuse?</u>	Yes	77.4%	22.6%	1.44
	No	85.9%	14.19%	
<u>Childhood and Adult Relationships</u>	All abusive	33.3%	66.7%	11.60 ***
	Some abusive	81.8%	18.2%	
	None abusive	91.2%	8.8%	

* p< .10; ** p< .05; *** p< .01

TABLE 6.1: Frequency, Distribution, and Seriousness of Criminal Charges Issued by Police and Prosecutor in Study Incidents

Criminal Charge Characteristics	Police (N=348)	Prosecutor (N=353)
<i>Total Number of Criminal Charges</i>	531	505
<i>Mean Number of Criminal Charges</i>	1.53	1.43
<i>Standard Deviation</i>	0.74	0.41
<i>Type of Criminal Charge</i>		
Assault & battery	42.4 (225)	46.9 (237)
Violation of restraining order	16.6 (88)	19.6 (99)
Assault & battery with a dangerous weapon	11.7 (62)	10.5 (53)
Threats to commit a crime/kill	9.0 (48)	9.3 (47)
Malicious destruction of property	2.8 (15)	----
Assault with a dangerous weapon	2.3 (12)	4.2 (21)
Attempted murder	1.9 (10)	1.0 (5)
Robbery	1.9 (10)	0.8 (4)
Default warrant	1.9 (10)	----
Breaking and entering	1.5 (8)	----
Aggravated assault	1.3 (7)	----
Rape	1.3 (7)	1.4 (7)
Stalking	1.3 (7)	1.4 (7)
Kidnapping	0.9 (5)	1.0 (5)
Assault	0.9 (5)	1.0 (5)
Obscene/harassing phone calls	0.8 (4)	1.2 (6)
Disorderly conduct	0.6 (3)	0.4 (2)
Larceny	0.4 (2)	0.4 (2)
Trespassing	0.2 (1)	0.2 (1)
Civil rights violation	0.2 (1)	0.4 (2)
Assault & battery on a police officer	----	0.4 (2)
<i>Number of Criminal Charges Per Defendant</i>		
One	62.4% (217)	57.0% (201)
Two	22.7% (79)	33.4% (118)
Three	14.9% (52)	9.6% (34)
<i>Serious Criminal Charges Filed in Incident¹</i>		
Yes	24.7% (86)	23.8% (84)
No	75.3% (262)	76.2% (269)

¹ Serious criminal charges included attempted murder, rape, aggravated assault, kidnapping, robbery, assault & battery with a dangerous weapon, stalking and civil rights violations

TABLE 6.2: Distribution of Charges of Crimes of Violence in Study Cases by Police and Prosecutors.

<u>Type of Criminal Charge</u>	<u>Police</u>		<u>Prosecutor</u>	
	<u>%</u>	<u>f</u>	<u>%</u>	<u>f</u>
Assault & Battery	42.4	(225)	46.9	(237)
A&B with dangerous weapon	11.7	(62)	19.6	(99)
Assault with dangerous weapon	2.3	(12)	4.2	(21)
Attempted murder	1.9	(10)	1.0	(5)
Aggravated assault	1.3	(7)	0.0	(0)
Assault	0.9	(5)	1.0	(5)
Rape	1.3	(7)	1.4	(7)
Percent of total criminal charges	61.8	(328)	74.1	(374)

TABLE 6.3: Utilization of Victim Advocate Services and Contact With Prosecutor's Office in Study Cases

Characteristic	Percent
<i>Did Victim Talk to Victim Advocate?</i>	
(N= 117)	
Yes	80.3%
No	17.1%
Don't know	2.6%
<i>Amount of Time Spent With Victim Advocate (N=94)</i>	
<15 minutes	20.2%
15-45 minutes	36.2%
45 minutes or more	41.5%
Not sure	2.1%
<i>Satisfaction With Time Spent With Victim Advocate (N=94)</i>	
Very satisfied	54.3%
Somewhat satisfied	26.6%
Somewhat dissatisfied	10.6%
Very dissatisfied	7.4%
Ambivalent	1.1%
<i>Would Victim Use Victim Advocate Again for Similar Incident? (N=92)</i>	
Very sure	56.5%
Somewhat sure	20.6%
Somewhat unsure	10.9%
Very unsure	12.0%
<i>Did Your Case Go To the Prosecutor's Office? (N=118)</i>	
Yes	90.7%
No	9.3%
<i>Did You Want To Talk to the Prosecutor?(N=118)</i>	
Yes	47.5%
No	31.4%
Ambivalent	21.1%
<i>Did Victim Actually Talk With the Prosecutor? (N=107)</i>	
Yes	60.7%
No	39.3%
<i>How Much Time Did Victim Spend Talking With Prosecutor? (N=65)</i>	
<15 minutes	29.2%
15-45 minutes	38.5%
45 minutes or more	24.6%
Don't know	7.7%

TABLE 6.4: Victim Charge Preferences and Level of Satisfaction With the Prosecutor's Office

Characteristic	Percent
<i>Victim's Charge Preference</i>	
(N=118)	
Wanted charges dropped	34.7%
Wanted charges lowered	14.4%
Wanted charges as they were	36.4%
Wanted charges made more severe	10.2%
Didn't want case to go to prosecutor	1.7%
Don't know	2.5%
<i>Did Victim Ask Prosecutor's Office to Drop Charges?</i> (N=118)	
Yes	45.8%
No	54.2%
<i>Was Victim Told by Prosecutor's Office That Charges Would Not be Dropped?</i> (N=118)	
Yes	60.2%
No	37.3%
Don't know	2.5%
<i>Did Prosecutor Give You a Sense of Control Over Your Life?</i> (N=107)	
Yes	41.1%
No	57.0%
Don't know	1.9%
<i>Did Prosecutor Motivate You to End the Abuse?</i> (N=107)	
Yes	29.0%
No	69.1%
Don't know	1.9%
<i>Did Prosecutor Make You Feel Safer?</i> (N=107)	
Yes	40.2%
No	59.8%
<i>Did Prosecutor Actually Affect Your Safety?</i> (N=107)	
Greatly increased it	28.0%
Somewhat increased it	32.7%
Somewhat decreased it	1.9%
Greatly decreased it	7.5%
No effect on safety	29.9%
<i>Victim Satisfaction with Prosecutor</i>	
(N=107)	
Very satisfied	36.5%
Somewhat satisfied	28.0%
Somewhat dissatisfied	21.5%
Very dissatisfied	12.1%
Don't know	1.9%

TABLE 6.5: Bivariate Comparisons of Victim Satisfaction With Prosecutor by Prosecutor Case Handling

Characteristic		Satisfied with Prosecutor	Dissatisfied with Prosecutor	Statistic
<i>Victim Charge Preference</i>				
(N=102)	Charges dropped	62.2%	37.8%	$\chi^2 = 4.36$
	Charges lowered	50.0%	50.0%	
	Charges as the were	76.3%	23.7%	
	Charges more severe	54.5%	45.5%	
<i>Did Victim Want to Talk With Prosecutor?</i>				
(N=104)	Yes	54.5%	45.5%	$\chi^2 = 8.67 *$
	No	86.2%	13.8%	
	Didn't know	70.0%	30.0%	
<i>Did Victim Actually Talk With Prosecutor?</i>				
(N=99)	Yes	66.7%	33.3%	$\chi^2 = 0.00$
	No	66.7%	33.3%	
<i>Victim Actually Asked Prosecutor to Drop Charges? (N=105)</i>				
	Yes	60.0%	40.0%	$\chi^2 = 1.38$
	No	70.9%	29.1%	
<i>Impact of Prosecutor on Victim Safety</i>				
(N=94)	Increased safety	82.8%	17.2%	$\chi^2 = 16.55 ***$
	Decreased safety	60.0%	40.0%	
	No effect on safety	38.5%	61.5%	
<i>Initial Case Disposition</i>				
(N=99)	Dismissed	65.5%	34.5%	$\chi^2 = 0.13$
	Probation	62.1%	37.9%	
	Incarceration	66.7%	33.3%	
<i>Number of Months Between Arraignment and Initial Disposition</i>				
(N=105)		5.78	6.79	t = 1.13

* p < .05; ** p < .01; *** p < .001

TABLE 6.6: Bivariate Comparisons of Offender's Criminal History With Victim's Satisfaction With Prosecutor's Office (Part A) and With the Court (Part B)

Offender Criminal History Characteristic	Victim Satisfied	Victim Dissatisfied	t-test
<u>Part A.: Victim Satisfaction with Prosecutor's Office</u>			
<i>Total Prior Criminal Complaints</i>	11.99	17.03	1.50
<i>Total Prior Crimes Against Person</i>	2.77	4.17	1.31
<i>Total Prior Property Offenses</i>	4.00	5.58	0.80
<i>Number of Prior Probation Periods</i>	1.49	1.72	0.53
<i>Number of Prior Restraining Orders Taken Out Against Offender</i>	0.39	0.67	1.46
<i>Age at Time of First Criminal Charge</i>	22.14	23.11	0.49

Part B: Victim Satisfaction With the Court

<i>Total Prior Criminal Charges</i>	10.50	19.96	2.69***
<i>Total Prior Crimes Against Person</i>	2.57	4.68	1.84*
<i>Total Prior Property Offenses</i>	3.14	6.04	1.50
<i>Number of Prior Probation Periods</i>	1.27	2.14	2.00**
<i>Number of Restraining Orders Taken Out Against Offender</i>	0.42	0.89	2.29**
<i>Age at Time of First Criminal Charge</i>	22.85	21.21	0.83

* p < .10; ** p < .05; *** p < .01

TABLE 6.7: Bail at Arraignment for Defendant and Time-Gap Between Arraignment and Court Disposition by Incident Characteristics

Characteristic		% / \bar{x}	Statistic
<i>Bail at Arraignment for Defendant on Original Charge(s) (N=350)</i>			
	Released on personal recognizance	77.4%	
	Not released on PR	22.6%	
<i>Mean Number of Months Between Arraignment and Initial Court Disposition (N=325)</i>			
		6.38 months	
<i>Modal Number of Months</i>			
		6.00 months	
<i>Range in Months</i>			
		<1 - 22 months	
<i>Mean Months Between Arraignment and Disposition by Seriousness of D.A.'s Criminal Charges (N=323)</i>			
	Serious charge(s)	6.72	
	Less serious	6.28	F = 2.94 *
<i>Mean Months Between Arraignment and Disposition by Injury to Victim in Incident (N=283)</i>			
	Major injury	7.45	
	Minor injury	6.46	
	No injury	6.34	F = 1.27
<i>Mean Months Between Arraignment and Disposition by Presence of Weapon in Incident (N= 289)</i>			
	Knife/gun	4.07	
	Object	8.40	
	Hands/feet	6.26	
	No weapon	5.96	F = 3.74 ***
<i>Mean Months Between Arraignment and Disposition by Restraining Order in Effect at Time of Incident (N=325)</i>			
	Yes	5.54	
	No	6.72	F = 4.33 **
<i>Mean Months Between Arraignment and Disposition and Victim-Offender Relationship (N=270)</i>			
	Married/ Cohab.	6.55	
	Dating/friend	6.04	
	Ex-relationship	6.08	
	Other family	6.54	F = 0.26

TABLE 6.8: Bivariate Correlations of Number of Months Between Arraignment and Initial Court Disposition, Offender Criminal Histories and Other Characteristics

Characteristic	r
Total Prior Criminal Charges	.02
Total Prior Crimes Against Persons	-.02
Total Prior Property Offenses	.02
Total Prior Motor Vehicle Charges	.05
Total Prior Alcohol/Drug Charges	-.03
Total Prior Public Order Offenses	.02
Total Prior Sexual Offenses	.07
Total Prior Number of Probation Periods	.01
Total Prior Restraining Orders Taken Out Against	-.04
Total Prior Number of Female Victims	-.07
Total Number of Prior Incarcerations	-.01
Offender's Age at First Criminal Charge	-.01
Offender's Age at Time of Incident	-.01
Offender is Non-White	-.01

* p , .10; ** p< .05; *** p < .01

TABLE 6.9: Distribution of Initial Court Dispositions of Study Cases (N=333) and Reasons Given By Prosecutor for Dismissal and Nolle Prossed Decisions

<u>Part A.</u>	<u>Distribution of Initial Court Dispositions</u>	<u>N</u>	<u>Percent</u>
Not Prosecuted		95	28.5%
	dismissed at arraignment	26	7.8 %
	nolle prossed	59	17.7 %
	no complaint	1	0.03%
	not guilty	9	2.7 %
Prosecuted, No Supervision		90	27.0%
	continued without a finding	84	25.2%
	filed	6	1.8%
Prosecuted, Under Supervision-No Jail Time		86	25.8%
	guilty, probation	23	6.9%
	suspended sentence	51	15.3%
	pretrial probation	10	3.0%
	probation, nolle prossed	1	0.03%
	stay (suspended execution of sentence)	1	0.03%
Prosecuted, Incarcerated		45	13.5%
	committed to house of correction	19	5.7%
	split sentence	26	7.8%
Defaulted with Warrant		12	3.6%
Bound-Over		5	1.5%
<u>Part B.</u>	<u>Reason Given by Prosecutor Why Case Was Dismissed or Nolle Prossed</u>		
	Dismissal motion by defendant	2	2.4%
	DRCCD requested by prosecution	3	3.5%
	No witness (moved, not located)	9	10.6%
	Accord and satisfaction reached between parties	2	2.4%
	Requested by victim (victim denies abuse)	16	18.8%
	Dismissed without prejudice by Judge	4	4.7%
	Completed community service or other pretrial stipulations	2	2.4%
	Wrong jurisdiction	2	2.4%
	No defendant (moved, dead)	2	2.4%
	Wife invoked marital privilege or victim refused to testify	11	12.9%
	Cross-complaints	1	1.2%
	Unknown	31	36.5%
	Total	85	100.0%

TABLE 6.10: Initial Disposition of Study Cases by Incident Characteristics ¹

Characteristic		No Prosecution	Prosecuted			Default Warrant	χ^2
			No Super- vision	Supervision/ no Jail	Incar- ceration		
		%	%	%	%	%	
<i>Seriousness of Violence in Incident (N=224)</i>							
	Severe ²	24	31	28	15	2	1.94
	Serious	33	26	28	11	2	
<i>Victim Injury in Incident (N=290)</i>							
	Major	21	31	24	24	0	9.64
	Minor	21	33	25	16	4	
	None	30	27	29	9	4	
<i>Weapon Use in Incident (N=296)</i>							
	Knife/gun	29	21	36	14	0	11.85
	Object	20	43	30	3	10	
	Hands/feet	27	27	27	17	2	
	No weapon	31	28	23	12	6	
<i>Restraining Order in Effect in Incident? (N=335)</i>							
	Yes	25	26	30	13	6	4.30
	No	31	28	25	14	3	
<i>Victim Stated Arrest Preference in Incident (N=294)</i>							
	No arrest	33	25	25	14	4	4.54
	No preference	26	30	28	13	3	
<i>Offender Left Scene Before Police Arrived (N=278)</i>							
	Yes	24	23	35	14	4	5.24
	No	28	33	24	12	3	
<i>Offender Was Under the Influence of Drugs/Alcohol in Incident (N=303)</i>							
	Yes	23	30	27	16	4	3.03
	No	31	27	27	11	3	

* p < .10; ** p < .05; *** p < .001

¹ Bound-over cases are not included in this table because of their small number (N=5) and since these cases are felonies rather than misdemeanors they are not heard in District Courts but are bound -over to Superior Courts.

² Severe violence included hitting with fist, choking, kicking, beating-up, threatening with a knife/gun. Serious violence acts included pushing, shoving, and slapping.

TABLE 6.10: Initial Disposition of Study Cases by Incident Characteristics ¹

Characteristic		No Prosecution %	Prosecuted			Default Warrant %	χ^2
			No Super- vision %	Supervision/ no Jail %	Incar- ceration %		
<i>Seriousness of Violence in Incident (N=224)</i>							
	Severe ²	24	31	28	15	2	1.94
	Serious	33	26	28	11	2	
<i>Victim Injury in Incident (N=290)</i>							
	Major	21	31	24	24	0	9.64
	Minor	21	33	25	16	4	
	None	30	27	29	9	4	
<i>Weapon Use in Incident (N=296)</i>							
	Knife/gun	29	21	36	14	0	11.85
	Object	20	43	30	3	10	
	Hands/feet	27	27	27	17	2	
	No weapon	31	28	23	12	6	
<i>Restraining Order in Effect in Incident? (N=335)</i>							
	Yes	25	26	30	13	6	4.30
	No	31	28	25	14	3	
<i>Victim Stated Arrest Preference in Incident (N=294)</i>							
	No arrest	33	25	25	14	4	4.54
	No preference	26	30	28	13	3	
<i>Offender Left Scene Before Police Arrived (N=278)</i>							
	Yes	24	23	35	14	4	5.24
	No	28	33	24	12	3	
<i>Offender Was Under the Influence of Drugs/Alcohol in Incident (N=303)</i>							
	Yes	23	30	27	16	4	3.03
	No	31	27	27	11	3	

* p < .10; **p < .05; ***p < .001

¹ Bound-over cases are not included in this table because of their small number (N=5) and since these cases are felonies rather than misdemeanors they are not heard in District Courts but are bound -over to Superior Courts.

² Severe violence included hitting with fist, choking, kicking, beating-up, threatening with a knife/gun. Serious violence acts included pushing, shoving, and slapping.

TABLE 6.11: Bivariate Comparisons of Initial Court Disposition by Offender Criminal History (N=335)

Characteristic	No Prosecution \bar{x}	Prosecuted			Default Warrant \bar{x}	ANOVA
		No Super- vision \bar{x}	Supervision/ no Jail \bar{x}	Incar- ceration \bar{x}		
<i>Total Prior Criminal Charges</i>	9.3	5.7	16.9	24.8	14.9	14.53****
<i>Total Prior Crimes of Violence</i>	2.0	1.6	4.3	5.7	3.5	7.04****
<i>Total Prior Property Crimes</i>	2.4	1.3	4.9	8.9	3.3	10.74****
<i>Total Prior Alcohol/Drug Criminal Charges</i>	1.9	1.1	2.7	3.4	2.9	5.45****
<i>Total Prior Motor Vehicle Criminal Charges</i>	1.8	1.3	3.5	5.0	4.4	6.13****
<i>Age at Time of First Criminal Charge</i>	24.8	25.0	20.5	18.7	19.3	6.69****
<i>Prior Probation Periods</i>	1.1	0.8	2.0	3.3	2.0	12.57****
<i>Prior Number of Incarcerations</i>	0.7	0.4	1.1	2.4	1.5	6.92****
<i>Number of Prior Restraining Orders</i>	0.4	0.3	0.5	0.7	0.2	2.11*
<i>Number of Female Victims (including study victim)</i>	1.2	1.1	1.1	1.3	1.2	1.81

* p < .10; ** p < .05; *** p < .01; **** p < .001

TABLE 6.12: Victim Perceptions of, And Satisfaction With the Court

Characteristic		Percent
<i>Did Victim Want the Case to Go to Court (N=117)</i>	Yes	47.9%
	No	47.0%
	Not sure	5.1%
<i>Was Anyone in Court With Victim? (N=102)</i>	Yes	47.1%
	No	52.9%
<i>Did Going to Court Have an Effect on Safety of Victim? (N=96)</i>	Greatly increased safety	35.4%
	Somewhat increased safety	26.0%
	Somewhat decreased safety	4.2%
	Greatly decreased safety	7.3%
	No effect on safety	10.4%
	Don't know	16.7%
<i>Did the Court Effect the Victim's Ability to Bargain With the Offender? (N=95)</i>	Increased it	44.2%
	Decreased it	8.4%
	No effect	12.6%
	Don't know	34.7%
<i>The Experience of Going to Court: (N=103) (Percent responding "yes" to each question)</i>	Gave victim a sense of control	53.4%
	Made victim feel embarrassed	39.8%
	Motivated victim to end abuse in her relationship	36.9%
	Made victim feel safer	38.8%
<i>Would Victim Want to Go to Court Again for Similar Incident? (N=102)</i>	Yes, definitely	39.2%
	Yes, probably	22.5%
	Probably not	20.6%
	Definitely not	17.7%
<i>Victim Level of Satisfaction With Court (N=102)</i>	Very satisfied	49.0%
	Somewhat satisfied	23.5%
	Somewhat dissatisfied	11.8%
	Very dissatisfied	15.7%

TABLE 6.13: Bivariate Comparisons of Victim Satisfaction With Court By Aspects of Victim Experience With the Court

Characteristic		Satisfaction With Court	Dissatisfaction With Court	Statistic
<i>Did Victim Want Her Case to Go to Court?</i> (N=97)	Yes	75.0%	25.0%	$\chi^2 = 0.19$
	No	71.1%	28.9%	
<i>Was Anyone in Court With the Victim?</i> (N=100)	Yes	79.2%	20.8%	$\chi^2 = 2.35$
	No	65.4%	34.6%	
<i>Did the Court Actually Effect the Victim's Safety?</i> (N=96)	Increased safety	88.1%	11.9%	$\chi^2 = 16.06^{****}$
	Decreased safety	54.5%	45.5%	
	No effect	50.0%	50.0%	
<i>Court Experience Motivated the Victim to Leave the Relationship</i> (N=99)	Yes	83.3%	16.7%	$\chi^2 = 1.80$
	No	69.3%	30.7%	
<i>Court Experience Motivated to End Abuse in Relationship</i> (N=99)	Yes	84.2%	15.8%	$\chi^2 = 4.10^{**}$
	No	65.6%	34.4%	
<i>Court Experience Made Victim Feel Embarrassed</i> (N=99)	Yes	68.3%	31.7%	$\chi^2 = 0.69$
	No	75.9%	24.1%	
<i>Court Experience Gave Victim a Sense of Control</i> (N=99)	Yes	85.1%	14.9%	$\chi^2 = 6.91^{***}$
	No	61.5%	38.5%	
<i>Initial Court Disposition of Case</i> (N=96)	Dismissed	75.9%	24.1%	$\chi^2 = 1.21$
	Probation	66.7%	33.3%	
	Incarceration	81.8%	18.2%	
<i>Number of Months Between Arraignment and Disposition</i> (N=97)		5.27	7.00	t = 1.88*

* p < .10; ** p < .05; *** p < .01; **** p < .001

Table 7.1: Distribution of Criminal Justice Interventions Against Study Offenders During 12 Months After Original Study Incident (N=353)

Type of Re-Offense	<u>N</u>	<u>% of Cases</u>
Cases involving new arrest of offender and/or new restraining order against offender	169	47.9
Cases involving new arrest for a personal crime only	55	15.6
Cases involving a new arrest for non-personal crime only	53	15.0
Cases involving a new restraining order against offender only	21	5.9
Cases involving both a new arrest for a personal crime <u>and</u> a new restraining order	32	9.1
Cases involving both a new arrest for a non-personal crime <u>and</u> a new restraining order	8	2.3
Time of Occurrence		
New personal crimes that occurred <u>before</u> initial court disposition	52/85	61.2
New non-personal crimes that occurred <u>before</u> initial court disposition	24/58	41.4
New restraining orders on offender <u>before</u> initial court disposition	35/59	59.0
Identity of Victim in New Personal Crimes		
Same victim as in original incident	57	65.5
Different female victim	14	16.1
Male victim	6	6.9
Unknown victim	10	11.5
Identity of Victim Taking Out New Restraining Order		
Same victim as in original incident	41	67.2
Different female victim	20	32.8

Table 7.2: Distribution of Arrests for New Personal and Non-Personal Crimes and New Restraining Orders Taken Out Against Study Offenders During 12-Months After Study Incident (N=353)

Criminal Offense Type During Year 1	New Restraining Order During Year 1		
	No	Yes	Total
No Re-Arrest	184	21	205
Personal Crime Arrests:			
Violation of existing restraining order	23	13	36
Assault & battery	13	9	22
Assault & battery with a dangerous weapon	9	4	13
Threats	3	-	3
Stalking	1	1	1
Robbery			
Trespassing	1	2	3
Disorderly conduct	2	-	2
Assault & battery on a police officer	1	-	1
Assault	1	-	1
Non-Personal Crime Arrests:			
Alcohol/drug crime	21	4	25
Crime against property	15	2	17
Major motor vehicle crime	17	2	19
Total	292	61	353

Table 7.3: A Typology of “Official” Re-offending

<u>Type of Re-offending</u>	<u>N</u>	<u>Percent</u>
Same Victim in New Personal Crime and/or New Restraining Order	78	22.1
Different Victim in New Personal Crime and/or New Restraining Order	38	10.8
Non-personal Crime Only	53	15.0
No Re-offense	184	52.1
Total	353	100

Table 7.4: Bi-variate Comparisons of Re-offense Type by Original Incident Characteristics

Characteristic	Re-offense Type				χ^2
	Same Victim	Different Victim	Non-violent Re-offense	No Re-offense	
<u>Seriousness of Violence in Incident (N=331)</u>					
No violence	29%	13%	17%	41%	7.43
Serious violence	19%	10%	15%	56%	
Severe violence	21%	9%	13%	57%	
<u>Injury to Victim (N=308)</u>					
Major	31%	9%	3%	56%	7.03
Minor	16%	11%	14%	59%	
None	24%	10%	16%	50%	
<u>Weapon Use in Incident (N=292)</u>					
Gun/Knife	13%	25%	12%	50%	18.8**
Object	15%	9%	9%	67%	
Hands/feet	20%	8%	13%	59%	
No weapon	32%	12%	18%	38%	
<u>Who Called the Police? (N=311)</u>					
Victim herself	28%	11%	13%	48%	13.4***
Someone else	11%	9%	16%	64%	
<u>Was There a Restraining Order in Effect? (N=353)</u>					
Yes	33%	13%	17%	37%	15.1**
No	18%	10%	14%	58%	
<u>Was the Offender Present When the Police Arrived? (N=290)</u>					
Yes	15%	12%	15%	58%	13.7***
No	34%	8%	15%	44%	
<u>Offender Under Influence of Alcohol/Drugs?(N=318)</u>					
Yes	17%	11%	13%	59%	3.43
No	25%	10%	15%	50%	

* p < .10; **p < .05; ***p < .01; ****p < .001

Table 7.5: Bi-variate Comparisons of Re-offense Type by Victim and Offender Demographic Characteristics

Characteristic	Re-offense Type				χ^2	
	Same Victim	Different Victim	Non-violent Re-offense	No Re-offense		
<u>Victim-Offender Relationship</u>						
(N=292)	Mar/Coh.	23%	9%	9%	59%	11.7
	Dating	19%	12%	17%	52%	
	Ex. rel.	28%	15%	18%	39%	
	Other fam.	15%	15%	12%	58%	
<u>Victim's Race</u> (N=152)						
	White	22%	9%	9%	60%	2.0
	Non-white	13%	9%	17%	61%	
<u>Victim's Age</u> (N=353)						
	Under 25	23%	12%	18%	47%	1.1
	26-35	22%	12%	14%	52%	
	36+	22%	10%	15%	54%	
<u>Victim's Resources¹</u> (N=117)						
	Low	24%	13%	12%	56%	1.8
	High	15%	8%	15%	62%	
<u>Offender's Employment Status at Time of Incident</u>						
(N=259)	Employed	22%	10%	13%	55%	4.5
	Unemployed	30%	17%	20%	41%	
<u>Offender's Race</u> (N=345)						
	White	22%	10%	13%	55%	5.8
	Non-white	22%	17%	20%	41%	
<u>Offender's Age</u> (N=336)						
	Under 25	25%	17%	23%	35%	18.8***
	26-35	21%	10%	18%	52%	
	36+	23%	8%	7%	62%	

¹ Victim resources was a composite measure constructed from employment, education and income data in the victim survey. Persons who were employed, with at least a high school education, and with an income over \$25,000 were considered persons with high resources.

* p < .10; ** p < .05; *** p < .01; **** p < .001

Table 7.6: Mean Comparisons on Criminal History Variables by Re-offense Type (N=353).

Characteristic	Re-offense Type				F
	Same Victim	Different Victim	Non-violent Re-offense	No Re-offense	
Total Prior Crimes	14.9	18.2	14.9	10.8	2.66**
Number of Offenses Against Person	4.1	5.3	2.7	2.3	4.40***
Number of Property Offenses	4.4	6.4	4.1	3.5	1.12
Number of Public Order Charges	1.2	1.3	0.6	0.7	3.08**
Number of Alcohol/Drug Charges	2.5	2.4	2.9	1.8	2.21*
Number of Major Motor Vehicle Charges	2.6	2.7	4.4	2.1	2.99**
Number of Sex Charges	0.1	0.2	0.2	0.1	0.62
Number of Female Victims	1.2	1.4	1.3	1.1	7.74****
Offender Age at First Criminal Charge	20.5	18.9	21.0	24.8	7.51****
Number Prior Probation Periods	1.8	2.1	1.8	1.4	1.16
Number of Prior Restraining Orders	0.4	0.7	0.7	0.3	6.54****
Number of Prior Incarcerations	1.3	1.2	1.3	0.8	1.40

Table 7.7: Bi-variate Comparisons of Re-offense Type and Criminal Justice Processing of Original Study Incident

Characteristic	Re-offense Type				Statistic	
	Same Victim	Different Victim	Non-violent Re-offense	No Re-offense		
<u>Initial Court Disposition</u>						
(N=333)	No Prosecution	14%	5%	17%	64%	$\chi^2=50.4****$
	Prosecuted, no supervision	22%	5%	10%	63%	
	Court supervision-no jail	31%	20%	14%	35%	
	Court supervision-jail	24%	22%	16%	38%	
	Defaulted w/ warrant	8%	-	42%	50%	
	Bound-over	60%	-	20%	20%	
<u>Serious Criminal Charge(s) in Original Study Incident</u>						
(N=353)	Yes	24%	11%	12%	54%	$\chi^2= 1.3$
	No	22%	10%	16%	52%	
<u>Number of Months Between Original Study Incident and Initial Disposition (N=325)</u>						
		6.49	6.86	6.02	6.33	t =0.2
<u>Number of Months Between Arraignment for Study Incident and New Arrest (N=146)</u>						
		3.77	5.06	4.60	-	t =1.6
<u>Number of Months Between Arraignment for Study Incident and New R.O. (N=60)</u>						
		5.7	5.5	-	-	t=0.1
<u>Did Re-offense Occur Before or After Initial Disposition of Study Incident? (N=168)</u>						
	Before	52%	25%	23%	-	$\chi^2=8.2*$
	After	39%	21%	40%		
<u>Bail on Original Offense? (N=350)</u>						
	No	20%	15%	22%	43%	$\chi^2=5.8**$
	Yes	23%	9%	13%	55%	
<u>Offender Attended Batterer Treatment? (N=353)</u>						
	No	20%	11%	16%	53%	$\chi^2=5.9$
	Yes	35%	8%	10%	46%	

* p < .10; ** p < .05; *** p < .01; ****p , .001

Table 7.8: Logistic Regressions Predicting the Likelihood of Re-offending Against a Different Victim During 1-Year Period Following Arraignment on Original Incident..

Model A: Comparison of Same Victim Versus Different Victim Re-Offenders.

<u>Independent Variables</u>	<u>B</u>	<u>S.E.</u>	<u>Exp(B)</u>
Serious Criminal Charge in Study Incident	-.12	.50	.88
Race of Offender	.91	.55	2.47 *
Number of Prior Criminal Charges	-.37	.50	.69
Number of Prior Alcohol/Drug Charges	.97	.57	2.64 *
3 or More Prior Restraining Orders	2.60	1.13	13.44 **
Age at First Criminal Charge	.62	.60	1.86
Constant	-2.75	1.34	
-2 log likelihood	123.85		
Model Chi-square	16.03 ***		

Model B: Comparison of Different Victim Re-Offenders and All Others.

<u>Independent Variables</u>	<u>B</u>	<u>S.E.</u>	<u>Exp(B)</u>
Serious Criminal Charge in Study Incident	- .31	.42	.73
Race of Offender	1.21	.47	3.34 **
Number of Prior Criminal Charges	- .30	.45	.73
Number of Prior Alcohol/Drug Charges	1.15	.54	3.16 **
3 or More Prior Restraining Orders	1.86	.63	6.44 ***
Age at First Criminal Offense	1.20	.53	3.33 *
Constant	- 4.66	1.10	
-2 log likelihood	198.46		
Model Chi-Square	30.36 ****		

* p < .10; ** p < .05; *** p < .01; **** p < .001

Table 7.9: Logistic Regression Predicting the Likelihood of Re-offending Against the Same Victim: Model Comparing Same Victim Cases to Non-Personal Crime Re-offenders and Non-Re-offenders (N=250)

<u>Independent Variables</u>	<u>B</u>	<u>S.E.</u>	<u>Exp(B)</u>
Age at First Criminal Charge	.60	.37	1.83 *
Offender Left Scene of Study Incident	.71	.33	2.04 **
Offender Age at Time of Study Incident	-.24	.34	.78
Number of Prior Alcohol/Drug Charges	-.22	.38	.80
Number of Prior Violent Crime Charges	.52	.34	1.69
Victim Injury in Study Incident	.04	.34	1.04
Number of Total Prior Criminal Charges	-.09	.55	.92
Restraining Order in Effect in Study Incident	.68	.36	1.98 **
Constant	-1.91	.45	
-2 log likelihood	262.29		
Model Chi-Square	22.12 ***		

* p < .10; ** p < .05; *** p < .01 **** p < .001

Table 7.10: Bi-variate Comparisons of Victim Experiences and Accounts of Study Incident and Survey Re-victimization

<u>Characteristic</u>	<u>No Re-victimization</u>	<u>Re-victimization</u>	<u>χ^2</u>
<u>Prior Calls to Police By Victim</u>			
<u>About Defendant</u> (N=117)	None	73%	27%
	One	42%	58%
	Two or more	43%	57%
			8.47**
<u>Violence Has Become More Frequent and Severe in Relationship with Defendant</u> (N=115)			
	Yes	39%	61%
	No	75%	25%
			12.65****
<u>Victim Felt Free to Come and Go in Relationship with Defendant</u> (N=118)			
	Yes	63%	37%
	No	31%	69%
			11.34****
<u>Victim Has Become More Afraid of Defendant Over Time?</u> (N= 118)			
	Yes	37%	63%
	No	63%	37%
			7.76***
<u>Restrictions on Victim's Access to Social Support</u> (N=115)			
	No restrictions	61%	39%
	Some restrictions	41%	59%
	Many restrictions	36%	64%
			5.52*
<u>Total Number of Restrictions Imposed by Defendant on Victim</u> (N=116)			
		2.62	3.88
			-2.07 **
<u>Victim Felt She Would Be Seriously Injured in Study Incident</u> (N=118)			
	Yes	39%	61%
	No	78%	22%
			15.03****
<u>Victim Felt She Needed Medical Attention Because of Study Incident</u> (N=118)			
	Yes	31%	69%
	No	57%	43%
			5.38**
<u>Victim Left Defendant During 1st Year After Study Incident</u> (N=118)			
	Yes	33%	67%
	No	66%	34%
			12.22****

* p < .10; ** p < .05; *** p < .01; **** p < .001

Table 7.11: Logistic Regressions Predicting the Likelihood of Re-victimization:
 Model A: Victim Experiences and Perceptions;
 Model B: Including Criminal Justice Variables

Model A: Victim Experience and Perception Variables and Likelihood of Re-victimization

<u>Independent Variables</u>	<u>B</u>	<u>S.E.</u>	<u>Exp(B)</u>
Change in Severity and Frequency of Violence	1.37	.54	3.94***
Victim No Longer in Relationship With Offender	.97	.47	2.64**
Number of Restrictions Imposed by Defendant On Victim	.91	.47	2.47**
Victim Freedom of Movement in Relationship	.90	.48	2.46
Number of Prior Calls to Police About Defendant	.77	.48	2.15
Victim Felt She Would Be Seriously Injured in Study Incident	1.09	.55	2.97**
Constant	-3.46	.78	
-2 log likelihood	114.66		
Model Chi-Square	41.98****		

Model B: Victim Experience, Perception, Criminal Justice Variables and Likelihood of Re-victimization

<u>Independent Variables</u>	<u>B</u>	<u>S.E.</u>	<u>Exp(B)</u>
Change in Severity and Frequency in Violence	1.19	.65	3.29*
Victim No Longer in Relationship With Offender	1.28	.56	3.60**
Number of Restrictions Imposed by Defendant On Victim	1.31	.59	3.70**
Victim Freedom of Movement in Relationship	1.16	.58	3.20**
Number of Prior Calls to Police About Defendant	.70	.58	2.02
Victim Felt She Would Be Seriously Injured in Study Incident	1.13	.60	3.08
Defendant Age at Time of 1 st Criminal Charge	1.33	.60	3.79**
Defendant Left Scene in Study Incident	.40	.55	1.49
Defendant Total Number of Prior Criminal Charges	.59	.63	1.82
Constant	-4.96	1.14	
-2 log likelihood	86.23		
Model Chi-Square	48.23****		

* p < .10; ** p < .05; *** p < .01; **** p < .001

Table 7.12: Bi-variate Comparisons of Victim Experiences and Perceptions of Criminal Justice Interventions and Re-victimization During 12-Months After Study Incident

<u>Characteristic</u>	<u>No Re-victimization</u>	<u>Re-Victimization</u>	χ^2
<u>Victim Police Preference in Study Incident (N=110)</u>			
No arrest	69%	31%	6.98***
No preference	43%	57%	
<u>Would Victim Call Police Again for Similar Incident? (N=117)</u>			
Yes	52%	48%	0.03
No	50%	50%	
<u>Did Victim Want Prosecutor/Court Involvement? (N=117)</u>			
Yes	49%	51%	0.10
No	52%	48%	
<u>Victim Asked Prosecutor to Drop Charges? (N=117)</u>			
Yes	51%	49%	0.10
No	50%	50%	
<u>Victim Charge Preference (N=115)</u>			
Dropped/lowered	57%	43%	1.94
Left the same	44%	56%	
Made more serious	42%	58%	
<u>Effect of Court on Victim Safety (N=96)</u>			
Increased it	46%	54%	0.58
Decreased it/ no effect	38%	62%	
<u>Effect of Prosecutor on Victim Safety (N=116)</u>			
Increased it	49%	51%	0.04
Decreased it/ no effect	51%	49%	
<u>Court's Effect on Victim's Ability to Bargain With Defendant (N=95)</u>			
Increased it	52%	48%	2.45
Decreased it	25%	75%	
No effect	58%	42%	
Don't know	49%	51%	

* p < .10; ** p < .05; *** p < .01; **** p < .001

Table 7.13: Bivariate Comparisons of Victim Reporting of Re-victimization by Selected Variables (N=58)

<u>Characteristic</u>		<u>Reported Re-victimization</u>	<u>Did Not Report Re-victimization</u>	<u>Statistic</u>
<u>Type of Re-offense</u>	Violence	29%	71%	$\chi^2= 2.31$
	Restraining Order	51%	49%	
<u>Victim's Fear of Defendant Has Increased Over Course of Relationship?</u>	Yes	42%	58%	$\chi^2=0.38$
	No	50%	50%	
<u>Total Prior Criminal Charges of Defendant</u>		18.7	12.3	t= 1.53
<u>Total Prior Violent Charges of Defendant</u>		4.5	3.8	t= 0.49
<u>Total Prior Alcohol/Drug Charges of Defendant</u>		3.4	2.0	t= 1.57
<u>Defendant's Prior Number of Probation Periods</u>		2.4	1.1	t= 2.38**
<u>Victim Arrest Preference in Study Incident</u>	No arrest	62%	38%	$\chi^2=0.99$
	No preference	43%	57%	
<u>Victim Wanted More Serious Charges Against Defendant in Study Incident</u>	Yes	–	100%	$\chi^2=6.49***$
	No	51%	49%	
<u>Did Victim Want Involvement of Prosecution/Courts?</u>	Yes	50%	50%	$\chi^2=1.19$
	No	35%	65%	
<u>Effect of Involvement With Prosecutor on Victim Safety</u>	Increased it	49%	51%	$\chi^2=0.41$
	Decreased it/ no effect	40%	60%	
<u>Effect of Involvement With Court on Victim Safety</u>	Increased it	50%	50%	$\chi^2=0.86$
	Decreased it	33%	67%	
	No effect	40%6	60%	

* p < .10; ** p < .05; *** p < .01; **** p < .001

Table 7.14: Logistic Regression Predicting the Likelihood of Victim Not Reporting Defendant's Re-offending

<u>Independent Variables</u>	<u>B</u>	<u>S.E.</u>	<u>Exp(B)</u>
Change in Victim Fear of Defendant	.49	.70	1.63
Re-victimization Involved Violence	-1.31	.81	.27*
Effect of Prosecution on Victim Safety	.06	.68	1.07
Victim Did Not Want Involvement of Prosecutor/Courts	.86	.77	2.36
Victim Wanted Charges in Study Incident Made More Severe	1.84	1.21	6.32
Defendant's Total Prior Violent Criminal Charges	.76	.66	2.15
Effect of Court on Victim Safety	.95	.73	2.59
Constant	1.08	1.64	
-2 log likelihood	61.50		
Model Chi-Square	13.85**		

* p < .10; ** p < .05

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