The Domestic Abuse Reduction Team: Clinton County, New York

Introduction

This study is a process evaluation of a particular criminal justice program responding to intimate partner violence (IPV). We are concerned in this report with the achievements of and difficulties encountered by an interagency team in a largely rural county in upstate New York. Such programs are relatively new in the United States, and very new to rural areas. In this *process* evaluation, we will focus less on outcome measures (such as recidivism after intervention). Our data on how the program functioned and the issues it addressed are primarily qualitative and case-study.

The program under evaluation consists of an effort by the probation office, the district attorney's office, and local advocates for battered women to coordinate prosecution of offenders and then to effectively supervise them under probation. We will see that intensive probation supervision holds *some* promise in terms of eventually removing violent offenders to jail, and in giving victims some time to redirect their lives if they so wish. However, the difficulties this program encountered point to ongoing concerns and problems in the battered women's movement and in the criminalization of domestic violence. Specifically, this program experienced some difficulty around the issue of empowering women, at times at odds with vigorous prosecution and supervision. And the program has been unable to institutionalize the changes made in the processing of IPV crimes.

Background

Wife beating has been regulated in American society since colonial days—*regulated*, but neither outlawed, nor severely punished, nor abated. In early America, men were sometimes punished for *too* severely chastising their wives, though their right to physically assault women was never challenged (Eldridge 1997; Stark 1996; Frisch and Caruso 1996; Fagan 1996). When the women's movement brought the issue of wife abuse to public attention in the 1960s and 1970s, the typical response of police to wife abuse was to avoid arrest at all costs—this was seen as a family matter, not a criminal offense (Bowker 1983; Frisch & Caruso 1996; Zorza 1992; Dobash & Dobash 1992). Similar stances were taken by prosecutors, judges, and juries. Efforts were often made at family reconciliation and marriage counseling.

In the 1970s, due in no small part to successful law suits brought by women who were repeatedly assaulted—and the survivors of women killed by abusers—charging a failure to protect, police departments began to train officers differently, and to begin arresting batterers (Frisch & Caruso 1996; Zorza 1992; Schmidt & Sherman 1996; Fagan 1996). There was also, in 1984, a single evaluation study of the effects of arresting batterers, showing a decrease in recidivism when men were arrested (Sherman & Berk 1984). The lawsuits especially, and the social science (though incomplete at that time and inconsistent still), coupled with a great deal of advocacy work, resulted in many police departments, especially, but also prosecutors, judges, and so forth, across the country taking the issue of *criminal* domestic violence more seriously. There are now "model" programs in many states, counties, and cities in the US. Perhaps the best known is the "coordinated community response" in Duluth, Minnesota. This community's response includes a mandatory arrest policy for police, a tracking system in the criminal system, and education for batterers, as well as programs to assist the victim (Shepard & Pence 1999).

There are special domestic violence courts in several places around the country, courts that handle *only* domestic violence cases and handle *all* the domestic violence cases in a locality (Ptacek 1999; Wittner 1998; Buzawa, Hotaling, & Klein 1998). The general idea behind such courts is to have judges who are trained in the dynamics of IPV handle cases based on that knowledge, and therefore dispense "justice" more evenly and in the best interests of the victims. Other localities placed advocates within a prosecutor's office (Schechter 1983). Prosecutors' offices have developed policies and commitments to handle criminal charges. "No-drop" policies have been instituted to protect the victim from pressure by the abuser (Gamache & Asmus 1999; Ford 1991; Rebovich 1996). Domestic violence has been, through such policies, *criminalized.*

And yet, it seems that, even in the best of these innovative programs, tradition—the traditional devaluing of victims of wife abuse—dies hard. There is evidence that judges in special domestic violence courts continue to demean and disbelieve women (Ptacek 1999). There is evidence that police either do not follow mandatory arrest policies or arrest both the abused and abuser (Frisch & Caruso 1996; DCJS & OPDV 1997, 1998; Eigenberg 2001). And there is considerable evidence that more aggressive CJS responses are *not* always what victims want (Ford 1991; Pence & Shepard 1999)

There are other questions of whether any of these programs "work". Most of the evaluation research has been done on arrest and whether that decreases recidivism or not. The first such study (Sherman & Berk 1984) showed that arrest did reduce recidivism among batterers in Minneapolis. Later studies of arrest showed that recidivism decreased for some abusers, such as those with steady jobs, those with a stake in the community, but not for others. In fact, some studies showed that for some men in some cities, arrest made the violence worse in the long term. (See reviews of the arrest experiments in Buzawa & Buzawa 1996, Schmidt & Sherman 1996; Frisch & Caruso 1996; Stark 1996; Dobash & Dobash 1992; Bowman 1992.) However, some scholars nevertheless conclude that "on average, we can do no better than arrest" (Berk 1994). The corpus of scholarly studies provides no definitive answer on the topic. Mandatory arrest of batterers continues to be a complicated and controversial policy.

Clearly, one of the problems in the arrest studies is that few of them take into account what else goes on after the arrest. If the rest of the CJS is not activated, if the arrest is not followed by prosecution and appropriate sentencing, arrest means little to many men. However, much less evaluation has been done on the rest of the process, whether, e.g., incarceration or other sentencing "works" to protect victims (Frisch & Caruso 1996; Fagan 1996; Shepard 1999; Bowman 1992; Hart 1996; Syers & Edleson 1992; Eigenberg 2001). Bowman (1992) suggests that evaluations must take more into account, such as whether the woman wanted the abuser arrested and the specific cycle of violence, especially when establishing the length of the follow-up period.

Whether or not any specific or general deterrence effect is ever shown, some argue that it is important to make a statement at the societal level that abuse is wrong (Stark 1994; Bowman 1992). Zorza (1992) points out that arrests do not stop for other crimes just because there is no

evidence of a deterrence effect. Thus, a vigorous response from the CJS is important, the argument goes, so that men come to learn that there is no social support for their battering.

Rural Communities

There are relatively few studies of domestic violence in rural communities, and even fewer that directly evaluate programs in the criminalization of IPV. The studies that have been done indicate that there are special issues specific to these areas. General studies of the criminal justice system in rural areas focus on the familiarity, even the intimacy, of officials and residents (Bartol 1996; Edmondson 1996). Social control is more likely to be informal than to utilize the formal CJS (McDonald 1996). People know one another. This can work against an adversarial process and vigorous prosecution of the "nice guy" everyone knows (Bartol 1996). These general findings are reflected in the domestic violence literature specific to rural areas. Fahnestock (1992) reports that, in rural Vermont, a lack of anonymity and the "tacit knowledge" that officials have of offenders reduces prosecution levels. Bell (1985) reports that there are higher rates of domestic violence, but lower rates of arrest for DV, in small towns. Navis, Stockum, and Campbell-Ruggaard (1993) report that "word travels fast" in rural areas, so that a victim is reluctant even to call the police, since once she does her privacy is likely gone.

And yet, isolation is also a key factor. This isolation is physical as well as social. Many rural victims are literally in the middle of nowhere often with no transportation—there is very little public transportation in rural areas (Hart 1996). Neighbors may be known, but they are not necessarily physically close (Ames & Ellsworth, 1997; Bartol 1996; Navin et al. 1993; Websdale 1998). No one may see a victim for a very long time as she never leaves the home; no one may know about abuse. Rather than a great deal of public contact (as there might be on city streets), there is "intense familial interaction" (Thompson 1996:3). Further, rural police generally do not patrol, certainly not everywhere or regularly, and thus must be summoned rather than happen upon an incident (McDonald 1996). Thus, in rural areas, victims are both isolated and visible (Fahnestock 1992).

Economics are an additional factor. Edmondson (1996) reports in general that rural courts lack the tax base for modern facilities. Judges tend to be lay judges and tend to work part-time, and are therefore less likely to challenge defense lawyers. There are fewer shelters and services for addiction and mental health issues than in urban settings. McDonald (1996) also reports that part-time judges and part-time prosecutors are common. Bartol (1996) reports that judges in rural areas lack training and often serve as their own clerks. Fahnestock (1992) shows how these issues affect domestic violence prosecution: there are few advocates for the victim; few mental health resources for either victim or abuser; there is restricted access to part-time judges; few expert witnesses are available; and fewer law-enforcement officers to respond to calls.

Websdale (1998) also notes that the local economy works against victims in another way. He argues that in rural Kentucky, illegal traffic in narcotics has compromised the ability of local law enforcement to prosecute anything else since they are themselves involved in that traffic.

Websdale also focuses on what others have called a traditional attitude, what he calls "rural patriarchy". Rural women and men—including police and judges—are more likely to have traditional roles *and* traditional ideas about gender. Navin, Stockum, and Campbell-Ruggaard note that fundamentalist religious beliefs play a greater role in the criminal justice response to domestic violence in rural areas. Fahnestock (1992) notes that traditional authority reigns and discourages prosecution of male batterers. One consequence of these attitudes is that rural judges are more likely to give abusers child visitation, seeing it as a "man's right" (Fahnestock 1992). Abusers can then use this visitation as leverage against victims. In all, rural areas are less likely to see challenges to existing structures, structures that disadvantage victims of DV. Rural criminal justice institutions are "rarely agents of socio-political change" (Edmondson 1996:103).

In all, the criminal justice system (CJS) seems to work differently in rural areas vis a vis IPV, and *may* not be as useful to victims—much less is known here. However, even in non-rural areas, there are controversies about whether the CJS is the best system to intervene in domestic violence, whether this system empowers or disempowers victims (Heise 1996; Hart 1996; Kelly 1996; Pence 1999; Fagan 1996; Manning 1996; Crowell & Burgess 1996; Mills 1998).

Victim Empowerment

In any case, for many women/victims, the CJS is not the preferred method of ending the violence; many women do not wish their abuser jailed (Ford 1991; Pence & Shepard 1999; Wittner 1998; Davis & Smith 1995). A primary concern for feminist scholars and activists has been giving voice to women whose voices are routinely silenced by various institutions (Ford 1991; Pence & Shepard 1999). It has been long and well documented that "experts" from physicians to school principals, from social workers to politicians have not taken heed of what women have to say about their own lives. Thus individual services and public policies have not necessarily served women well, have, in many cases, hurt them. Indeed, a major achievement of the battered women's movement has been that the stories of abused women have "made it" to prime time in the form of made-for-TV movies, documentaries, and afternoon talk show topics.

One of the issues in the criminalization of domestic violence seems to both advance and retard the ability of women to speak for themselves (Kendrick 1998). A woman living under the domination of a husband/boyfriend is not necessarily in a position to demand that person's arrest and prosecution. She may be reasonably afraid to bring the issue to the police, and/or she may be so under his control that she does not even consider his behavior problematic. Even after an arrest, an abuser may be able to put pressure on a woman to withdraw her cooperation with authorities. Many law-enforcement practitioners become frustrated with victims' seeming inability to follow through with prosecution (Fahnestock 1992; Dobash & Dobash 1992; Wittner 1998). One kind of solution to this reality of domestic violence has been to take the decision out of the hands of the victim and place it with police and prosecutors—where, incidentally, it has always been with most crimes.

And so, many police departments have instituted pro-arrest or mandatory arrest policies for domestic violence. If there is evidence of a crime (such as assault), the victim is not

consulted or asked; an arrest is simply made. Similarly, some prosecutor's offices have developed no-drop policies, so that the prosecution of a batterer will go forward even if the victim withdraws cooperation.

In one way, such policies give voice to women who have lost the ability to themselves say what they want and need. A powerful agent (the state) is able to do what she needs, without the arrest being designated her choice and her "fault". This feature has allowed many women space and time to finally escape from violence (Bowker 1983). Too afraid to articulate her needs herself, she nevertheless has her needs met. However, this also means that any specific victim's wishes may be disregarded—"we experts know what's best for you!"

Some victims use the CJS in ways that benefit them, even if it frustrates CJS practitioners. Wittner (1998), for example, shows that women are sometimes able to manage the violence by using an occasional arrest or threat of arrest. So, when the violence comes to some level acceptable to the woman, she suspends her cooperation with authorities. (See also Hart 1996; Bowker 1983.) Wittner finds, too, that for some women, the energy required to complete a case with the system is simply unmanageable. Erez and Belknap (1998) point out that it is still a "lottery" for victims, who can never know if their cases will be heard by sympathetic practitioners.

Ford (1991), in an earlier piece, also argued that women use the CJS for leverage, what Fagan (1996) calls the "sword of Damocles" model of deterrence. However, for this to be an effective resource according to Ford, the victim herself must be in control of the process. Mandatory arrests and no-drop policies may *reduce* the ability of the victim to manage the violence. Ford also argues that proponents of aggressive criminal justice policies assume that the system *can* protect victims, but that this assumption is usually unwarranted. Manning (1996) argues that it is a "conceit" to presume any specific deterrence effect of arrest. Fagan (1996) argues that domestic violence is complex and emotional, while deterrence logic assumes a rational actor.

There are things that the system simply cannot deliver—it cannot change the structure of patriarchy upon which wife abuse depends (Dobash & Dobash 1992; Fagan 1996; Erez & Belknap 1998; Schechter 1983) and it cannot turn abusers into kindly and loving partners. It can, however, keep some dangerous criminals out of circulation for a time—but only for a time, usually not forever. Jailing batterers *may* serve as a specific or general deterrent to some abusers; and it can provide a symbolic statement that society considers woman abuse to be wrong (Bowman 1992; Stark 1996; McGuire 2001). The problem remains, though, is it better to give that statement generally, even against the wishes of the victim, or to empower individual women in specific circumstances?

Probation

One potential vigorous CJS response to IPV that may help to empower women is probation. Very little has been written about probation's use in domestic violence—but see the just-published Olson and Stalans (2001). Mederos, Gamache, and Pence (2001) note that the

establishment of mandatory arrest policies has meant many more men in the CJS for DV, and that these men are "seldom given jail time; most are placed on probation". Tolman (1966) also asserts that few batterers are jailed, though there are sometimes good reasons not to incarcerate batterers. He argues that alternative or intermediate sentences could be promising, specifically suggesting *intensive* probation and restorative-type sentences, such as community service and restitution.

Probation for domestic violence offenders, Mederos, Gamache, and Pence argue, is not like probation for other offenders. This probation should be more intensive than is typical for other crimes, and should keep the safety of the victim always uppermost in consideration. Simon (1996) argues that alternative sentences, such as probation, can have a therapeutic effect on the batterer, but only if judges are willing to revoke the probation for non-compliance. The therapy effect comes from the symbolic statement that "a serious crime has occurred and that the perpetrator will be punished" (pg. 452). Such an effect may also come about because some courts require a statement of guilt from the offender before probation is approved.

However, the literature on whether probation or other alternative sentencing actually reduces recidivism is mixed (Ulmer 2001). Indeed, as Manning (1996) notes, the CJS may not deter any crime. Ulmer is optimistic, though, that certain alternative sentencing can be useful in reducing crime.

Two things most scholars and practitioners note is that probation supervision must be both consistent, with consistent consequences for violations, and intensive.

Institutionalizing Social Change

As is clear from reviewing the literature on the criminalization of domestic violence and that on rural domestic violence, treating DV as a crime has been a major change of procedure, a change that clashes with established belief systems and social structures of patriarchy, particularly rural patriarchy (Websdale 1998; Dobash & Dobash 1992; Schechter 1983). When change initiatives are begun, even successfully begun, it remains a difficult thing to normalize these changes, to make them truly a part of the way things get done *ordinarily*. Without that institutionalization, that routinization, procedures and behaviors may easily and quickly revert to those typical before the change initiative. And yet, the process of institutionalizing, normalizing change sometimes means that the radical nature of the change—the fact that deeper social structures need to change, too—gets lost.

In looking at large scale social movements, scholars have noted that the demands of the movement may be met in minimal ways, for a time, but then withdrawn when the activist phase of the movement dies down (Piven & Cloward 1977). Further, movement leaders may be co-opted with offers of jobs and programs, leaving the movement leaderless. Dobash & Dobash (1992), looking at the battered women's movements in England and the U.S., find that the movements have been successful in changing language about male violence and certainly successful in changing policies at the level of some police agencies. However, they also find that these changes are fragile; the family violence studies that claimed women were as violent as

men in relationships, they argue, were accepted uncritically and widely *because* the reports did not challenge patriarchy. These studies were used by critics of the movement to de-emphasize the needs of battered women, and certainly used to de-emphasize the culpability of patriarchal structures. Concessions to the movement were withdrawn, and language itself began to revert.

Schechter (1983, 1996) has argued that the early successes of the battered women's movement, primarily the establishment of shelters and some public education, grew out of a specifically feminist worldview. This worldview focused on changing structures of patriarchy, as well as on providing immediate assistance to women. However, problems with money and with licensing requirements for providing that assistance sometimes meant that the feminist nature of early organizations was lost. (See also Kendrick 1998; Websdale 1998; Reinelt 1995.) Heise (1996) similarly argues that "work expands beyond resources", and what started out as a collective enterprise is taken over by existing institutions. This has meant, as Dobash and Dobash (1992) also argue, that non-feminist providers of shelter and counseling could focus on individual personalities and individual family dysfunctions, offering therapy instead of social change. Indeed, we know that alternative organizations of any kind are likely to be pressured in many ways to revert to form, and are thus tamed (Newman 1980; Ames 1995).

So there are (at least) two levels in the difficulties of reform. One level is that movements get domesticated when radical demands are translated into bureaucratic procedures. But the other level is that unless change *is* woven into the everyday practices of bureaucrats, the change is likely to be change in-name-only, with little effect on women's lives.

In trying to reform existing institutions, and in trying to institutionalize change initiatives, it is important to remember that, as Ptacek (1999) argues, the state is a "loosely integrated set of institutions [in] ... confusing relationships" (p. 10), not a coherent entity. Sampson et al. (1988) also find in the British system a structural conflict among state agencies. Reinelt (1995) says "the state itself is a contradictory and uneven set of structures and processes that are the product of particular struggles" (pg. 87). Pence (1999) reports that the most important aspect to the success of the Duluth experiment is interagency communication. Without that communication, each agency will act on its own, likely in ways that do not reflect the larger, desired change, partly because different professional discourses and practices "twist" women's lives in different ways (p. 40), and partly because of the politics within and among agencies.

Even within a single agency, policy changes do not necessarily translate into behavior change. Frisch and Caruso (1996), in analyzing New York State's mandatory arrest policy, cite Feeley and Sarat's seven reasons for policy failure (pg. 126):

1. Lack of coordination with other policies;
2. Commitment of policy initiators to other incompatible policies;
3. Simultaneous commitment to 'more important' programs;
4. Lack of commitment by those entrusted to implement the change;
5. Differences of opinion over how to administer the policy;
6. Legal and procedural differences between new policies and ongoing programs;
7. Disagreement over policy goals.

Any of these difficulties can doom any policy change. Key to success with all these changes is active participation by all stakeholders, at all levels, including front-line workers and middle-level managers (Frisch & Caruso 1996; Pence & McDonnell 1999). Pence and McDonnell (1999) further argue that it is necessary to "build [the new] practice into everyday work routines" (pg. 48), including interagency procedures. "The strategy of reform has shifted over the years from 'change the attitude' to 'change the text'" (pg. 49). This means that the very routines and paperwork need to change. It is important not to leave the change to "the whim, memory, or personal commitment of hundreds of people" (pg. 49). If the paperwork is required, if there are specific boxes to check, etc., changes in procedure are much more likely to happen. (See also Frisch & Caruso 1996.)

And yet, Pence and McDonnell point out that categories reified in paperwork can hurt specific women. While new documentary procedures are necessary, they cannot supplant good judgment, which requires, then, other kinds of change and training. Pence and McDonnell also find that change takes time. Newer officers, for example, were less likely to resist the recently instituted policy changes—until those policies were changed in turn, at which time the same officers were resistant to change.

In rural areas, all of these issues are magnified to some extent. In rural areas, there are smaller agencies with smaller staffs, indeed many one-person staffs, meaning that any one recalcitrant employee has a disproportionate impact. Recall from the discussion above, too, that in rural areas we are more likely to see entrenched patriarchy, and that rural criminal justice institutions are "rarely agents of socio-political change" (Edmondson 1996:103).

Evaluating Clinton County

After reviewing the existing literature, then, several issues stand out. For our purposes, one major issue is that rural areas are understudied with respect to domestic violence. From the studies that have been done, we know that there are differences in criminal justice between urban and rural systems. The focus of the present analysis, of course, is on the specifics of the program being evaluated (described below); our intent was to document some of the difficulties and successes of domestic violence programs in this largely rural area. We provide a process evaluation rather than a formal outcome assessment.

In doing so, concerns about victim empowerment and regularizing change—major themes in the literature—continually arise. And, at the end of the day, scholars must assess not only the short-term outcome of specific policies but also the likely long-term impact of these reforms; will they last past the first rushes of enthusiasm? The answer to that question for us is rooted in the small-town and rural character of our county.

Clinton County, New York

Clinton County is the most northeastern corner of New York State, on the Canadian and Vermont borders. It is largely rural, with a single small city. There are approximately 80,000 people in the county, with 15,000 living in the city of Plattsburgh, another 20,000 in the

surrounding Town of Plattsburgh, the rest scattered widely around the county. There are 76.7 persons per square mile in the county, compared to 385.3 persons per square mile on average in the rest of the state. The population is overwhelmingly white, 93.4%. The Adirondack Mountains run through the county, which is bordered on the east by Lake Champlain. Major industries include small dairy farms, some logging, tourism, border crossing points, and prisons. There are four state and one federal prisons within the county, and six more in abutting counties. There is a campus of the State University of New York and a community college. The median income is $34,918, and the poverty rate is 15.2%.

Judicial System

In New York, the judicial system is, at the misdemeanor level, decentralized. Within the county there are 18 "towns", sort of mini-counties that may or may not include a settlement of any size. Towns are responsible for road maintenance, water districts, a few other administrative tasks, and for maintaining justice courts. These courts deal with violation-level offenses (traffic offenses and some lower-level criminal offenses such as harassment) and misdemeanor crimes. Justices are elected by the residents of the town, and may or may not (usually not) have formal legal training. In most cases, justice court magistrates are farmers, schoolteachers, small-business owners, and the like, just like the other citizens of the town. They attend two weeks of training by the statewide Office of Court Administration, and have access to legal advisors at OCA.

Most of the larger towns have two magistrates, though smaller towns have just one. There are a total of 28 magistrates in the county—28 different personalities and different mindsets to deal with. The larger towns' justice courts meet once or twice weekly; the smaller courts sometimes just once per month. Note, then, that any domestic violence crime at the misdemeanor or violation level may have to wait a full month before the next available court date. (Protective orders are available from the judges at other times.)

The City of Plattsburgh's misdemeanor court meets every weekday for two or three hours, and the judge is a lawyer appointed by the mayor. This is a part-time position, and the judge maintains a non-criminal legal practice as well. There is also an alternate judge (for when the regular judge cannot be on the bench), also a lawyer, and also appointed by the mayor.

City Court and the town justice courts are also the sites for arraignments and preliminary hearings of felonies, which may then be transferred to a superior court. Felonies are handled by two elected, lawyer judges at County Court, centralized in the city of Plattsburgh. The Family Court is also centralized, that judge also elected, also a lawyer. Family Court deals with issues of child custody, PINS (Persons in Need of Supervision), and parental rights. (Divorces are handled by a separate civil court.)

Each of the thirty-plus judges and town magistrates can issue an order of protection against an abuser. The criminal courts (justice courts, city court, county court) may only issue such an order when charges have been brought before the court. Family court can only issue such an order if the parties are married or have a child in common. There are, then, victims of

abuse who may be unable to obtain a protective order, i.e., those who are not married to their abusers (including same-sex partners), have no children with the abuser, and have not brought their abuse to the attention of the criminal justice system.

All this is important because the sheer number of personalities involved in just one phase of the CJS affects the quality and the consistency of "justice" with regard to DV. That is, while a number of the judges and magistrates are concerned about the issue of domestic violence, there are many others who are not. In conversations with various personnel involved in the CJS or DV advocacy agencies, it was generally felt that up to about a third of judges/magistrates were openly hostile to a focus on criminalizing DV; perhaps half were mostly indifferent, though perhaps trainable; and the remainder were considered "good" on the issue. However, even the hostile judges could do the "right" thing on occasion, and the "good" judges sometimes did the wrong thing in the eyes of advocates and DART.

Town justice court magistrates are not answerable to the district attorney or to other judges; they answer only to the electorate and to a statewide ethics organization, the latter mobilized only in cases of rather gross misconduct. Because the county is very much "small town" in character, especially in the smaller jurisdictions, it is not at all unlikely that the justices will know the victim, the abuser, the witnesses, the state trooper involved, or all of them, and may even be related to some of them. (See above for a discussion of rural criminal justice issues.)

Prosecution and Probation

The elected county District Attorney and her office is strongly pro-prosecution in domestic violence cases. There is a special case-coordinator for domestic violence (funded by the federal grant and part of the project described below), whose duties are to monitor cases from arrest through sentencing. The case coordinator works closely with the local advocacy organization and with the probation officers in the DV unit. This coordination is important for many reasons, most importantly because of the many possible courts involved in a single case. That is, a single abuser may have charges pending or recently disposed of in more than one of the misdemeanor courts, as well as in a felony court and/or family court. Different assistant district attorneys (ADAs) handle different courts and may not know of proceedings in courts they do not attend.

The local probation department is organized by type of offender (such as drunk-driving), and there is one unit devoted to domestic violence. This unit currently has two probation officers (PO), also funded by the program being evaluated in the present report. Cases are referred from all courts: county felony courts, City Court, town justice courts, and family court. (See further details under "DART" section below.)

Police

There are several police agencies in the county. The City of Plattsburgh has its own police force of 45 officers, including management. There are one- or two-officer forces in two

villages in the northern part of the county. The SUNY campus has an armed police force of ten officers. There is a county sheriff's office, but that force primarily runs the jail and serves papers, also acting as security in the county courts. The County Sheriff's office also keeps a paper file of orders of protection (restraining orders); court and other CJS personnel call to see if there is an order in effect. Security in City Court is provided by the City PD; security in the town courts is non-existent, except when Sheriff's officers accompany a prisoner or the NYSP is there to testify. Otherwise, law enforcement is done by the State Police (NYSP).

The NYSP has barracks in south Plattsburgh and Chazy in the north; there are stations in Keeseville (at the very southern end of the county) and Dannemora (east and north) that are not staffed 24 hours. Road patrols come out of the two barracks, with two to four cars out of each barracks. Note then that emergency calls for help, particularly late at night when there are only two cars out per barracks, may not be answered quickly. Cars may be tied up or at opposite ends of the patrol area. Backup may be unavailable or late in arriving.

Mandatory Arrest

New York has a statewide mandatory arrest law. Since 1994, all law-enforcement officers in the state must arrest the primary aggressor in a domestic violence incident if there is evidence of a misdemeanor or felony, regardless of the wishes of the victim (DJCS & OPDV 1997; Frisch and Caruso 1996). Further, the officer must complete a "Domestic Incident Report" (DIR), even when no arrest is made. (Appendix 2 is a blank DIR form.) The DIR lists specifics of the incident including whether there is an order of protection, whether there were injuries or weapons, whether children or other witnesses were present, and so forth. The victim must sign the form and is given a space to add her/his comments. These DIRs allow monitoring of domestic violence cases by the local DA's office, as well as statewide analysis by the NY State Department of Criminal Justice Services (DCJS).

In Clinton County, there are approximately 800-1000 DIRs filed each year, with about 100 to 150 prosecutions for misdemeanor or felony offenses. In 1999, 124 cases were prosecuted at the misdemeanor and felony levels. Compare this to a total of 220 total violent crimes reported in Clinton County in 1999 (DCJS 2000). Most of the violent crimes in the county, then, are DV-related.

Advocacy

In the City of Plattsburgh, there is a long-established advocacy organization, STOP Domestic Violence. STOP (as it is known) is part of a larger non-profit mental health agency that also offers services for substance abuse, family education, and mental health counseling. STOP provides short-term counseling for victims, court accompaniment, childcare services, safe apartments (but no shelter where women might congregate), and some transportation. The local batterers' program, VIP (Violence Intervention Project) is also housed under the larger non-profit. VIP is based on a Duluth model of intervention. There is also an unrelated Crisis Center in the county, focusing on rape crisis counseling, suicide intervention, and an emergency food bank. There is little coordination between STOP and the Crisis Center.

The local DA founded a countywide Domestic Violence Taskforce in 1993. This taskforce meets monthly, largely to hear updates on programs and initiatives. Regular attendees include representatives from the Department of Social Services, the County Health Department, a local childcare-coordinating agency, DART (see description below), STOP DV, hospital personnel, assistant DAs, the crisis center, city and state police officers, and other interested parties. The Taskforce Coordinator position is funded through the DART grant. Except for one or two former victims now in professional roles, there is no representation of victims on the taskforce.

The Domestic Abuse Reduction Team

In 1996, the then director of Clinton County Department of Probation and Alternatives to Incarceration applied for and received a "grant to encourage arrest policies". That 1997 grant established a Domestic Abuse Reduction Team (DART), initially consisting of three positions:

- Domestic Violence Case Coordinator in the District Attorney's Office
- Probation Officer dedicated to DV case-load
- Legal Advocate in STOP Domestic Violence

In the second round of the grant, another position was added, Domestic Violence Taskforce Coordinator, housed at Probation, which was previously funded by a different federal grant. At times in the life of DART, there have been up to three POs and two legal advocates. At the end of this evaluation period, there were two POs and one legal advocate. However, due to a recent loss of VAWA funding for DART, major changes have taken place (which will be described in detail later in this report).

Case Coordinator: The DV Case Coordinator in the DA's office has several roles. She collects the DIRs and keeps a data base on them. Using the DIRs, she monitors arrests and charges in the various courts. She attempts to interview victims in order to enhance prosecution. She coordinates cases of offenders if they have charges in more than one court—which is quite common—and monitors orders of protection (OP). Based on her knowledge of the DIRs and any victim interviews, she makes recommendations to the DA and ADAs about specific charges and dispositions. She also sometimes is asked by a judge for a recommendation on the type of OP needed in a case, e.g., whether it should specify "no-contact" or simply "refrain from". The incumbent attends court sessions, primarily City Court and County Court, to monitor events and for input to the ADAs or judges. This individual also takes the lead role in arranging for DV training sessions for police units and for judges and magistrates.

Probation Officers: The probation department is organized by offender, so that officers deal with specific case-loads—domestic violence, DWI, juveniles, sex offenders, etc. The DV unit handles fewer cases, typically, than the other units and supervises probationers more intensely. The caseload during the evaluation period was approximately 50-60 probationers per PO, while case-loads for other POs in the department were 100 or more.

The first individual appointed to this position had previously run the local batterers' intervention program and was well-versed in the issues. Individuals added to this unit since then have been sent to training on domestic violence provided by the NY State Office for the Prevention of Domestic Violence (OPDV). The idea, here, is that these officers, knowledgeable about the dynamics of DV and focused solely on DV offenders will be better able to monitor the behavior of such offenders. The DV unit handles offenders in intimate partner violence as well as other *adult* family violence, such as parents and adult children, and sibling-on-sibling violence.

Though each offender is evaluated individually, typically probation supervision for DV offenders is once per week. The offender is required to come to the probation department, and, if necessary, take any required drug tests or present AA attendance slips or evidence of attendance at some other therapy. Officers also make frequent, unannounced home visits, and these are crucial to intensive monitoring. Officers attempt to keep in touch with victims, whether or not the victim is still living with the offender. Victim safety is always a concern. One officer, for example, would telephone the victim only when he knew the offender was sitting in the probation lobby waiting for his appointment. Victims were always furnished with the name and phone number of the probation officer. Some victims made considerable use of the PO's availability; others did not.

Legal Advocate: The legal advocate position has been assigned varying duties over time. The initial intent in the DART grant was that this position would literally advocate for victims in the various town justice courts, particularly for offenses at the "violation" level. In those cases, primarily instances of "harassment", the DA's office would not prosecute; it would be up to the victim to do so. (In traffic offenses at the violation level, for comparison, it is up to the police officer to do the prosecution, not the DA.) For cases of harassment, the victim would have to ask questions and present her evidence—a difficult thing to do. The DART Legal Advocate was intended to fill that hole in the prosecutorial scheme. However, because of the logistics of monitoring 28 magistrates' courts, often on competing evenings, and because of some personality issues (which will be discussed below), and because of the difficulty of victim cooperation, this intended task never quite happened.

As will be discussed in sections below, there has always been some tension among DART agencies about the duties of this position. In the most recent grant, this position's incumbent was to monitor ACDs ("adjournment in contemplation of dismissal" sentences) and CDs (conditional discharges), particularly in the town courts. The idea here was that most justices do not know when or if offenders meet or fail to meet the conditions of their ACD or CD sentences. The legal advocate was to keep track of that in all the courts. That did not happen either. In general, the legal advocate position was never utilized to the extent it could have been. Primarily, the incumbent became just another staff member at STOP, doing short-term counseling and arranging for other services.

Taskforce Coordinator: The position of Taskforce Coordinator has also varied, primarily by incumbent—I have know four incumbents of this position. The primary responsibility was to keep the minutes and membership list of the existing DV Taskforce in the county, and arrange

for the monthly meetings. One incumbent was also very energetic with regard to staging media events; the others less so. Most incumbents did at least some public presentations and school presentations. The two most recent incumbents—the only two funded by the DART grant—attended DART meetings regularly and attended court as observers as well.

Process

DART meets weekly, on Thursday afternoons, usually for an hour or two. Each member of the team attends the meeting. Additionally, usually the supervisor of the DV probation unit attends the meetings. Frequently, the director of the local batterers' program, VIP, attends. Sometimes, one or more of the ADAs attends. The purpose of the meetings is case management and reviewing upcoming court dates, including new cases and those involving probationers. Ideally, the legal advocates, housed at STOP DV, bring to the table details of the victims' needs so that recommended sentences, etc., can take them into account, while the other members bring knowledge of their offices' case loads and coworkers.

DIRs: "Case management" is perhaps too formal a term for the rather free-wheeling and non-systematic discussions that actually took place. Individual offices did, to be sure, monitor their cases carefully, but there was little systematic interagency, *team* monitoring of cases.

A typical meeting would begin with the week's DIRs being passed around the table. The probation officers would compare names of victims and offenders with the master probation list; if matches were found, other POs would be notified that their probationers had had contact with a police officer. If one of their own case load was involved in a DIR, there might be a brief discussion about whether a reprimand or revocation hearing was in order. Certainly note would be taken of the incident.

Other DART members would offer any information they had about the incident. Sometimes, the victim had contacted STOP DV and the Legal Advocate might share some information. For a time, though only for a matter of a few months, the Legal Advocate was putting the names of the victims from DIRs into a data base in order to contact them and offer services. The Legal Advocate, at that point a man, discontinued this because he was uncomfortable with calling the victim, believing a male voice on the phone would put her in jeopardy. When there were later female incumbents, the practice was not revived.

Given that this is a small town, frequently members of DART knew other information about those involved in an incident, or about the incident itself. This knowledge sometimes came because of residential proximity, sometimes because they knew someone who knew something and had passed the word. There might be some discussion about how to charge and how to prosecute various offenders, but these discussions were not systematic.

City Court DV Docket: The next, and primary, part of the meeting would be to discuss the docket for the next day's city court—the majority of identifiably DV cases were heard, at least initially, in City Court. A major innovation credited to DART is the "DV docket" at City Court. This court, recall, meets daily for 2-3 hours in the morning. Members of DART worked with the

City Court judge to move appearances, hearings, and sentencing to Friday mornings. This concentration allows DART members to be on-hand for the judge. That is, on Friday mornings, representatives of the DV unit at probation, the case coordinator from the DA's office, the STOP DV legal advocate, and a representative from the batterers' program attend court. When a case is called, the judge has all the information he needs there—he can verify, for example, that an offender is actually attending VIP, or that he is maintaining his probation conditions. The case coordinator can tell the judge or the ADA about the details of the case and any other cases pending in other courts. This immediate and up-to-date information greatly facilitates the judge's decisions about specific offenders and cases. Note that this ready concentration of information is not available to other judges and magistrates—we will have more to say about this below.

Not all cases on Fridays were DV-related; most were not. On Thursday afternoons, the docket was faxed to one of the DART members from city court. The DA case coordinator would lead the discussion of who on the docket was a DV case. Details of the case would be discussed; members of DART would bring whatever information they had. Particularly if an ADA was in attendance, recommendations would be formulated then. Primarily, though, this process was simply information sharing, and again, not particularly systematic.

Town Justice Courts: The majority of DV cases prosecuted in the county were prosecuted in City Court, thought the majority of county residents live outside the city limits and within the various towns. Given that concentration of prosecution in the City Court, only occasionally would a case being heard in one of the town courts be discussed. In these courts, there was no "DV docket" (they meet too infrequently and handle relatively too few DV cases). It was also difficult to get a docket from these courts; often there would be only one or two misdemeanor cases of any kind being heard in an evening session. (See further discussion of the town courts procedures below under the methods section.) Hence, it was never quite known when a specific case would be "on".

In general, town court cases were the least discussed and monitored—unless the offender also had business before the City Court or the felony courts. Only occasionally did any DART personnel go to the town courts. So while the City Court judge had probation officers, the case coordinator, advocates, and VIP present to give him up-to-date information then-and-there each Friday morning, the town court justices did not—and frequently did not want this level of "presence" in their courts. In the infrequent discussions of specific cases in town courts, the ADAs were the primary source of information, usually after-the-fact. The cases *were* prosecuted, and the case coordinator did make recommendations to the prosecuting ADA on sentences, etc., and she did follow-up on outcomes when necessary. However, such cases were not a focus of the DART *team* efforts. The differences between town and city courts will be further discussed in the findings section below.

Probation: In the weekly DART meetings, probation officers would sometimes discuss their cases, noting for instance who would be taken back to court any given week, who was doing well, and so forth. Any case, whether felony, misdemeanor from City Court or misdemeanor from one of the town courts, could be discussed, though even "hot" cases were not necessarily

brought up. Similarly, the legal advocate(s) *might* discuss a client and her case, though this was increasingly rare over the time of the evaluation period.

VIP: Though the batterers' program , Violence Intervention Project (VIP), was not formally a member of DART, in the last year or so of the evaluation period, the director of the program frequently attended the meetings. One reason for this was to be clear with all DART members what exactly was being offered in the program. POs often heard strange tales from probationers—"my facilitator said I was the victim, not the abuser"—and could check out these stories with the VIP director at DART meetings. The VIP director could also hear how men might be using what they learned in the program *against* their victims, as reported by POs. She could then alter the presentation of issues or at least alert the group facilitators.

A second reason was to coordinate probation violations, sentences, and other issues. The VIP personnel often knew whether or not individual men could be usefully sentenced to VIP attendance from prior experience with them in the program. And, as we will detail below, lack of attendance or misbehavior at VIP was sometimes used as grounds to revoke probation.

Again, case management was informal, not formal. There was no master list kept of cases pending. Discussion of cases, offenders and victims, was primarily reactive, not proactive. If a name showed up on a DIR or on a court docket, it might be discussed. Otherwise, such discussion was unlikely.

Other Accomplishments

The DART grant also funds various training events. DART personnel have held trainings on the dynamics of domestic violence for local police, including NY State Police and City of Plattsburgh Police. DART has also funded several judges and magistrates to attend state and national trainings funded by VAWA and/or NYS-OPDV. These training sessions help to bring issues of DV to the fore, help to overcome resistance by untrained judges and police officers, and reinforce the CJS's role in responding to DV. However, not all justices nor all officers attended such trainings. There is no official mandate or requirement for such training.

In 2000, DART hosted a training for police agencies, hospital personnel, and other local social service agencies on strangulation. The DV Case Coordinator in the DAs office had noticed the number and severity of "choking" incidents and arranged for this training. Results of this important training were two-fold. First, personnel learned to take these dangerous attacks very seriously. Descriptions of incidents in official documents became more accurate and detailed, and charges brought against offenders were sometimes upgraded.

Second, hospital personnel realized the need for a more aggressive response on their part. The emergency department, working with DART, devised and instituted a domestic violence screening for all women coming through the emergency room. Women were asked a serious of questions in private and were offered literature on referrals. Most importantly, health care providers were trained to record much more information about injuries, particularly those

consistent with strangulation. The more detailed medical records made prosecution much more effective in several cases. We asked to help evaluate the results of this increased attention, but the hospital was not receptive to that.

Again, the present study is a process evaluation of DART and its programs.

Methods

We began working with DART in the summer of 1999. This NIJ grant began in January 2000. We have been in the field, then, for two full years. Because of the quite small number of cases in the county (100-150 prosecutions a year), and because this is a process evaluation, most of our data are qualitative. The research has yielded a rich data set, consisting of:

- Ethnography of DART
- Victim interviews
- Ethnography of courts
- Contents of DA files
- Contents of Probation files
- Domestic Incident Reports
- Interviews and Participant-Observation with service providers
- Consultant observations

Ethnography of DART

From the summer of 1999 until the summer of 2001, Lynda Ames has attended DART meetings each week, largely observing, but also participating in discussions of new initiatives or analyses of existing ones. This time period entailed approximately 80-90 meetings—occasionally meetings were cancelled; occasionally I could not make the meeting. The meetings were generally at 3:00 in the afternoon, and conversations during and after the meeting could take until after 5pm. Notes were taken during the meetings; additional field notes were dictated into a tape recorder immediately after the meetings, often on my longish drive home. Notes and recordings were transcribed and expanded either immediately after the meetings or the next day. Typically, I would record details of cases being discussed during the meetings. Notes about process or personality issues would be dictated later. There were, indeed, many personality clashes and disagreements during the meetings. I did not scribble while these incidents occurred.

My role as *participant*-observer varied. To repeat, this is a small town. For ten years, I have known and worked with, on various levels, several of the players in the DV "scene", most notably the district attorney and the director of STOP, as well as the previous probation director. I had a relationship with them before the study and will have a relationship after the study. All of us are active in the community on women's issues. Though I came to know the specific DART members only after the study began, we had many friends, acquaintances, and colleagues in common. One example is that one of the probation officers now teaches a course in criminal

justice for our department at the college, of which I am now chair. We researchers were never, then, outside, anonymous academics. (See Reinharz 1992.)

Also, the grant solicitation from NIJ indicated that this project was meant to be a joint venture, a research-practitioner *team*, and our grant application reflected that intent. We therefore shared all insights we had immediately with DART. (Indeed, the grant solicitation indicated that NIJ would call us all together, researchers and practitioners from their several sites, to help foster a long-term partnership; those meetings did not happen, however.)

On a practical level, I was occasionally able to recall some detail about a case and bring that to the discussion at DART meetings if it had not been raised by the other participants. I could sometimes provide an observation I had had about a victim or abuser during courtroom sessions, since I sat among the spectators during court and DART members did not. Indeed, sometimes I attended a court session that no other member of DART attended, particularly in the town courts. Since I was reading and observing in several different settings, sometimes I could bring things together on a specific case that other members could not.

In discussions of process—e.g., what DART members should do about any dysfunction the group was experiencing—I tried to provide an outsider's view. For example, when there was tension between the DA's office and STOP, I gave an academic explanation of different agency goals and organizational cultures. Though the members knew all this without me, they had momentarily lost that in the personalities and individual irritations. This discussion helped for the moment, though it did little to resolve that underlying disjunction between the agencies. After a conversation I had with the DA about communication styles—lawyers and counselors have very different training and thinking patterns—she scheduled a couple of meetings among her assistant DAs and STOP staff. These meetings were useful, but did not resolve the tensions.

Data from this source, then, include the ethnographic, but also include specific information about criminal cases, batterers and victims, idiosyncrasies of various CJS personnel, and details of how agencies work together—or do not.

Victim Interviews

We interviewed 24 female victims, whose names were furnished by DART members. All women were victims of violence by a male intimate partner. The way victims were referred to us was worked out at the beginning of the study between the researchers and DART members (and their bosses). We developed methods that were felt by all to give the most protection to victims. Methods of referral differed by agency.

STOP DV staff contacted clients chosen by them and telephoned us if the client agreed to the interview. This of course meant less control for us over who was selected and less knowledge about who and how many declined. However, the STOP director felt that this was the best way to protect the interests of her clients. Because the clients of STOP generally trust the staff, most of our respondents were gained in this way. Recall that there is no shelter where victims

congregated, where we might have congregated with them. There are only safe apartments which do not provide the same opportunity to "hang out" and solicit interviews.

The case coordinator in the DA's office furnished names and telephone numbers to us from DIRs. However, this did not happen systematically. The *intent* and promise was always to do so regularly. However, her schedule and her style of working meant that names were furnished only haphazardly. We then called those victims, explained the context of the study, and requested an in-person interview. Most women from this source declined to participate; we speculate that they were simply too involved and too newly involved to be able to share their experiences. Several women initially agreed, but then did not show up or called to cancel. When we called to solicit the interviews, we were careful to frame the study as one analyzing how crime victims interacted with the district attorney and de-emphasized the DV nature on the telephone. We did not follow-up if we were refused or stood-up, not wishing to place the victim at increased risk.

Finally, probation officers routinely contact victims to request her side of the story for their investigations. When they sent their routine letters, they included a flyer from us about the study and requested permission to forward their names to us; the flyer also gave the women our names and phone numbers if they wished to call directly. Very few women responded to this solicitation.

(Because I do not wish anyone to be able to trace the women, I am reluctant to give precise numbers of respondents by source. Suffice it to say that most came by way of STOP, some by way of the DA's office, and few from probation.)

(Interestingly, one woman called me after receiving our flyer from probation and we scheduled an interview. When she came, I began the DV interview. In fact, however, the crime committed against her was by a stranger; some unknown man broke into her home. I continued to listen to her and ask questions, nevertheless. Her responses, though she was not a DV victim, closely paralleled those of DV survivors. With an "n" of one we can draw no conclusions, of course, but perhaps the difficulties the CJS has with victims, empowerment and disempowerment, is more universal than specific to DV.)

We developed an interview questionnaire, drawn largely from Erez and Belknap (1998), and DCJS (1997). (See Appendix 1.) Dr. Dunham and Dr. Ames drafted the instrument and then we took it to DART for comments and revisions. Several items were added; several altered.

The instrument asks the respondent to focus on the most recent incident of IPV. However, most interviews could not be kept to that last incident, since one incident is part and parcel of the series of abuses, certainly in the view of the survivor. Generally speaking, we heard women's whole story from beginning to the present. Items in the questionnaire include the victim's satisfaction with the police, the prosecutor, the courts, probation, and STOP. We asked whether any of those officials were previously known by or friends of the victim or the abuser. We asked about resources women had in terms of friends and family. We asked her view of the official proceedings: did officials listen to her? keep her informed? We asked what she wanted to have

happen at each stage of the process, and whether that had happened. And we asked for demographics, including income, hers and the abuser's.

Interviews were conducted either in our offices at the college or at the offices of STOP DV. STOP often provided transportation and childcare. Written informed consent was obtained for each interview. Each respondent chose a pseudonym for herself and others in her story; the pseudonyms were used throughout the interview. If the respondent agreed (all but four agreed) interviews were audio taped. Notes were also taken on the instrument during the interview. Transcription of tapes was done by professionals in another city and verified by the research team. Tapes and backup copies were then destroyed. Only the PI (Ames) has access to the pseudonym/actual name list. (Actual names are important to be able to link the various data sets.) Transcripts are kept in a locked file cabinet at the college.

Analysis consisted of several readings of the transcripts and the questionnaire notes. No attempts were made to quantify any of the data—the number of interviews is small and women were at different stages in their journey through the system. Some had no contact yet with the courts, for example, while others had had several interactions there. Hence, many tabulation cells would have been empty.

Courtroom Visits

We visited many different courts, both the scattered misdemeanor courts and the centralized felony courts. Early on in the evaluation project, we contacted the magistrates' association to tell them of the research and ask for their help. Dr. Ames attended a meeting of the association to field questions and make acquaintances. Cooperation by judges in the field ranged from being taken "backstage" into the magistrate's private office and being given detailed background on specific cases, to simple forbearance, the latter being much more common.

Because the bulk of the cases in the county are in City Court, we attended that court on a regular basis, nearly every Friday for a year and a half for the "DV docket". The majority of that attendance was by Dr. Ames. The courtroom holds about 40 spectators, mostly defendants waiting to be called. At the beginning of my observations, I sat in front of the gallery with DART staff and other officials with business before the court. Very soon, though, I began sitting back in the gallery with those waiting for their cases. Here, I could observe the behavior of jail prisoners, court staff, DART members, attorneys, and the judge. I could also hear conversations and observe interactions among defendants. For instance, one morning I sat behind a couple I knew about from DART, an accused abuser and his victim. I could see that she kept her eyes away from the case coordinator with whom she had been working without his knowing, and saw that he kept his hand firmly on her arm. I heard him tell her harshly to keep her voice down during another case. She came up to the bar with him when his case was called, keeping her eyes down. Such observations were useful to the researcher and occasionally to DART members in their work.

I had an official docket for the morning's cases and took notes on the cases of interest to DART. When there was someone sitting right next to me, I kept my notebook closed. Usually,

though, I could take notes unobtrusively. Many other people had papers and/or books with them while waiting, so my behavior was not conspicuous. As with the DART ethnography, additional notes were recorded and shortly afterward transcribed and expanded.

The other misdemeanor courts, the town justice courts, have much less frequent DV cases before them. We visited several of these, though two were more routinely visited, one being the largest justice court and the other of medium size. In both cases, the magistrate had made special effort to invite me. The larger court met twice a week in the evening. There were typically twenty or so people waiting in the court room. As in city court, I sat in the back and listened—though the first evening I visited, the judge took me by the arm and sat me down with the attorneys at the front of the room. Because this was the largest town justice court, DV cases were heard regularly but not every week. At the beginning, I attended just to understand how the court and judge worked. Later, I attended when I believed a specific case was on.

For all the town justice courts, though, this scheduling was a very iffy proposition. Even the ADAs were never sure that a particular case would be called on any given evening. It was commonplace that defense attorneys would postpone cases over the telephone and the courts would *not* call the DA to inform that office of the continuation. One night in a very tiny, once-a-month court, a particular case was scheduled. After the judge had dealt with the only other two cases on (a budding juvenile delinquent whose parents were friends of the magistrate, and a traffic ticket), the judge, the ADA, and we the researchers chatted for half an hour or so, quite amiably. When it became clear that neither the defendant nor his attorney was going to show up, we all left. The judge wrote to the attorney, acting as his own clerk, rescheduling the appearance. (Note that there were no consequences to this no-show.)

If it was difficult for the DA and for us, of course, it was *impossible* for victims to know when their cases would actually be heard.

The smaller of the two courts regularly-attended met weekly in the evening. In ten or so visits, I only once heard a DV case. In this courtroom that evening, there were exactly seven people in the gallery besides me. The judge took care of the other two cases, his wife acting as his clerk, leaving only me and the abuser. The defense attorney was late. Unfortunately, the judge called me into his chambers to tell me all about the case—thinking no doubt that he was assisting in my research—and I'm certain his voice could be heard by the abuser waiting for his attorney. Though I thought I had waited long enough after the proceedings, the abuser was still in the parking lot when I left the town hall; ours were the only cars in the lot. Very conversationally, he inquired as to my study. I presented this as a study of court protocol, and we chatted about the criminal justice program at the college. Then we each got in our cars and left.

This incident highlights a difficulty in the court observations. Unlike city court or the largest town court, there was no such thing as unobtrusive observation in the smaller towns where there are only a handful of spectators, sometimes only one or two. We therefore limited our observations to a session or two. We were skewing outcomes simply with our presence.

Overall time spent in town courts was less to track specific cases—we could do that through DART itself—but to understand how the process worked in different towns and with different magistrates. Note that in the smaller towns, the ADA does not attend court every session, may attend only once or twice a month. Many of the cases handled by the courts are traffic offenses or other issues that are not prosecuted by the DA. We attended courts on nights that the ADA was present and on nights when s/he was not. Again, the intent was to observe the general workings of the courts, including the judges' demeanor. We chose courts that were considered "good" courts by DART, and courts that were considered not so good.

Our visits to the centralized county court for felonies were limited to specific cases. Unlike the misdemeanor courts, trials and appearances are scheduled closely and actually take place when they are scheduled. I attended one complete trial (on a felony probation violation) over the course of several days, and four other smaller proceedings, catching each of the two judges there.

We were able to gather ethnographic data on how the court systems work in the county, as well as witnessing some proceedings against specific offenders. We were also able to observe how victims were treated and what kinds of support they could and did have with them.

District Attorney Files

Our access to individual prosecution files was difficult. Some ADAs shared their files easily with us, others did not. However, we were granted full access to the DA's "mainframe" data base where we gathered details on each prosecution, including court, initial charges, sentences, length of pendency, etc. This database was, however, not up-to-date and was sometimes inaccurate. We verified, where we could, the actual outcome and details of cases. We have reasonably accurate data for all DV prosecutions from 1998, 1999, and 2000. Note that this was the best data available to the DA, as well as to us.

The initial DART grant included the expectation that a tracking system would be developed for DV cases and offenders. Due to various technical issues and some "turf" issues with the state DCJS, such a tracking system was never developed. The only "system" that existed was the memory of the case coordinator. Indeed, this individual was excellent in this respect, but as we will discuss below, dependence on individuals instead of documentation systems is not conducive to long-lived programs. For us, this lack of a tracking system meant we had to rely on two separate and not very clean data files, the DIR file and the mainframe file.

We began with the DIR data base, kept by the case coordinator in the DA's office. All DV offenses in the state have a DIR—that's the law anyway. We then searched the DA's mainframe data base for the names of identified male offenders with female intimate partners as victims. In this way, we could pinpoint the officially DV cases that were prosecuted. In all, we identified 353 cases, all the identifiably DV cases with male offenders and female intimate partner victims prosecuted in 1998, 1999, and 2000. For our analyses, we collapsed all three years, since even then the numbers are very small.

We were interested in differences in case disposition among the different courts, as well as differences by case content. As we will see, the numbers proved too small to be able to glean any significant quantitative results. We also analyzed repeated prosecutions using this database.

Probation Department Files

The probation director and the probation officers in the DV unit granted us full access to their written files on probationers. In their offices (on my laptop), I examined all current files during the calendar year 2000. All adult male offenders with female intimate partner victims were included in the database (n=83). (Two 17-year-old men adjudicated as youthful offenders were excluded at the request of the probation director.)

Because most sentences of probation require the probation department to do a pre-sentence investigation (PSI), probation files had very detailed histories of offenders, both family history and criminal history. Further, the PSI has detailed accounts of the specific incident from both the offender and victim point of view. The PSI also contains a behavioral checklist, completed separately with the offender and the victim (if willing). This checklist is based on one developed in Duluth, and asks about a variety of controlling and violent behaviors. Thus, the offender has admitted to the PO much of his abusive activities even before being sentenced—though the offender may not see his behavior as "abusive".

In the probation files, quarterly supervision notes detail the offender's behavior and any official consequences of misbehavior during those three months. There are also notes of conversations with the victims, if these have occurred. This was a particularly rich source of data for offenders on probation. I took notes on demographics of offender and victim, offender criminal history and other background including education and employment, offense, sentence, court, and behavior while on probation. These notes were consolidated into a spreadsheet to enable tabulations of education, revocations, and so forth. The case notes themselves were reviewed and re-reviewed in a qualitative analysis.

Note that during my many, many hours sitting in the probation offices, I had many conversations with the probation officers and their supervisors. I also overheard any number of meetings and telephone calls with probationers and victims. These conversations provided additional ethnographic data.

Domestic Incident Reports

New York requires any police officer responding to an incident of domestic violence to write a "DIR", a Domestic Incident Report. (See appendix 2 for a sample DIR.) We monitored the DIRs on a weekly basis, as they were topics of discussion at DART meetings, as detailed above. We also, though, conducted an in-depth analysis for a 6-month period, totaling 274 DIRs, taking careful note of specific acts, police responses, victims' statements, charges filed, and so forth. In this analysis, we were interested in the range of behaviors that generated a DIR and in the victim statement.

Again, because the numbers here are small, especially relative to the number of independent variables (such as specific town, judge, police unit, etc.), we did not attempt any quantitative outcome analysis. The qualitative analysis we did, though, provided a rich background understanding of the range of DV experiences and reactions in the county.

We *have* analyzed the whole DIR data base for the years 1998, 1999, and 2000 (maintained by DART) for demographics and repeat offenders. This is a measure of recidivism, though a DIR does not necessarily mean an arrest or prosecution. *Most* domestic incidents do not result in any arrest.

Interview with Service Providers

We formally interviewed a variety of service providers: New York State Police, including both officers and the civilian victim services representative; Plattsburgh City Police; Clinton County Department of Social Services; Social workers and health-care providers at Champlain Valley Physicians' Hospital; two successive directors of the Violence Intervention Project; staff at Clinton County Victim Services. We also had innumerable informal conversations with people in these and other agencies at Task Force meetings and on other occasions.

We (Dr. Ames, Dr. Dunham, and a student research-assistant) attended the regular STOP DV volunteer training which consisted of several evenings of instruction and role-playing. We went on ride-alongs with state police and city police. In these outings, were able to talk with the officers about DV as well as observe the difficulties of police work in this county.

Consultant

Finally, Dr. Neil Websdale, author of several books and articles on DV, served as a consultant on this project. He visited Clinton County in August of 2000. His report is attached as Appendix 3. We were pleased to be able to talk extensively with him both during his visit and at other times, drawing on his insight.

Drawing the Data Together: Limitations

All of these data sets were coordinated to provide different angles on the same cases and incidents. This coordination was done manually. Index cards on abusers and cases listed appearances of the name in court cases, in victim interviews, in probation data, in DIRs, and in prosecution files.

The limitations of the data are clear. In the first place, as we have said and will say many times, the absolute numbers are small and there are many relevant variables. Quantitative analyses of any sophistication are unlikely. Secondly, as in all participant-observation research, our presence at specific events was necessary for us to have any observations (and thus significant but unobserved events cannot play a role in analysis), but that presence could and did alter events. Lastly, and relatedly, our relationships with the players were varied; we were closer

to some than to others. Our data and our analysis were skewed here, as well. (See Reinharz (1992) for a discussion of qualitative methodology; also see Websdale (1998).) Yet, because of the many sources of data, and because of the length of time we were in the field, we have a very rich and in-depth understanding of how the CJS responds to domestic violence in this county.

The focus of the study and the data analysis was on the process of the program. What are the issues? The dynamics? The possibilities?

Results

In these sections, we present several analyses. First, we present limited quantitative analyses, including various tables of demographics and offenses. We have done a very preliminary analysis of recidivism, as measured primarily by DIRs and appearances in the prosecution database. As outcome measures were not our primary focus, this analysis is limited.

Second is our analysis of the promise and limits of probation as an alternative to incarceration. This was the most innovative—or at least, least documented in the literature—portion of the DART program. (This analysis will be published in *Violence Against Women.*)

The most noteworthy result of our process evaluation was the analysis of the importance, but difficulty, of institutionalizing the reforms of DART, and that analysis is presented third. In analyzing the effectiveness of programs, even as process, a critical issue in the literature is victim empowerment. We next present an examination of that empowerment in Clinton County.

Throughout these analyses, the rural and small-town character of the county figures strongly.

Summary Demographics and Offenses

In 1998, 1999, and 2000, there were 2,473 DIRs filed, 1559 (63%) involving male-on-female IPV, with 353 of these 1559 (22.6%) prosecuted in Clinton County. Of the IPV DIRs, 682 (43.7%) occurred in the City, and 877 (56.2%) in the rest of the county. Prosecutions were fairly evenly split, with 50.3% in the City and 49.7% in the towns. (We do not have any data on why prosecution is somewhat more likely in the City.)

Table 1. Characteristics of DIR cases resulting in arrest vs. no arrest.

Number arrested vs. not arrested:	475 (30.5%) vs. 1084 (69.5%)	
Of those not arrested:	73 (6.7%)	misdemeanor offense
	291 (26.8%)	violation offense
	719 (66.3%)	no offense
	501 (46.2%)	boyfriend (at time of incident)
	460 (42.2%)	spouse (at time of incident)
	122 (11.3%)	ex-partner (at time of incident)
Of those arrested:	70 (14.7%)	felony offense
	347 (73.1%)	misdemeanor offense
	58 (12.2%)	violation offense
	207 (43.6%)	boyfriend (at time of incident)
	182 (38.3%)	spouse (at time of incident)
	86 (18.1%)	ex-partner (at time of incident)

The Offenders

Table 2. Demographic characteristics for cases that were prosecuted.

Offenders:	86.4% Caucasian	10.5% African-American	
	Mean age = 31.65 years (SD = 9.34), range 16-63 years		
Victims:	94.6% Caucasian	2.3% African-American	
	Mean age = 29.66 years (SD = 8.77), range 16-67 years		
Relationship:	44.5% boyfriend	35.7% husband	19.8% ex-partner

Most of the men in the system, certainly most of the men under sentences of probation (about whom we know the most) are working class men. In our probation sample of 83, two men have college degrees—one of them only an associate's and one a bachelor's with some master's level credits; half the men have a high school diploma or GED; the rest did not finish even high school. A very high proportion of the men have inconsistent employment histories, working for a while here then there then not at all. In the pre-sentence investigations, men report high levels of parental abuse and other family dysfunction when they were children, perhaps 60%. Alcohol and drug use and abuse is common, about 80%—hence the concern of judges for treatment. These men have few resources to live productive, non-violent lives.

In this respect, our sample is not different from other "criminal" samples (Schmidt & Sherman 1996; Manning 1996). From the various arrest-recidivism studies reviewed above, we know that these are the kind of men who are *least* likely to be deterred from continuing abuse, the kind of men with less to lose from arrest.

Prosecution

Again, 353 cases were prosecuted in the county in the three years we studied. On arrest, approximately 18% of the cases had misdemeanor charges; the remainder had at least one felony charge. Table 3 presents raw frequencies of each charge, summed across 3 possible charges per incident.

Table 3. Frequency of charges filed (up to 3 charges per incident).

Crimes against the victim:	
Attempted murder 2:	1
Rape 1:	1
Attempted assault 2 or 3:	130
Assault 2 or 3:	84
Harassment 1 or 2:	25
Aggravated harassment 2:	9
Menacing 2 or 3:	20
Coercion 1 or 2:	5
Unlawful imprisonment 2:	21
Reckless endangerment 2:	5
Crimes against her property:	
Burglary 1 or 2:	12
Criminal trespass 2 or 3:	11
Criminal mischief 3 or 4:	34
Crimes against her children:	
Endangering welfare of a child:	45
Crimes against the court:	
Criminal contempt 1 or 2:	56
Resisting arrest:	6
Criminal possession weapon 3:	11
Disorderly conduct:	3

During prosecution, four percent pled to at least one felony charge, 65.4% pled to misdemeanor charges, and 30.4% pled to only violation level offenses. The raw frequencies of each plea are summarized in Table 4.

Table 4. Frequency of final pleas (up to 3 pleas per case).

Crimes against the victim:	
Attempted assault 2 or 3:	26
Assault 2 or 3:	57
Harassment 1 or 2:	61
Aggravated harassment 2:	1
Menacing 2 or 3:	11
Coercion 1 or 2:	4
Unlawful imprisonment 1 or 2:	11
Reckless endangerment 1 or 2:	4
Crimes against her property:	
Burglary 2 or 3:	2
Criminal trespass 2 or 3:	7
Criminal mischief 4:	15
Crimes against her children:	
Endangering welfare of a child:	12
Crimes against the court:	
Criminal contempt 1 or 2:	27
Resisting arrest:	7
Criminal possession weapon 4:	4
Disorderly conduct:	21

Of the 240 domestic violence cases where final disposition was known as of this writing, forty-five offenders were sentenced to probation after pleading to charges; fifty offenders were sentenced to incarceration; sixty-one cases were conditionally discharged (CD), with conditions typically involving treatment for substance abuse and/or violence intervention; forty-three cases were adjourned in contemplation of dismissal (ACD). The remaining cases involved fines and/or restitution. The ACD disposition means that if the offender behaves for a period of six months, the case will be dismissed; if there are additional charges brought in that time, the original charges will be returned. The conditional discharge disposition means that if the conditions are met, the case is fully discharged (though, unlike the dismissal, remains in the record). However, very few courts monitor CDs with any consistency—the offender may never complete the conditions yet remain free. Though there are many cases still pending (trials or

appeals), there was only a single case in the database that did not result in some court action, a case in which the grand jury refused an indictment.

Table 5: Disposition of cases

Probation	45	18.8%
Incarceration (incl. time served)	50	20.8%
Conditional discharge	61	25.4%
ACD	43	17.9%

In those three years, then, less than 21% of offenders (in the 240 cases where final disposition is known) went to jail after conviction, and 18.8% of offenders were placed on probation. The majority, 60%, of offenders were released immediately back into the community without any supervision. And, of course, the majority of domestic incidents (as reported on DIRs) were not prosecuted at all, either because the offenses did not amount to a criminal offense or because the evidence was not sufficient to prosecute. (cf, Mederos, Gamache, & Pence 2001; Eigenberg 2001.)

Factors influencing charges, pleas, and sentencing:

We examined differences in the types of charges, plea offers and sentencing options according to the type of court (city court vs. town justice courts) and the relationship between offenders and victims. Remember that the total number of prosecutions is small, hence significant differences are infrequent, particularly considering the number of variables.

Court Differences:

- no court differences in the severity of the original charges (felony vs. misdemeanor) or severity of the final plea.

To evaluate court differences in sentencing, only misdemeanors were used, to control for the severity of the offense to some degree.

- no court differences in adjournments in consideration of dismissal (ACD).
- no court differences in the rate of sentencing to probation or jail.
- significant difference in referrals to batterers' program; for misdemeanor offenses: more perpetrators were remanded to the batterers' program from city court (72%) than from the town courts (28%), χ^2 (1) = 6.99, $p < .01$.

Relationship with the offender:

- no differences in the severity of the original charges (felony vs. misdemeanor) according to the type of relationship with the offender.

- significant difference in final pleas according to the type of relationship with the offender. Current vs. ex-partners were compared; finer distinctions resulted in empty cells.

  Ex-partners were more likely to receive a felony final plea than current partners, χ^2 (2) = 15.91, $p < .001$ (see Table 6 below).

Table 6. Frequency of final pleas according to relationship status.

	Felony plea	Misdemeanor plea	Violation plea
Current partner	3	119	57
Ex-partner	6	23	9

To evaluate differences in sentencing according to the type of relationship, only misdemeanors were analyzed.

- no differences according to the type of relationship (boyfriend, spouse, or ex-partner) in the rate of adjournments in contemplation of dismissal (ACD), or in sentencing to probation, jail, or the batterers' intervention program.

Differences in sentencing according to the final plea were also evaluated (N.B., some problems with small cell sizes here—interpret with caution).

- no differences in sentencing to batterer's program according to final plea

- significant difference in sentencing to probation according to final plea. Violation pleas almost never received probation.

  Misdemeanor and felony pleas received probation at a similar rate (41% and 50%, respectively).

- significant difference in sentencing to jail according to final plea. 88% of felony pleas were sentenced to jail, while 33% of misdemeanor pleas were incarcerated. Only 9% of violation pleas received jail time.

- no differences in adjournments in contemplation of dismissal according to final plea.

Section Conclusions

The NYS Office for the Prevention of Domestic Violence (OPDV) has developed a "model policy" for prosecution of domestic violence cases. The sanctions imposed in Clinton County will be considered in light of this model policy and in comparison with published data on court outcomes in domestic violence cases.

Approximately 21% of the convictions in Clinton County resulted in incarceration. Many offenders were released into the community without any supervision. Many were not prosecuted at all, either due to a lack of evidence of a criminal offense, or in situations involving violation offenses or some misdemeanors, the victims may have requested that no charges be laid. The arrest rate (30.5%) is within the usual range of 15-30% for districts with a mandatory or pro-arrest policy (Jones & Belknap, 1999). Other studies have reported rates of incarceration for domestic violence offenders similar to what we found for this county (Landau, 2000).

Many offenders were remanded to treatment, including alcohol treatment or batterers' programs. The model prosecution policy for DV cases set forth by the NYS OPDV states quite clearly that treatment for substance abuse should not be ordered by the court as a response to abusive behavior or in place of other sanctions. The model policy also addresses the role of batterers' programs in the prosecution of DV offenders. The OPDV argues that such programs can be a part of the court's response to DV offenders, but should not be a substitute for incarceration if it would otherwise be considered for the offense in question. It is clear that judges in Clinton County, particularly the City Court judge about VIP, believe that these forms of treatment may reduce the offenders' proclivity for violence while perhaps preserving the family, allowing him to maintain employment, etc.

Recidivism

We attempted a preliminary analysis of the effectiveness of sentencing options as measured by an offender's involvement in a domestic incident after involvement with the CJS for an earlier offense. We simply counted the number of men who had been jailed, sentenced to probation, or released, and then looked for their names reappearing in the DIRs filed in the county. Reappearance measured for 3 months, 6 months, and 12 months. The table below indicates *any* reappearance.

Table 7: Recidivism

Initial Sentence	Frequency	Re-appearance in later DIR
Probation	45	12 26.6%
Incarceration (incl. time served)	50	11 22.0%
Conditional Discharge	61	17 27.9%
ACD	43	6 13.9%

Clearly, these numbers are so small as to make significance tests irrelevant. Also, note that appearing in another DIR does not mean arrest or conviction. Despite the small numbers presented above, the following case study analysis of probation concludes that intensive probation *may* be useful.

The Promise of Probation

IPV is often messy as a criminal issue (Fagan 1996), making severe jail sentences difficult. Often (though of course, often not), women who are victims of the violence do not wish to have the batterer arrested or prosecuted or sent to jail. Sometimes they believe he is

sorry, or he just needs counseling, or they believe they can control the behavior, or sometimes they simply cannot do without his financial support, or they justifiably fear his revenge (Bennet, Goodman, & Dutton 1999; Dwyer et al. 1996; Hart 1996; Weiss, Tolman, & Bennett 1998; Wittner 1998). Sometimes police officers are unsure of the primary aggressor in a situation, often because victims do fight back, often because the victim protects the abuser, or because the officer resents the call and arrests both parties out of spite. Many times judges are skeptical of victims' claims, or are unwilling to "break up the family", or are unwilling to deprive the victim and her children of a breadwinner by sending him to jail, or they think treatment of some sort is better than incarceration. Abusers often believe, quite rightly, that they can beat a charge, making them unlikely to plead or accept jail time on a plea. All of this makes prosecution, conviction, and sentencing (with significant jail time) of a batterer difficult (Mederos, Gamache, & Pence 2001; Tolman 1996).

Law and order rhetoric aside, it is not possible for the system to actually prosecute and imprison every law breaker in any jurisdiction. As we know, most cases, certainly most DV cases, do not go to trial but are settled before that with plea bargains. Many victim advocates and many victims consider the plea deals illegitimate, particularly when the victim is not consulted. In the words of one of our respondents:

> *The Assistant DA deemed it necessary to speak several times in private in the DA's office with my husband's attorney. He [ADA] never wanted to call me. Never talked to me about anything. And a deal was cut to reduce it.*

However, it remains true that many deals turn out "better" than a sentence after trial might. This happens partly because some judges and juries may be less sympathetic to the victim than the DA is. It may happen because the actual evidence is weak, though the victim is believed by police and DA. It may happen to spare the victim the stress of formal testimony. It sometimes happens because between the arrest and the likely trial, much later, some victims have been coerced to change or have on their own changed their minds about prosecution. In any case, settling cases by plea offers is routine.

Offenders are much more likely to agree to a plea offer containing probation than they are to one containing incarceration. Indeed, judges and some victims are often more willing to accept this arrangement than jail time.

> *That's why I had him arrested was to make him realize to get the help. But I didn't ever think he would be looking at that much time. ... I wanted him on probation.*

In Clinton County, the DA (and several of the judges as well) do not allow a sentence of probation until the offender has allocuted in open court, has "confessed" to the specific abusive behavior in question. This allocution is important to the PO's ability to deal with violations and with most probationers' later denials and minimizations of their behavior. It is also important if the probation is to be later revoked—he has already admitted the behavior and cannot now claim innocence of the original charge. Indeed, this allocution is one of the key elements of a sentence

of probation here—he must first admit he was abusive. This admission may even have therapeutic effects for the batterer—see Simon (1996).

Probation can be useful, too, as a way to successively approximate justice that may be unrealistic at the time of first conviction. Advocates, whether inside or outside the CJS, know well that it often takes more than a single encounter with the system for a batterer to be recognized as a threat to the victim, not to mention to the community. This recognition sometimes requires multiple incidents and significant injuries to the victim before doubts on the part of the victim herself, the police, prosecutors, and judges are overcome and the coercive power of the state is fully mobilized. Even then, the various components of that coercive power—police agencies, a prosecutor's office, the court system—rarely arrive at this conclusion at the same time or to the same degree.

We argue that even a superior CJS response to IPV is "asymptotic". An asymptote is a curved line that approaches a straight line, gets closer and closer, but intersects the line only at infinity. If justice in the United States involves, among other things, appropriate punishment for acts deemed criminal and protection of the (current and future) victims (Fagan 1996; Ford 1991), then justice after intimate partner violence appears more asymptotic than exact. Significant punishment rarely occurs straight away (Tolman 1996), and, at least from the point of view of victims and advocates, often never quite gets there at all. Protection from abuse, even when the victim does the "right" thing and leaves the abuser, is never guaranteed, at least not for long.

And yet, this asymptotic approximation of justice may be worth the effort the movement has expended on the criminal justice system. Specific kinds of intervention by the CJS may give the victim time and space to change her life while she is protected to some degree from the abuser (Bowker 1983; Weisz, Tolman, & Bennett 1998); and it can mean that the abuser does, even if only eventually and even if only incompletely, pay for the crime. We will also argue, however, that even asymptotic justice requires a commitment and dedication from CJS professionals that is difficult to create and sustain across individuals and across time.

Asymptotic Justice: James

Mandy's story is not unusual among battered women (Boone 1999; Bowker 1983). Her partner, James, was widely known as a really swell guy. He made people laugh; he was charming; and he could explain away everything by blaming Mandy's odd behavior, not his violence. Behind closed doors, he smashed her head into the wall; he punched her face leaving bruises; he threatened her family and their child; he stalked her; he demanded to know where she was at all times, requiring her to wear a pager and keep track of her time and mileage in a log book. He also told her he knew so many people in town, including state police officers, that she would never be believed if she ever told. Over the years they were together, she obtained a number of protective orders, but he always convinced their friends and family—and often the judges and police—that the violence was her neurotic fantasy, not his reality. She left him several times, but he stalked her. She returned to him many times, having no where else to go.

Finally, after another beating, she convinced her parents that she was in danger—and she definitely was. Her father had contacts with the state police, where she went to file charges

against James. Perhaps because of her father's contacts, perhaps because of the significant training and attention to domestic violence in the county, the police aggressively pursued the case. The magistrate in the town justice court believed her story, when backed up by the state trooper. He issued another order of protection. James was soon arrested and tried on a felony.

A year after the assault, James was convicted of the felony, though he still swears he is innocent. He argues, in fact, that Mandy was out of control that night and he was restraining her, just trying to keep her from hurting herself. At sentencing, James was able to call many, many character witnesses, who all testified to what a swell guy he was and how crazy Mandy was. The judge, perhaps because of the parade of upstanding citizens on James' side, was reluctant to sentence him to prison or even jail. James had already served about two weeks in county jail after the arrest. Instead, he was sentenced to five years of probation and required to attend the local batterer's intervention program (VIP).

Under probation supervision, James continued to protest his innocence. He also continued to stalk Mandy. When confronted with this accusation, he swore that it was Mandy's father making up stories, out to get him. He also found another girlfriend, Laurie. Laurie knew about Mandy's accusations of long-standing abuse, but believed James that Mandy was insane.

About a year later, James was arrested for assaulting Laurie. Indeed, Laurie's story was much the same as Mandy's. This time, though, the grand jury failed to indict James for Laurie's assault, and he was released. (Grand Jury proceedings are sealed; we do not know why there was no indictment.) Both Mandy and Laurie were terrified of his reaction to the time spent in jail awaiting the grand jury's finding. There seemed little hope of corralling James and preventing him from taking revenge on either Laurie or Mandy. Both went into hiding.

Probation to the rescue.

Probation officers agreed with the victims that James was, indeed, a danger to Laurie and to Mandy, past, present, and future. They (and the District Attorney's office) felt that James ought to be in prison for his behavior; this would also serve to protect his victims from further abuse, at least for the time he was locked up. The probation officer filed a petition with the court alleging that James had violated the terms and conditions of his probation (a violation of probation (VOP) petition) because of the assault on Laurie. One of the terms and conditions of James' probation was to refrain from violent behavior. If such a case can be made, probation can be revoked by the judge and the offender re-sentenced to incarceration.

In a violation of probation (VOP) proceeding, the standard of proof is lower than that required for conviction of the original crime, and the case is made only to the judge, not a jury or grand jury. In this case, though the grand jury failed to indict James on the assault charges against Laurie, the judge determined that the evidence made the standard for a VOP hearing. James was found guilty of violating his probation; probation was revoked; he will serve time in prison.

Note again that the probation term was issued for James' assault on Mandy; it was revoked for James' assault on Laurie which otherwise would have gone unpunished. The CJS had been unsuccessful in incarcerating James in the first assault (against Mandy) and in the second assault (against Laurie). It was his having been placed on probation, and the filing of the VOP, that allowed the system finally to imprison a dangerous abuser.

Mandy is relieved for the first time in many years: *He's in prison now and I can go on with my life.*

Asymptotic Justice: George

George's wife, Christine, has been consistently uncooperative with prosecution. She loves George and is financially and otherwise completely dependent on him. Though she has been granted orders of protection several times, she has routinely asked to have them lifted or modified. And George continues to abuse her: imprisoning her, punching her, threatening her. He pled guilty to imprisoning her, knowing that there were witnesses other than Christine to testify, and he accepted probation as part of the plea agreement, though he would not accept jail time.

It is clear to most involved (the judge, the prosecutor, advocates, probation officers) that Christine needs protection from him—though this is not clear to her; she disagrees with that assessment. George has been in jail; he has been in prison. He still abuses his wife. There are still calls to the police and DIRs; there are reports from advocates that she is being seen for new incidents of abuse, whether she calls the police or not.

Probation sets many conditions for an offender. Almost invariably, the offender does not comply with all the requirements. He may miss a scheduled appointment; he may not complete recommended treatment; he may test positive on occasion for banned alcohol or other drugs. In most cases, these errors are minor and will not have serious consequences for the offender at that moment. However, probation officers can, as they say, "bank" them. That is, they can keep track of each minor transgression and later make use of them when they cannot necessarily prove a major transgression, but believe that one has indeed taken place. In the domestic violence unit, officers are especially concerned about victims' safety. If that safety seems in danger, they may act to prevent abuse by using the "bank", thereby protecting the victim without having to use her testimony.

George has made it easy for his probation officer to "violate" him, that is, to file a VOP petition. The PO did that, based on several missed appointments and a positive drug test. The violations, taken separately, would have been minor and would not usually have resulted in a VOP being filed. However, due to the credible (but unprovable without her testimony) reports of continuing abuse, a petition was filed. The judge seemingly also believed there was a problem and found George guilty of violating the terms and conditions set. George's probation was revoked and he was incarcerated for 6 months.

In that 6 months, victim advocates hope that Christine can receive enough services to make her more independent of him, financially and emotionally. Perhaps she will finally reject

him; perhaps not. However, the time in jail does give her some opportunity to make such a decision without being threatened directly (Bowker 1983), even if she makes the decision to stay.

Asymptotic Justice: Casey

In many domestic violence cases (and rape cases, too), the victim is held to a high standard—she must be perfect or nearly so. She must be seen as sympathetic; she must have taken all the right steps; she must not herself be violent or a drinker/drugger; she must be a good mother; and so forth. This standard is held by judges, by caseworkers, by juries, by police, and by the abuser. When she is not perfect, her case may not be taken as seriously (Mederos, Gamache, & Pence 2001; Ptacek 1999).

Jamie was not perfect. Though she was pretty, young, and in many ways innocent, with two young children, she was less than respectful verbally to police and to the judge. She was feisty with authority figures and she fought back against her abuser, verbally and physically. She also once absconded with Casey after bringing charges against him, and allegedly wrote love letters to him while filing complaints about his stalking. There was a suggestion from the defense attorney that Jamie was attempting to lure Casey into violating the order of protection so that she could then prevent him from seeing their children and send him to jail. It was clear to advocates and to observers that the judge in the case, for whatever reasons, did not like Jamie but did like Casey. Casey kept getting breaks and "last" chances from the judge, against the recommendations of the probation officer and district attorney. This judge, notably, was a "good" judge, one who did not, in fact, usually give such breaks to abusers. This "good" judge still gave breaks to Casey—no practitioner is perfect every time.

It was also clear from many DIRs and many court appearances that Casey was violent and continued to be so after serving time in jail and being on probation, and after attending the batterers' program. Jamie told us she came desperately to want him safely out of her life, in jail for as long as possible. Probation was only a step in the process.

> Interviewer: *Did you feel safer with him on probation?*
> Jamie: *No. He could still do anything to me he wants. He still does.*
> Interviewer: *But you always tell the PO what he does?*
> Jamie: *Yeah. And then [the PO] talks to him. And then he lets up for awhile. But then he starts up again.*

Probation officers, knowing well that Casey was dangerous to Jamie, kept careful watch over him, "banking" a series of small transgressions, letting him know clearly that they were watching and waiting. Though Casey continued to get breaks from the judge, he did serve more short periods in jail for various violations, remaining on probation and under supervision when he got out. Eventually, the intense probation supervision got to be too much for him and he absconded again, though this time without Jamie. Another violation of probation (for absconding) has been filed. As of this writing, he is reported to be out of the state. His probation officer responded to that report, "Good. Stay there. As long as he leaves Jamie alone."

Of course, he remains a threat to Jamie. She knows that he could show up again at any time, threatening her. However, that would be true even without the intervention of the courts; he would always be a threat to her. One hopes, though, that because of the VOP, if he does return and is arrested again, this time the judge will send him to jail for as long as possible. This could happen without him actually doing harm to Jamie. He is a fugitive, having defied the court's confidence—an offense every court takes very seriously. He could be arrested without ever harming Jamie again. He may now have finally have used up his graces with the judge.

Asymptotic Justice: Jack

Janice left Jack after he had abused her. Jack stalked Janice. She saw him when she left home for work. She saw him follow her while she was working. He was on probation for violating a previous order of protection, which in New York is a criminal contempt of court. Janice routinely called Jack's probation officer to tell her of what was happening. When confronted with the allegation of stalking, Jack always said either he was not, in fact, there, or that he was there just on his way to some other place. Though New York has since passed an anti-stalking bill, such behavior at this time would have been very difficult to prosecute.

Probation officers have considerable leverage to control certain behaviors of their probationers, without going back to court for the judge's permission. Though Jack could, under the law, be anywhere he wished, his probation officer had the power to tell him not to travel certain roads. In fact, this is what the PO did. He was administratively forbidden to be on the rural road leading to Janice's home. In this case, Jack had no legitimate reason to be anywhere near that road for his work or his family, so he was simply told, 'don't be on it'. If found on it, this would be a violation of probation, enough likely to have probation revoked and be incarcerated—or at least so Jack was made to believe.

Janice still reports regularly to Jack's probation officer. She has not seen Jack on her road or at her work. The threat of a VOP was apparently enough to have Jack stop this behavior, at least for now.

> Janice: *He called his probation officer and told her that he had been behind me [by accident] and he was afraid that I was going to call and get him in trouble.*

Janice, like Jamie, feels that probation is better than nothing, but is not the complete answer:

> Interviewer: *Did you feel safer with him on probation?*
> Janice: *No.*
> Interviewer: *If he wasn't on probation, would it be worse?*
> Janice: *Yes.*
> Interviewer: *So being on probation is at least better but--*
> Janice: *Right.*
> Interviewer: *--not necessarily good enough.*

Janice: *Right.*

... ...

Interviewer: *Has the PO kept you informed of what's happening?*
Janice: *I usually call her and find out like everything.*

Asymptotic Justice: Gary

Gary has a long history of criminal behavior, including abuse against more than one woman in more than one state. He has had difficulty keeping a job or keeping sober. He is on probation for an assault against Jeanine that sent her to the hospital. She does not cooperate with police or prosecutors; advocates say this is because she is frightened of him. Her official statements to police and to the probation department protect him, claiming that she provokes him and that he really has a "heart of gold".

And yet, she regularly seeks assistance from the advocacy organization, reporting continuing abuse. Though Jeanine will not herself come forward to report that abuse to police, advocates regularly call the probation officer to tell him of what Jeanine reports to them.

Gary, though, is almost fully compliant with probation. He tests clean of alcohol and drugs; he keeps his appointments; he endeavors to obtain and keep employment. He seems to behave, officially. And yet the probation officer believes the reports about Gary's continued abuse of Jeanine. But because of his compliance, because she will not testify, will not even talk directly with probation, there is little probation can do.

Incidentally, this is a source of contention between the advocates and those bound by the legal system. Advocates would have Gary "violated" (a VOP filed against him) without drawing Jeanine into the picture. But rules of evidence and standards of proof do apply; probation must be able to prove some violation in court, with defense counsel present. Without Jeanine's help in this case, they could not prove much of anything.

They were nevertheless able to do something. Jeanine reported through the advocates that Gary was driving without a license. With Jeanine's clandestine help, the probation officers were able to happen upon Gary in a car. They had him ticketed for unlicensed operation of a vehicle. Though there were no serious consequences for Gary at the moment, this episode did serve to vividly remind him that he was under supervision, that someone was watching. The incident will also be "banked" for possible later use.

Asymptotic Justice: Vic

Vic is on probation for damaging property belonging to his ex-girlfriend, with whom he has a child in common. He has been non-compliant, both during this term of probation and in prior terms for other crimes. Though there have been no reports of continued abuse with the ex-girlfriend, there have been reports of verbal abuse with his new girlfriend. In any case, the lack of compliance was serious enough to warrant a violation petition being filed.

Before the matter came to court, however, Vic's attorney sought to negotiate an agreement. In a conference, the judge gave him two options: comply with all probation

requirements (including drug rehabilitation treatment) or have probation revoked and be incarcerated for a year. The attorney recommended to Vic (and Vic accepted) the first option. And, at least for the last couple of months, he has complied with treatment and other conditions. The filing of the VOP and the desire to stay out of jail—which was otherwise credibly imminent, unlike in many trials—encouraged Vic to behave. It is not clear that giving jail time in the first place would have gotten Vic to rehab. Though rehab may not change his abusive behavior (or even the drugging), drug use was clearly a factor in that abuse. And, if rehab fails to correct either the drugging or the abuse, Vic is out of excuses; the judge will likely have much less tolerance for more incidents.

Asymptotic Justice: Max

In Clinton County, an almost universal term and condition of probation in domestic violence cases is for the abuser to attend the local batterers' intervention program (VIP). The idea of the program, based on a Duluth model, is to educate the abusers about violence and control and to teach them alternatives. While there is very little evidence available about the effectiveness of such programs (Edelson 1996; Davis & Smith 1995; Mederos 1999; Davis & Taylor 1999), where it is part of a term of probation, this program can be used both as an additional monitoring venue and as a way to "bank" violations for using against a dangerous probationer.

Max was on probation for felony assault. His wife had since moved to another state to be free of him and his abuse. He continued to claim, despite his plea of guilty and an allocution in open court, that he was innocent, that she was the abuser and he the victim. His probation term required him to be evaluated by the VIP and comply with their recommendations. They accepted him to the program, based largely on his allocution and his admission of various elements on a power and control checklist. He went to the VIP meetings, but reportedly was disruptive and focused nearly exclusively on his wife's behavior rather than his own. At the session that would prove to be his last, he attempted to get the other men to revolt, to refuse to cooperate with the facilitators. Max was terminated.

Max was also forbidden to consume alcohol or be anywhere that serves alcohol while on probation—another common term and condition. However, he was reported on several occasions to drink, and was observed in a local bar. These charges were largely unprovable in court and relatively minor. Yet, alcohol was reported as a factor in his abuse, and in his general lack of compliance.

Max's probation officer filed a VOP based on his actions at the VIP; his case came back to felony court; he was convicted by the judge of violating his probation. He was sentenced to jail. For Max, who had never been incarcerated, this was a serious consequence. He had fought hard to stay out of jail.

Asymptotic Justice: Denise

It is not at all unknown for victims to lie to police in order to protect the abuser. Often, victims will even "take the fall", that is, they will admit to criminal behavior in order to keep the abuser from being arrested or convicted. Denise's case is one such instance. Her abuser, Dave,

slashed her with a knife—a felony. She, though, told police and the court that she attacked him and cut herself accidentally in that attempted assault.

The various personnel involved in prosecuting this case did not believe that version of events. However, because Denise stuck to the story, there was no possibility of prosecuting Dave for this offense. Denise pled guilty to a misdemeanor and was given a term of probation in the DV unit. Probation officers are using this sentence to more closely monitor Dave. By having Denise report regularly, they can ask questions about violence in the household and watch for signs of Dave abusing her, as well as vice versa. Nevertheless, it is she that now has the criminal record, not he.

Asymptotic Justice: Ben

Of course, nothing about the criminal justice system response, including probation, "works" unless the actual human beings involved do what they're supposed to do. For instance, we know that beneficial effects of special domestic violence courts can be undermined simply by judges' demeanors (Ptacek 1999). We know that police officers can refuse to comply with mandatory arrest policies.

If probation (any probation, including DV probation) "works", it works because of the credible threat that if the probationer misbehaves, he will do jail time instead. That is, the offender must obey the terms and conditions of probation or he will get the sentence he would have gotten in the first place without this alternative. If miscreants of any sort are sure they will not be punished, there is no deterrent in probation. If probationers believe that they can ignore the terms and conditions of their probation, they will continue with abusive behaviors. If they continue with abusive behaviors, but there is no consequent revocation of probation, no jail time, they will have gotten away with the abuse that first sent them to the CJS, and they will get away with the continuing abuse.

In Clinton County, there are at any one time, approximately 800 people on probation; approximately 100 to 120 (12-15%) of those are there specifically because of domestic violence related crimes. The domestic violence unit of the probation department keeps a lower caseload of probationers than do other units, but monitors them more closely. That is, probationers are required to report more often, POs make more field visits, probationers are substance-tested more frequently. And, most importantly, the DV unit "violates" probationers (files violation of probation petitions) much more frequently. In a recent quarter, the DV unit violated 33% of active probationers while the rest of the department violated 5%. This difference is due in part to the more frequent supervision, but due in large part to the conviction by the DV POs that they can help keep the victims safer longer by violating probationers and keeping the threat of jail time credible.

But sending an offender to jail also requires judges and prosecutors similarly willing to revoke probation to keep the victim safe. This is sometimes the case, sometimes not. The POs have come to know which judges can be counted on to assist them in this process and which are more troublesome. Offenders know some of this as well. This variability is a significant source of frustration for practitioners in this county and elsewhere (Bennet, Goodman, & Dutton 1999).

In one case, Ben, a violent abuser, faced a VOP in court. The violation petition was based on his re-arrest for another incident of violence towards his wife. He was also non-compliant in other ways, including continued alcohol use and lying to the probation officer. The VOP should have been an easy case. Ben was also facing other, unrelated charges in the same court at the same time.

Though the details are complicated, the result of court proceedings was that the VOP against Ben was dismissed by the magistrate without the judge or ADA having even consulted the PO. This was not simply a case of falling through cracks or one of mere miscommunication. Some of the people involved in the CJS simply do not agree that it is important to protect victims in this way, to revoke probation and send offenders to jail. There were even allegations (unverifiable) that Ben and one of those involved with the dismissal were hunting buddies. In rural areas, it is not at all unusual for participants in proceedings, on any side, to be familiar with one another (McDonald 1996; Websdale 1998).

Despite the VOP dismissal, Ben remains on probation, and at the time of this writing, the probation officer has filed another VOP petition. A different magistrate will hear this case. That magistrate is waiting to act on the petition to see if Ben completes in-patient treatment at an alcohol rehabilitation clinic. The magistrate's presumption here is that this rehab could help Ben and help the victim more than jailing Ben would.

The victim doesn't necessarily agree:

They cut a deal. They didn't care what I wanted.

Nevertheless, without a vigilant PO, the case would have "slipped through the cracks" and Ben would have had no consequences. At the very least, now, he will be required to undergo treatment.

Asymptotic Justice: Raymond

One of the provisions of VAWA is that all those convicted of domestic violence at specific levels be forbidden to carry guns. There are a couple of issues here, relevant for Clinton County. One is that this is, to say once more, a very rural area; men hunt; men have hunting guns. This is also a very politically and culturally conservative county; people want their guns. Police and judges are often reluctant to enforce the no-firearm provisions when it comes to hunting rifles. Losing a gun is a big deal here, for lots of reasons.

Remember that a major industry and a major source of employment in the county is prisons. Prison guards are required to be eligible to carry weapons (though they do not carry while in the prison); they would normally lose their jobs if they could not. And domestic violence is not rare among prison guards.

Raymond tried to strangle his wife; the struggle was captured on a 911 audio tape and its effects (bruises, etc.) captured in pictures taken by the state police. This crime could have been

charged and prosecuted as a felony. The wife, Marion, however, did not want it to be prosecuted at all. Several days after the assault, she had decided not only to stay with him, but her analysis of her needs was that she needed him working, not in jail and unemployed. Had he been convicted of the felony, he certainly would have lost his job, and she and her children their income. She refused to testify.

The DA had the 911 tape and photos, and could, nevertheless, have prosecuted. In considering the likely response of a jury to the woman's testimony in favor of her husband, the response of the judge involved, and considering Marion's wishes, the decision was made, instead, to accept a plea to a misdemeanor and give Raymond a term of probation. A deal was worked out with state prison officials that Raymond could keep his job under this arrangement, despite the resulting DV conviction. Even with that deal, the magistrate, a former state trooper, was very unwilling to accept the plea—he continued to express his concern about Raymond losing his job up to the very moment of sentencing.

The plea did go through; Raymond is on probation and is completely compliant. He, too, clearly understands what a different or another conviction, even another charge, could mean for his career. There have been no further complaints; the POs are in regular contact with Marion. This does not necessarily mean that Raymond has become a model husband. It does mean, however, that he has not physically threatened Marion's life. Though this may not be justice according to many, it does seem the best that could have resulted, given the whole set of circumstances. And it has meant considerable safety for Marion.

Asymptotic Justice: Conclusions

Despite changes made to the criminal justice system in the last two or three decades—widespread mandatory or preferred arrest policies, specialized domestic violence courts, the routine availability of protective orders—most abusers will not be incarcerated for long periods (Tolman 1996). Judges and juries, as well as the abusers, are apt to blame the victim, at least in part, for provoking the violence or at least for staying once the violence has started. Victims themselves often blame themselves, including in official accounts to police and courts. Victims often believe, even when the blame is placed on the abuser, that he needs help rather than incarceration, with substance abuse, with psychological problems, and/or with managing his violence. Judges and juries are also prone to want to help the abuser before punishing him.

In our analysis of domestic incident reports (DIR) in Clinton County, a frequent response from victims is that she does not want him arrested, but does want him to get help. In our interviews with victims, many, even many of those who have left the relationship because of the abuse, want help for him, not imprisonment. This is particularly true for those involved in the violence for only a short period of time. In our observations of court procedures, judges believe that incarceration can hurt the victim more by removing a breadwinner (even if only for child-support) from the picture. Judges also believe (hope?) that substance abuse rehab and other types of counseling can help both the abuser and the victim more than can incarceration. The CJS, it seems, as well as the victim, wants only that the violence be stopped. Incarceration is not the first resort. Everyone wants the abuser to get fixed, to behave, to get a second chance.

Many of the men noted in this section benefited from the system's unwillingness or inability to give harsh sentences to abusers. James did because he was convincing and had credible character witnesses; Casey did because his victim was not seen as sympathetic; Jack's crime was probably unprovable in court; George's victim, Gary's victim, Dave's victim, and Raymond's victim were all unwilling to fully cooperate with authorities in the prosecution of their abusers; Vic (and others) needed treatment; Ben allegedly had influence with someone within the system; the judge wanted Marion to have an income through Raymond. These men may well have walked free rather than have any consequences for their actions. Remember that most cases of IPV do not result in any jail or probation.

It is here that probation can be useful. It is not that probation will actually fix abusers (though this may happen in some cases, perhaps Raymond's), but it can serve as a sort of "time-out" or holding pattern. If the abuser is given the opportunity to fix himself through probation supervision (and VIP and substance abuse counseling) rather than jail, and then continues to be abusive, the victim and the courts may well be more likely to send him to jail.

And this willingness to punish abusers and keep them out of circulation can then grow while the victim is relatively safe. That is, in the bad old days, it used to require significant injury, even death, to the victim before the abuser would be punished. Under probation supervision, the abuser will be watched, and the victim may well be safer than under the otherwise likely unsupervised release. With probation, the straw that sends the abuser to jail may not even involve the victim, may involve only violations of probation terms such as keeping clean or attending the VIP. Probation can help in keeping women safe.

The Victim Empowerment Dilemma: Justice for Her? Or Society's Statement?

A major issue in the literature reviewed above is the ways in which criminal justice policies give—or do not give—victims power over their lives. For most of our history, the issue was that the CJS did not treat IPV as a serious crime and women suffered. Now that many jurisdictions are treating this violence as a crime, many women and their wishes continue to be treated as secondary to the social "statement" that IPV is a crime.

Anne: *And the reason why I say that is because I'm not making excuses for Johnny anymore. I'm done. But he really is sick. ... If he did that, if he got help and proved to me that he can be a better father, and better to me, I probably would [still have a relationship with him]. ... But I already told [the DA], I'm not doing this [testifying against Johnny]. I'm not even thinking so much about myself, but for my daughter, because he was never mean to her. ... No I'm not satisfied with them [the DA].*

[Prosecution proceeded and Johnny was incarcerated.]

Agnes: *And we didn't want to be separated, you know, and I love him very much. ... [They went against my wishes] because they felt they were protecting me. You know, it's just something to hold him accountable to. You understand? This is why they did it.*

Interviewer: *At the beginning, when you wanted him prosecuted, what were you hoping they would do?*

Agnes: *Just, I mean like maybe, just that he'd go to VIP Program or something like that, you know, and get help for his drinking, you know and stuff. That's all.*

[Prosecution proceeded and Edward was incarcerated.]

Our findings on this topic are not unusual; typically, in the literature and in our study, if the system does what the victim wishes—whether that is to prosecute or to leave them alone—the victim is satisfied with the way the system listened to her. If a different decision is made, for whatever reason, she is not satisfied and believes no one listened to her.

The issue is not only one of overall policy; it is an issue for front-line workers as well. In any given case, the way to make a social statement about acceptable and unacceptable behavior may not be the way to accomplish the best outcome for the individual victim—who may *not* see herself as a victim in need of help.

In Clinton County, the case of "Selena" and "Joe" illustrates. The couple has been together for many years and for each the other is the light of their lives. When Joe drinks, he often becomes violent and was arrested under New York State's mandatory arrest policy. Joe pled guilty to a misdemeanor charge of assault. An order of protection (OP) was issued requiring no contact with Selena, and Joe was placed under the supervision of a probation officer and required to attend the batterers' intervention program. Note that Selena had not asked for the OP.

Later, Selena officially requested the order be modified to "refrain from". This type of order would allow contact, even co-habitation, but should Joe threaten Selena or become violent again, the existence of the order would allow arrest without evidence of further assault and could be used to send Joe to jail. Selena wanted a continued relationship with Joe, but without the violence. This is what many, many women desire, of course.

Some, but not all, members of DART recommended to the judge that the order remain "no contact" and the judge agreed. There was really little question that Joe is violent man. Selena's request to modify the order and bring Joe back into her life and home was denied in her own interest, as interpreted by the criminal justice system. Not agreeing that this was in her best interest, Selena invited Joe to dinner; Joe accepted and thus violated the order of protection. And indeed, there was an incident at dinner—Joe threw a bottle at Selena though she was not injured. Selena called the police with the sole hope (as she later told us in an interview) that they would tell Joe to leave for the night. Against her wishes, though, the police arrested him again (because he had violated the OP, they had little choice), probation was eventually revoked,

and Joe was sentenced to a year in jail. The crime for which he was sentenced was not assault but contempt of court for violating the "no contact" order, the order Selena did not want.

Two things are true here: Selena is safe from Joe's violence for the period he is in jail; and the light has gone out of her life. According to service providers who have known her throughout this process, she is now sullen and withdrawn, and without the drive and fire that characterized their first meetings with her. She feels beaten by the system that was set up to protect her. In her estimation, she is worse off without Joe than with him. She has since married him—in the jail. In her estimation, his violence was treatable and manageable without the long jail sentence. A continuation of the batterers' intervention program and probation supervision was sufficient to keep the violence under control, even if not altogether eliminated. She is clear that once Joe is out of jail, she will not use the criminal justice system again in trying to deal with Joe's violence. If Selena is correct about her own situation, she has thus lost the only tools she had for managing the violence, and in the long term, she is in greater danger than she was before state intervention.

Conflict between the goal of empowering women and the goal of prosecuting violent men is also played out on the agency level. Like many organizations in the shelter movement, the local advocacy organization, STOP Domestic Violence, is very much dedicated to giving women their own voice. STOP provides counseling and some advocacy, with the agency rule that whatever the woman wants, she gets. If she wishes to aggressively pursue prosecution, she is assisted in that. If she wishes simply to talk with a counselor, no pressure is put on her to speak with the district attorney.

The district attorney's office, with an aggressive prosecution policy, is thus often at odds with STOP. STOP will not freely share information with the DA, and will not even automatically provide referrals to the case coordinator in the DA's office. In some cases, such as those like Selena and Joe, STOP staff may directly oppose efforts to prosecute abusers. It is ironic, to say the least, that a movement long critical of the criminal justice system's response to domestic violence (or lack thereof) now finds itself opposing, in some cases, the very efforts the movement has asked for.

While mandatory arrest and no-drop prosecution policies are sometimes problematic for individual women—who decides what is best for this woman, here and now?—there is also a tension between what is best for individual cases and what is best for the overall movement towards gender justice. Stark (1996) makes the case that mandatory arrest policies do "work" because they demonstrate to society that battering is wrong and punishable. (See also Bowman 1992.) Whether or not the policies work to reduce recidivism in specific batterers (which was the initial, now disputed, claim for the policy), these policies do serve to openly withdraw the consent of the criminal justice system for wife abuse. No longer can men count on police and the courts simply to look the other way. Now, batterers will be held accountable for their behavior, even if there is no specific, measurable deterrent effect. Sometimes they will be held accountable.

In Clinton County, "Dora", who uses a wheelchair, is dependent on "Sam" both economically and physically, since they live in a second-story apartment. She was literally helpless when he tore the phone out of the wall, assaulted her, and refused to carry her downstairs for several days afterward. When Sam was arrested, he pled guilty to misdemeanor charges of unlawful imprisonment and assault. He, like Joe, was placed on probation and ordered to the batterers' intervention program. And there was a "no-contact" order of protection issued. Very soon, Dora returned to court—with the assistance of STOP DV staff—to seek a modification in the order to allow contact. The probation officers strongly suspected, but could not prove, that Sam was living again with Dora in violation of the order of protection and of his probation conditions.

The judge was not pleased with her request, but recognized the predicament Dora was in. He ordered advocates to arrange for Dora to be visited every day by some agency's personnel. These official visitors were to verify that the phone was in good working condition and that there were no signs of assault on Dora. They were to report to the advocates who were to report to the Court. Note that in this rural area, services for people with disabilities are minimal; indeed social services of any kind are minimal. A patchwork plan was hastily drawn up and the judge modified the order of protection after reviewing the plan. Sam remains under probation supervision and must finish the batterers' program. Dora is safer than she was, with both Sam's probation and her visitors, and she continues to have Sam's support.

Yet, in this case Sam does get away with abuse. While it seems his behavior has changed (at least for the time he is on probation) his punishment is minor for such a serious crime (assault and imprisonment), and Dora remains in some danger. There is not much here in the way of profound social messages against violence. However, sending that message in this case would have meant extraordinary difficulty for Dora's daily life. She, like Selena with Joe, wanted a relationship with Sam but without violence. Indeed she, like Selena, has since married her abuser. She believes she has gotten what she needs, and is not concerned about not having sent that message to society.

DART members are often in a quandary about how to proceed with a specific case: do what the victim wants? or do what is right according to some abstract sense of justice? In Selena's case, the abstract justice won; in Dora's case, it lost. Because of their differing agency policies and mandates, moreover, DART members often disagree about what ought to be done. This dilemma is not merely academic; it affects the everyday decision-making process. And it affects how well agencies work together in a team such as DART.

The dilemma also affects evaluation. One of the aims of the grant program funding this research was to develop outcome measures other than recidivism. (In this county, remember, the numbers are too low to allow us to conduct a statistically sophisticated outcome evaluation of any kind.) One possible outcome measure is the degree to which victims are safer; another is the degree to which victims are satisfied. Arguably, neither Dora nor Selena is much safer in the long term than they were, certainly neither will quickly use again the protection the police offer. One is somewhat satisfied with the system, one is not at all happy. It would be difficult, therefore, to say whether or not the program "works".

Both abusers continued to be abusive after the CJS intervention. Yet both victims later married their abusers. No size data set will allow us to answer this question. It is a difficult policy, value decision whether to empower individual women, even at the cost of abstract justice, or to approximate abstract justice even at the cost of individual women's best interests. It is a policy judgment currently being made case-by-case at the level of the front-line worker.

This case-by-case quality, moreover, has implications for how well policy innovations in this area "take", to what degree they become routinized and institutionalized.

The Problem of Institutionalizing Social Change Programs

Any social movement, large or small, is faced with the problem of institutionalizing social change. The energy required to effect even small changes is enormous and, so it seems, eventually unsustainable. And change is not safe until it is woven into the fabric of society, until it is firmly institutionalized. However necessary, there are real dangers in this process. Change and changers have often been co-opted and/or given only superficial endorsement by powers-that-be. In merging with existing institutionalized norms, radical changes get diluted and compromised. And yet, this merging must happen (Schechter 1983; Reinelt 1995).

On a more mundane level, changes in day-to-day procedures must also be routinized and normalized. This requires both an attention to detail and perseverance, even obstinacy, that can overwhelm almost anyone.

In the beginnings of DART in Clinton County, there was an unusual collection of feminists in high places and other officials willing to sign on to innovative anti-violence programs. The director of probation and the elected district attorney were both strong women interested in addressing domestic violence as a community problem. And they were able to attract high-energy people to key positions in the newly forming Taskforce on Domestic Violence. The earliest members of DART were all dedicated to the issue and eager in their roles. Also important was that the city court judge is not an ideologue of the left or right, but instead looks for the problems that underlie crimes, trying to find resources for solving those problems. He apparently sees DART as an important set of resources. (It is less clear that other magistrates use DART to any degree and that is a problem as we shall elaborate.)

However, since the institution of DART, the feminist director of probation has left the county for a state-wide position—terrific for the state but not so good for the county. The department initially had difficulty filling the position, and finally promoted in-house. Though the current director is supportive of the existing grant, there is unlikely to be further innovation. Because of funding difficulties currently (as of September 2001, it is unclear that the DART grant will be renewed), DART members housed at probation are being shifted around to other caseloads, and the taskforce coordinator has been laid off. Long-time probation personnel are of the opinion that the former director would have found a way to keep the program alive, with existing or with alternative funding. Whether that assessment is true or not, the current director has so far not kept the program fully alive. There is now, as of September 2001, only one PO

with a dedicated DV caseload, and his caseload numbers have doubled. His active caseload is now over 100 (instead of 50-60) and new PSI orders arrive daily. It is ironic that the increased attention to DV in the DA's office will mean more DV probationers, but now these probationers will get less supervision.

The funding is a major issue, of course. The Clinton County Legislature, for unclear reasons, has a blanket policy that positions originally funded on a grant will not be continued with regular county funds. Thus, no matter how useful anyone sees DART to be—or any other grant-funded program of any sort—the County will not make it a regular program.

There is also the likelihood that the current DA will, sooner or later, not be elected again. Speaking sooner, the upcoming election this November may be difficult for her to win. The more traditional, Republican politician running against her will likely be much less willing, should he win, to have a DV case coordinator with such influence over the decision to prosecute and the process of the prosecution—especially if that position must be creatively funded as now seems likely. And a new DA may be quite unwilling to endorse the prosecution of violations by lay advocates (the STOP DV Legal Advocate)—a key, though unrealized, feature of the original DART grant.

The current City Court judge, too, is in a precarious position as an appointed official. Other judges may not be as open to the approach taken by this coordinated community response team, as many of the justice court magistrates have not been. Indeed, the City is contemplating making the position full-time, and the current incumbent does not want to be a full-time judge. If this change goes through, there will be a new judge. That the judge will work so closely with remaining DART personnel is unlikely. That remaining, overworked DART personnel will have sufficient energy to establish a close working relationship with a new judge is also less likely.

Furthermore, early players of DART have left. The replacements are competent, to be sure, but not all share the fervor of the original team. Critically, the first Legal Advocate left just as we began this evaluation. She was, indeed, driven by this issue and put the needs of clients and DART itself above the bureaucratic requirements of her agency. Replacements have not done that. Their loyalty has been to the agency policies, which is a perfectly understandable stance to take. However, it has caused some friction within DART. Specifically, STOP policies require strict confidentiality. The newer legal advocates—there have been four individuals rotating through the position during the time of the evaluation study—have been unwilling to share information that might have aided in prosecution and probation supervision unless the victim had specifically granted permission. Again, this is perfectly legitimate from the standpoint of the agency—confidentiality is very important to victim services—but it has caused friction among DART members, and arguably has lessened the effectiveness of the criminal justice response.

Another very critical change in personnel occurred when the original DV PO left for a position with parole—a reasonable career move for him. He had been the director of the local batterers' program before being asked to come to probation. While at probation, he had developed a very strong in-house policy for supervising DV offenders, also serving on a

statewide taskforce on probation and DV. This incumbent was meticulous, even zealous, in monitoring the safety of victims. (The in-house policy required, among other things, that any probationer with issues of domestic violence be transferred to the DV unit; this policy has not been enforced.)

Though the replacements and additions (there were at one time three DV POs) have all been competent, they have lacked the depth of knowledge of the original PO and some lack the depth of commitment to the issue. It is too soon to say, though, if these changes in personnel have made a difference in, say, the frequency of VOPs filed. (The departure has occurred only recently; we will follow-up with this in upcoming reviews of probation files, even after our grant ends.) And given the current funding difficulties, the replacements will have larger and more varied caseloads rather than a strictly DV portfolio.

Innovations like these programs must be able to survive "mere" competence, must survive a loss of revolutionary zeal. It is our judgment that, at this point in time, the programs cannot survive; they are not yet a firm enough part of the judicial system in this county. The programs, of course, have enemies—many defense attorneys are openly hostile to the programs—but the primary danger is business-as-usual, usual before the added attention to domestic violence. Without the fire and zeal, agencies and people in them easily slip back to a less aggressive response.

This survival is made more unlikely by the lack of written policies and procedures. DART personnel have been largely caught up in day-to-day, case-by-case crises and have not done much to write policies and have them approved and instituted. The New York State Office for the Prevention of Domestic Violence also ran a training in 1999 for the county-wide taskforce, encouraging each participating agency (DA, STOP, Probation, DSS, County Health, NYSP, PPD, etc.) to develop and share formal DV policies. While there have been some minimal attempts to do this, for the most part these policies either do not exist or have not been endorsed from the top. As Pence and McDonnell (1999) and Frisch and Caruso (1996) point out, without support at all levels and without "build[ing the new] practice into everyday work routines" (Pence & McDonnell 1999:49), policy implementation is severely compromised. That building process has not occurred.

We believe that as long as the current City Court judge is sitting, that court will operate generally in keeping with the intent of the DART programs; however, the lack of funding will likely mean that DART members will not attend court regularly to give the judge the up-to-the-minute information he has been using. Already, the special DV-docket on Friday mornings is being diluted. The judge has a difficult time getting attorneys to take assigned counsel cases—the pay is very low. Consequently, he listens to attorneys' complaints and tries to accommodate them. Defense attorneys, not unreasonably, have not liked the Friday dockets. When a client tells the judge that he has been attending the batterers' program as he promised, the defense attorney does not like it when the VIP representative is right there to contradict that representation. Defense attorneys would prefer that no such phalanx of DART-related personnel be in court to give the judge information problematic for their clients. Without constant DART

attention to the special docket, it is quite likely that this feature, useful for the judge and for holding offenders accountable, will fade due to the judge's other needs.

And the town courts are another story altogether. These courts have not been welcoming to the vigorous prosecution of domestic violence. There is no special DV docket, and members of DART rarely attend sessions, and never attend in the numbers typical of City Court. Since most of the residents of the county fall under the jurisdictions of these courts, this means that the majority of women will continue to be at a disadvantage in having their abusers successfully prosecuted. Recall the case of Ben recounted in the section above, in which the VOP charges were dismissed. Without a zealous probation officer, these charges might not get reinstated.

In another town court example, a matter had been before a magistrate several times without disposition. The Assistant District Attorney assigned to that town court had missed the last appearance. This is not so unusual; this ADA is part-time and no town court is attended by an ADA every time it meets. There are not enough ADAs and too many meetings. The judge threatened that if the ADA was not present the next time, he would dismiss the case. This case was a brutal assault and would likely have been charged as a felony and moved to county court after the preliminary hearing in town court. In this instance, the District Attorney herself appeared in court, but this is a highly unusual event. More often, cases are, indeed, dismissed without much notice.

At a meeting of the countywide taskforce, the chair of the magistrates' association was very blunt that the magistrates did not appreciate the increased attention to domestic violence matters. Many of them, he reported with approval, believed that women ask for orders of protection and bring prosecution primarily as a means of "getting even", and not because they are truly in danger. The magistrates certainly did not appreciate, he said, criticism of their views of and responses to the issue. When we, the authors, met with the magistrates at the beginning of the research project, one was very specific that he regarded orders of protection as unreasonable, since the accused had not been proven guilty yet. Another later told me that joint counseling was better than arresting the batterer. Remember that these magistrates are elected from their rural towns and have had no legal training prior to election. The only educational requirement is a high school diploma. Websdale (1998) argues that rural patriarchy is alive and well, and that that augurs ill for women seeking redress. This rural patriarchy is compounded by rural smallness. Often in court, the judge will comment on the offender's or victim's family: "I saw her mother in church yesterday." "Your parents know me well enough to tell you that I mean business." While this can have positive implications, most often it means that a neighbor/judge will err toward keeping the family together rather than incarcerating the abuser.

Our limited quantitative analysis showed no differences between town courts and the more active City Court in terms of guilty offenders being sentenced to jail or probation. However, there was a difference in the numbers being required to attend VIP as a condition of a CD or ACD disposition. The City Court judge used this option much more frequently. If VIP works—and that's a big 'if' (Davis & Taylor 1999; Edleson 1996; Mederos 1999)—offenders in towns have much less opportunity to reform. Regardless of demonstrated effectiveness, though,

a sentence including VIP demonstrates an effort by the judge to retrain violent men, an effort not being made to the same degree by the town justice courts.

The town courts, then, are clearly in need of zealous intervention if the DART reforms are to work for the whole county. In the first two versions of the DART grant, the idea for the legal advocates was to be a presence in the town courts. They were to monitor the courts, speaking with the justices, and representing victims as much as possible. However, newly hired advocates, whose job it is to monitor those courts have been reluctant to travel the many miles and be away the many evenings required to even minimally monitor the courts. Remember that there are eighteen town courts with weekly or biweekly sessions. The advocates have argued that since most of the time matters are adjourned, attending court is a waste of their time unless they are certain a specific case will be dealt with. However, it has been next to impossible to obtain the dockets for the town courts in advance, and even the ADAs are not sure of when cases will actually be on. This was, indeed, an issue, even for us. We attended one tiny court knowing that a particular case would be heard, only to have the defendant and his lawyer as no-shows. A letter was to be sent to the lawyer and the case rescheduled for two weeks hence, and we all went home. The advocates are competent, but they are making decisions based on their own needs for a manageable job rather than with the fervor for the cause that characterized the early team.

Without a more or less constant presence, though, most town justices are likely to do business as usual. Though some of the magistrates have attended some DART-sponsored training on DV, that training has been hit-and-miss. Without either written policies (there are none) or careful vigilance from DART or other advocates, these courts are likely to operate as they always have, often recommending joint counseling rather than VIP for the offender only. Please note here that some of the justice court magistrates are very good on the issue and have been very cooperative with DART and its aims. It is just that there is little consistency across towns in the county.

In this small-town county, people in the CJS know the "usual suspects". This may be work well enough, until there is someone new in the chain of command. The current DV case coordinator in the DAs office is very knowledgeable about current and past cases and connections among players. If—when—she goes, that detailed memory goes with her. The original DART grant included money to develop a tracking system for offenders. For various technical and financial reasons, that system has not been developed. There is, then, no official memory; only the informal, however terrific, individual one. Because of the lack of official policies and records, new incumbents to these positions would be starting over.

One danger for the movement here is that, like a virus that develops new forms resistant to antibiotics, if DART programs can be tamed and toned down in the county, any later, more aggressive programs may meet with harsher resistance. "Hey, we tried," the argument might be made, "and it didn't work."

In terms of research, the recent turn of events—the resignations and lack of continued funding—gives us an opportunity to see what happens after. We believe we will still have some

access to probation and DA records even after our own funding is finished—if there are no more changes in agency leadership. We can test for various changes, such as a decrease in probation revocation hearings or a decrease in prosecutions for DV. This will make the case more clearly that DART was an effective program. However, that experiment would not serve Clinton County well.

Conclusions and Summary: Clinton County DART

In summary, there *are* a number of features of Clinton County's Domestic Abuse Reduction Team that are promising and replicable. There are also pitfalls and lessons to be learned.

1. **Probation** with intensive supervision and frequent violation and revocation proceedings.

   This requires the cooperation of judges, both in sentencing and in revoking probation. The supervision should be more intensive than is usual for most probation, and must include predictable violation and revocation proceedings for failing to meet probation terms. It is also important that probation officers be knowledgeable about the dynamics of intimate partner violence, and about both offender and victim reactions. Probation officers should be available to victims.

2. **DV case coordination across court jurisdictions**, with careful official documentation and tracking of cases.

   Attention must be paid to cases by an expert in domestic violence, so as not to depend on "the whim, memory, or personal commitment of hundreds of people" (Pence & McDonnell 1999:49). As we have seen, though, that was not fully achieved here. "Case management" was reactive rather than proactive and not systematic. Nor was there a systematic tracking and documentation system developed. The dedication and skill of the specific participants *did* allow considerable coordination, and did prevent cases from falling through the cracks.

   Nevertheless, the documentation of cases and procedures would have gone a long way in preserving and institutionalizing the innovations of DART, and would allow for their continuation after particular incumbents leave the job.

3. The **presence** of service-delivery personnel and advocates in court on special DV-docket days or a dedicated DV court, to include representatives from probation, the case-coordinator, the batterers' program, and advocates.

   This was most apparent in City Court, where the judge could question DART members about a specific offender's behavior during any appearances and also arrange for services needed for victims. This presence was not, however, available in the town courts, where it might have helped to alter everyday, unexamined procedures and practices that allow DV to continue without condemnation.

4. Regular meetings among front-line personnel to **coordinate and manage specific cases**, both in terms of prosecution and probation, and in terms of victim safety and needs.

   With the full participation of advocates through established procedures, attention to the needs of victims, as well as to the system's needs for successful prosecution, would be routinely and regularly paid. Again, though the individual members of DART did achieve a great deal in this regard, proactive case management and specific documented procedures for doing such management would have helped avoid some interpersonal issues that arose, and would have helped to institutionalize the practices, which are now in great jeopardy.

Further Research

Since probation seems to be promising, more research specifically measuring both the offenders' responses (recidivism or 'reform') and the victims' responses (empowerment, safety) is indicated. Studies done with larger numbers (probably in urban areas) can do more formal assessments of outcomes, measuring both recidivism and victim safety. However, the unique features of rural areas also need continuing attention.

Further study, here in the North Country and elsewhere, needs to be done on how programs such as DART fare over a longer term. Given the changes coming in Clinton County, we expect that many of the reforms of DART will fade, sooner rather than later. This we can monitor, alas. In other jurisdictions, research can add to the knowledge about what happens to programs over time and what works best for keeping the reforms alive and useful. Outcome measures taken over a period of many years can add to our knowledge of how well such programs work to reduce domestic violence, not only in terms of individual recidivism, but in terms of large-scale reductions in that violence.

More research and thinking should be done about victim empowerment and the contrasts between an individual woman's needs and the needs of the system. This dilemma should be a part of policy formulation—how can both sets of needs best be met? Clearly, the criminal justice system alone cannot achieve women's empowerment. Such an achievement on a large scale would require more job opportunities, greater levels and quality of child-care, the availability of social services, educational opportunities, and other community support. We can do more research on how these other institutions work with (or do not) the CJS in reducing domestic violence. Again, of course, the special aspects of rural communities need to be analyzed.

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APPENDIX 1
Victim Interview Instrument

Date_____
Time_____
Interviewer_____
Place_____
Recorded? ☐ Yes ☐ No

Thank you for agreeing to talk with me today. Remember your participation is voluntary; nothing about your case depends on you doing this. You do not have to answer any question you don't want to, and you may stop the interview at any time. Your responses will not be reported individually to anyone in the criminal justice system.

We will disguise your story with false names and places. What first name would you like to be called by today? _____

We want to ask about the **most recent** act of domestic violence against you. An act of domestic violence can include threats, emotional abuse, physical attack or any other harmful behavior done to you by a husband, boyfriend, or ex-husband or ex-boyfriend. For the following questions, we are going to refer to the person who committed the act as "the offender".

1. About when did this most recent act occur?

_____

2. What is your relationship to the offender?

_____

3. Were you living with the offender at the time of the act?
☐ Yes ☐ No

4. How long have/had you been in a relationship with the offender?

_____

If no longer in the relationship, how long since you split?

_____

5. Do you and the offender have children together?
☐ Yes ☐ No

If yes, how many and what ages?

_____

6. Describe what happened: [**Int**: jot notes but remember the tape recorder is on!]

_____

_____

_____

Prompts, if necessary (coding)

- ☐ Verbal abuse
- ☐ Physical attack
  - ☐ Slap, punch, kick
  - ☐ Choke, strangle
  - ☐ Shoved
  - ☐ Pulled hair
  - ☐ Bit
  - ☐ Pinch
  - ☐ Burn
- ☐ Threats (to you? someone else? Re custody?)
- ☐ Property damage
- ☐ Attempt to enter home without your permission
- ☐ Chronic phone calls
- ☐ Restrict your leaving
- ☐ Stalking (following you, gathering info about you)
- ☐ Were weapons involved? _____

7. Where did the act occur? (home, work, store, bar, etc.)

_____

8. Why do think he did this?

_____

_____

_____

9. Was this the first time anything like this had happened? ☐ Yes ☐ No

If "no", how often does this kind of thing happen? [Probe but leave open-ended]
Every day?
Once a week?
Once a month?
A few times a year?

How long has this been happening?

_____

Is there a regular pattern? [Probe for periodicity]

_____

[Probe for different types of abuse—i.e., if now assault, probe for previous verbal abuse]

10. Going back to this most recent act, were the police called?
☐ Yes ☐ No
Q 12 **Q 11**

11. If no, why did you decide *not* to contact the police?

[Open-ended with probes below]
☐ Afraid of offender
☐ Don't trust the police
☐ Don't trust the courts, the system
☐ Embarrassed
☐ Concerned for children
☐ Other _____-

[GO TO QUESTION 32]

12. If yes, who called them?
- ☐ Interviewee
- ☐ Child
- ☐ Witness (specify_____)
- ☐ Other (specify_____)

13. Which police?
- ☐ State Police
- ☐ Village Police
- ☐ City Police
- ☐ Other _____

14. When were they called?
- ☐ During
- ☐ Within 1 hour
- ☐ Within 24 hrs
- ☐ 1 day or more after

15. Did the police come to the scene? ☐ Yes ☐ No

16. How long did it take for them to arrive? _____

17. Was offender present when they arrived? ☐ Yes ☐ No

18. Were witnesses present when they arrived? ☐ Yes ☐ No

19. Were the officers known personally to you or anyone present, especially the offender?
- ☐ Yes
- ☐ No

Who knew whom? _____

20. Whether at the scene or later, did you speak with a police officer?
- ☐ Yes
- ☐ No

21. Did you tell the police everything about what the offender did and has done?
- ☐ Yes
- ☐ No

Why not?

[Open-ended with probes below]
- ☐ Afraid of offender
- ☐ Don't trust police
- ☐ Embarrassed
- ☐ Concerned for children
- ☐ Attitude of officer
- ☐ Other _____

22. When you spoke with the police, what were you hoping the police would do?

_____

[Open-ended with probes below]
- ☐ Warn the offender
- ☐ Protect you, your child(ren), or others present
- ☐ Get the offender to stop his behavior
- ☐ Remove the offender from the household
- ☐ Arrest the offender
- ☐ Do something else? Specify_____

23. What did the police say to *you*? Did they:

- ☐ Ask you what *you* wanted to see happen
- ☐ Ask you if you wanted the offender arrested
- ☐ Tell you they were going to arrest the offender regardless of your wishes
- ☐ Did they believe you?
- ☐ Did they make negative comments:
  - ☐ About you?
  - ☐ About him?
  - ☐ About your case?
- ☐ Other _____

24. Did the police treat this as a crime? ☐ Yes ☐ No

25. What did the police say or do to the offender?

_____

[Open-ended with probes below]
- ☐ Arrest the offender
- ☐ Take the offender away
- ☐ Give him an appearance ticket
- ☐ Tell the offender to leave
- ☐ Give the offender a warning
- ☐ Tell him to stop what he was doing
- ☐ Advise the offender to get counseling
- ☐ Side with him?
- ☐ Don't know
- ☐ Other _____

26. What was the offender's behavior like when police arrived? Was it different than before?

_____

27. Did you feel safe after the police were there and left? ☐ Yes ☐ No
Why (not)? Has there been any further abuse/violence?

_____

_____

_____

28. Are you glad the police came? ☐ Yes ☐ No
Why/not?

_____

_____

29. About how many times have the police been involved with acts between you and the offender (before this act)?

☐ Never
☐ Once or twice
☐ 3 to 5 times
☐ 6-10 times
☐ 11 or more times

30. How satisfied are you with the way the police handled this act?

1	2	3	4	5
Very Satisfied		Somewhat Satisfied		Not at All Satisfied

Why (not)?

_____

_____

_____

31. Would you call the police again if this ever happened in the future? ☐ Yes ☐ No

Why (not)?

_____

_____

NOW I'D LIKE TO ASK YOU SOME QUESTIONS ABOUT ORDERS OF PROTECTION.

32. Do you currently have an order of protection against the offender? ☐ Yes ☐ No

[IF "NO", GO TO QUESTION #48.]

33. If Yes, did anyone assist you in getting the OP? ☐ Yes ☐ No

Who? _____

34. Where issued/what court? _____ Judge _____

When? _____

35. Are the terms for "no contact" or "refrain from"? [Circle]

36. Have you asked to have it modified in any way? ☐ Yes ☐ No
Did the judge modify as you asked? ☐ Yes ☐ No

What happened to make you ask? _____

_____

37. Did anyone try to talk you out of getting the OP? ☐ Yes ☐ No

[Open-ended with probes below]
- ☐ Offender
- ☐ Family
- ☐ Friends
- ☐ Police
- ☐ Court personnel
- ☐ Judge
- ☐ Other _____

38. How easy or difficult was it to get the OP?

_____

_____

Was the court schedule convenient for you? ☐ Yes ☐ No
Did you have any transportation problems? ☐ Yes ☐ No

39. Did you or the offender know the judge personally? ☐ Yes ☐ No

Who knew whom? _____

40. Did the judge believe you? ☐ Yes ☐ No

If "No", what did he/she say?

_____

_____

41. What do you hope the OP will do?

_____

_____

[Open-ended with probes below]

☐ Really keep him away from you ☐ Punish him

☐ Keep you safer ☐ Help you get custody of children

42. Have you talked about the OP with the offender ever? ☐ Yes ☐ No
Why? What was said?

_____

_____

43. Do you think the offender believes he has to obey the order? ☐ Yes ☐ No

44. Has the offender ever violated the OP? ☐ Yes ☐ No

45. What happened that was a violation? When? How often?

_____

_____

46. Were the police called? ☐ Yes ☐ No
Why (not)?

_____

_____

What happened? Was he arrested? ☐ Yes ☐ No

_____

_____

47. How satisfied are you with the OP?

1	2	3	4	5
Very Satisfied		Somewhat Satisfied		Not at All Satisfied

Why (not)?

_____

_____

48. If no OP, why not? _____

_____

[Open-ended with probes below]

- ☐ Didn't know about OP
- ☐ Can't get to court

- ☐ Don't want one Why not?

_____

_____

[Open-ended with probes below]

- ☐ Afraid of offender
- ☐ Don't trust courts, system
- ☐ Embarrassed
- ☐ Concerned for children
- ☐ Talked out of it by someone (specify_____)
- ☐ Other

NOW I'D LIKE TO ASK YOU SOME QUESTIONS ABOUT COURTS AND THE PROSECUTION OF YOUR CASE.

49. Have you talked with Michele Bowen or anyone else from the District Attorney's Office about your case?

☐ Yes ☐ No
Q 51 **Q 50**

50. If "No", do you want your case to be prosecuted? ☐ Yes ☐ No

"NO": Why (not)?	"YES": What do you want to have happen through the courts?
[Open-ended with probes below] ☐ Afraid of offender ☐ Don't trust courts, system ☐ Embarrassed ☐ Concerned for children ☐ Attitude of DA representative ☐ Other _____	[Open-ended with probes below] ☐ Scare him ☐ Punish him ☐ Keep him away from me ☐ Get him help ☐ Stop him from hurting others ☐ Protect myself ☐ Nothing ☐ Other _____

_____

_____

[GO TO Q 66]

51. Did you tell them everything about your case? ☐ Yes ☐ No
Why (not)?

_____

_____

NO: [Open-ended with probes below]
- ☐ Afraid of offender
- ☐ Don't' trust courts, system
- ☐ Embarrassed
- ☐ Concerned for children
- ☐ Attitude of DA representative
- ☐ Other

YES: [Open-ended with probes below]
- ☐ To stop abuse
- ☐ To punish him
- ☐ To protect children
- ☐ Because of support of friends, family
- ☐ Attitude of DA representative

52. Did the DA's Office: [Check if 'yes'.]

- ☐ Encourage you to go forward with the case?
- ☐ Show reluctance to pursue the case?
- ☐ Explain the court process to you?
- ☐ Keep you up-to-date with progress and court dates, etc.?
- ☐ Do what you wanted done

53. How satisfied are you with the way the DA handled this act?

1	2	3	4	5
Very Satisfied		Somewhat Satisfied		Not at All Satisfied

Why (not)?

_____

_____

54. Has your case gone to criminal court? (Not for the OP but for the crime.)
☐ Yes ☐ No **[GO TO QUESTION 66]**

What court? _____
What judge? _____
When? _____

55. Did you or the offender know the judge personally?
☐ Yes ☐ No

Who knew whom? _____

56. Was there a hearing or trial? ☐ Yes ☐ No **[GO TO QUESTION 59]**

Did you testify? ☐ Yes ☐ No
Why (not)?

_____

[Open-ended with probes below]
- ☐ Afraid of offender
- ☐ Don't trust courts, system
- ☐ Embarrassed
- ☐ Concerned for children
- ☐ Attitude of DA representative
- ☐ Other

57. Did the judge:

- ☐ Believe you?
- ☐ Discourage you from going forward with the case?
- ☐ Side with the offender?
- ☐ Suggest counseling for you, him, or both of you?
- ☐ Treat the act seriously as a crime?
- ☐ Other _____

58. What was the outcome of the case? (Or what is happening at the moment?)

- ☐ Adjourned (why? 'til when?) _____
- ☐ Plea bargain ☐ Yes ☐ No
- ☐ Trial: Conviction? ☐ Yes ☐ No

What was the sentence (or plea bargain):

- ☐ Probation ☐ Jail
- ☐ VIP ☐ Other treatment _____

- ☐ Conditional Discharge ☐ ACD

(Specify conditions)_____

59. Has the court or DA's office kept you informed of what is happening?

☐ Yes ☐ No

60. What did/do you want to have happen through the court?

_____

_____

_____

[Open-ended with probes below]

- ☐ Scare him
- ☐ Punish him
- ☐ Keep him away from me
- ☐ Get him help
- ☐ Stop him from hurting others
- ☐ Protect myself
- ☐ Nothing
- ☐ Other

☐ Probation ☐ Jail ☐ VIP ☐ Other treatment

61. Do you feel safer now than before going to court? ☐ Yes ☐ No
Why (not)?
Has there been further violence/abuse since the court date?

_____

_____

62. Were the procedures used by the court fair to you? To him? In what ways?

_____

_____

63. Was the outcome of your case fair to you? To him? In what ways

_____

_____

64. If such an act happened in the future, would you pursue a criminal court case?
Why (not)?

_____

_____

[Open-ended with probes below]
- ☐ Afraid of offender
- ☐ Don't trust courts, system
- ☐ Embarrassed
- ☐ Concerned for children
- ☐ Attitude of judge

65. How satisfied are you with the way the courts handled this act?

1	2	3	4	5
Very Satisfied		Somewhat Satisfied		Not at All Satisfied

Why (not)?

_____

_____

NOW I'D LIKE TO ASK YOU SOME QUESTIONS ABOUT PROBATION.

66. Is the offender now on probation? (Or has he been recently for DV-related offense?)
☐ Yes ☐ No
Starting when? _____
For how long? _____

67. Have you had any contact with the probation officer? ☐ Yes ☐ No

Has she/he kept you informed? ☐ Yes ☐ No
Did she/he tell you when/if the offender got out of jail? ☐ Yes ☐ No
Listened to your concerns and acted on them? ☐ Yes ☐ No

68. What would be the safest way for the probation officer to contact you?

_____

69. Since this probation, is the offender now:

☐ Less abusive towards you? ☐ More abusive?

☐ Following probation conditions?
☐ Concerned about the consequences of not following the probation conditions?

70. Would the offender be less abusive if he knew you were in contact with the probation officer? ☐ Yes ☐ No

_____

71. Do you feel safer with the offender on probation? ☐ Yes ☐ No

As opposed to him being in jail? ☐ Yes ☐ No
As opposed to him being released without probation? ☐ Yes ☐ No

72. In general, are you satisfied with the probation of the offender?

1	2	3	4	5
Very Satisfied		Somewhat Satisfied		Not at All Satisfied

73. What could the probation officer do to help you in this situation? What would be the most helpful things?

_____

_____

NOW I'D LIKE TO ASK YOU SOME OTHER QUESTIONS.

74. Considering this most recent act, have you told friends and/or family about it?
☐ Yes ☐ No

Who? _____

Did you tell them everything? Why (not)? _____

_____

75. Have you used other services for help in this situation?
How satisfied are you with those agencies?

	Very		Somewhat		Not at all
☐ STOP Domestic Violence	1	2	3	4	5
☐ Social Services	1	2	3	4	5
☐ Clergy	1	2	3	4	5
☐ Health-care provider	1	2	3	4	5
☐ Alcohol treatment (for you)	1	2	3	4	5
☐ Other: _____	1	2	3	4	5

Comments: _____

_____

76. If not, did you know about the services? ☐ Yes ☐ No
Were you able to get access to the services? ☐ Yes ☐ No

77. How helpful have these people been to you?

	Very		Somewhat		Not at all helpful
Friends	1	2	3	4	5
Family	1	2	3	4	5
Victim services (STOP)	1	2	3	4	5
Police	1	2	3	4	5
DA	1	2	3	4	5
Probation	1	2	3	4	5
Court system	1	2	3	4	5

Which have been most helpful
1. _____
2. _____
3. _____

78. What kinds of help have been most useful to you in this process?

	Very				Not at all helpful
Shelter	1	2	3	4	5
Advice about legal options	1	2	3	4	5
Listening/counseling	1	2	3	4	5
Going with you to agencies, court, etc.	1	2	3	4	5
Financial assistance	1	2	3	4	5
Talking to him for you	1	2	3	4	5
Talking to agencies for you	1	2	3	4	5
Babysitting	1	2	3	4	5
Other _____	1	2	3	4	5

Which have been most helpful
1. _____
2. _____
3. _____

79. How much did you know, before this act, about the services available to women in your situation? How did you know about them?

_____

_____

80. Is there anything else you would like to tell us about your experience?

_____

_____

81. Is there anything you'd like to ask about our research or about services available to you?

_____

_____

NOW I'D LIKE TO ASK SOME QUESTIONS ABOUT YOU AND THE OFFENDER.

82. What is your age? _____ What is the offender's age? _____

83. Education:

YOUR OWN	OFFENDER
☐ Less than high school	☐ Less than high school
☐ High school	☐ High school
☐ GED	☐ GED
☐ Some college	☐ Some college
☐ Associate's Degree	☐ Associate's Degree
☐ Bachelor's Degree	☐ Bachelor's Degree
☐ Master's or above	☐ Master's or above

84. Employment:

YOU	OFFENDER
☐ Part time (hours/week) _____	☐ Part time (hours/week) _____
☐ Full time	☐ Full time
Occupation: _____	Occupation: _____
How long have you been (un)employed? _____ [i.e., has this changed since the act?]	How long has he been (un)employed? _____ [i.e., has this changed since the act?]

85. Does the offender support you or your child(ren) in any way?

☐ Yes ☐ No

86. Are you receiving any type of public assistance (food stamps, social security, TANF, disability, etc.)

☐ Yes ☐ No
Specify _____

87. What would you say your annual income is, considering all sources? _____

88. What was your zip code at the time of the act? _____

With your consent, we would like to talk with you again in about three months. May we call you? What phone number should we use?

[Respondent:_____] Number: _____

(tear off)

Thank you very much for sharing your story with us. Please let us know if you have any questions, or if there is anything else you'd like to tell us.

Lynda J. Ames, Ph.D.
(518) 564-3303

Katherine T. Dunham, Ph.D.
(518) 564-3374

APPENDIX 2
NYS Domestic Incident Report

NY

DOMESTIC INCIDENT REPORT

Date of Report	Time of Report	Date of Occur	Time of Occur	Address of Occurrence	Apt. No.	Sector	Beat

Compl./Victim's Last Name, First, M.I.	Address	Sex

Birth	Age	Home Telephone	Race	Ethnic Origin
			☐ White ☐ Black ☐ Other ☐ Indian ☐ Asian ☐ Unk	☐ Hispanic ☐ Non-Hispanic ☐ Unknown

Offender/Other Party Last Name, First, M.I.	Address	Sex

Date of Birth	Age	Home Telephone	Race	Ethnic Origin
			☐ White ☐ Black ☐ Other ☐ Indian ☐ Asian ☐ Unk	☐ Hispanic ☐ Non-Hispanic ☐ Unknown

Relationship to the Complainant/Victim	Offender Present?	Offense/Incident Involved:	Description
	☐ YES ☐ NO	☐ Fel ☐ Misd ☐ Viol ☐ Other	

Order of Protection?	Violated?	Issuing Court	OP Registry Checked	Expir. Date	Complaint Report Prepared?	Compl. No.	Report Received
☐ YES ☐ NO	☐ YES ☐ NO		☐ YES ☐ NO		☐ YES ☐ NO		☐ Walk-in ☐ Radio Run

Any Weapons Used/Threatened? Type:	Any Injuries? Describe	Aided No.	Removed to Hospital? What Hospital?
☐ YES ☐ NO	☐ YES ☐ NO		☐ YES ☐ NO

Photos Taken?	Arrest Made?	Non Arrest Reason	If Arrest Made, Did Perp. Resist?
☐ YES ☐ NO	☐ YES ☐ NO	☐ No Offense Committed ☐ Not at Scene ☐ Warrant Requested ☐ Other	☐ YES ☐ NO

Charge(s). (List All)	Arrest No.

Family/Household Members Present? If YES, Last Name, First	Date of Birth	Relationship
☐ YES ☐ NO		

Domestic Incident Report Receipt Issued? If NO, Reason:	DV Notice Issued to Victim	Date
☐ YES ☐ NO	☐ YES ☐ NO	

Circumstances of this Case: ☐ Biting ☐ Choking ☐ Destroying Property ☐ Forcible Restraint ☐ Grabbing ☐ Hair Pulling ☐ Homicide ☐ Injury to Child ☐ Kicking ☐ Pulling Phones From Wall ☐ Punching ☐ Pushing ☐ Pushing/Slamming Into Walls ☐ Sexual Abuse ☐ Slapping ☐ Threats With Weapon(s) ☐ Throwing Items ☐ Using Weapon(s) ☐ Verbal Abuse ☐ Other

Narrative of the Incident: (include results of investigation and basis for action taken)

Victim's Statement of Allegations:

False Statements are punishable as a Class A Misdemeanor, pursuant to Section 210.45 of the Penal Law.	Victim's Signature	Date

Other Involved Agency(s)

Is There Reasonable Cause to Suspect A Child May Be The Victim of Abuse, Neglect or Maltreatment? ☐ YES ☐ NO

If Yes, Reporting Officer Must Contact the NYS Child Abuse Hotline Registry # 1-800-635-1522.

Any Guns In The House? ☐ YES ☐ NO Any Guns Seized? ☐ YES ☐ NO

Household Member Have a Pistol Permit? ☐ Yes ☐ No Permit Seized? ☐ YES ☐ NO

Permit No. _____ Issuing County _____

Name

REFERRALS: ☐ Child Protective Services ☐ Licensing Bureau ☐ Adult Protective Services ☐ Domestic Violence Services ☐ Other Outside Agency

Name of Person Notified:

Date: Time: Notified By:

Reporting Officer's Signature (Include Rank)	Officer I.D. No.	Date	
			Page of
Supervisor's Signature (Include Rank)	**Date**		Pages

White Copy - Agency Pink Copy - Victim

DCJS - 3221(1/96)

APPENDIX 3
Report from Neil Websdale

Neil Websdale

4000 East Longley Drive

Flagstaff, AZ 86004

Lynda Ames (lynda.ames@plattsburgh.edu)

Department of Sociology

Plattsburgh

State University of New York

New York 12901

FIELD OBSERVATIONS FROM DR. NEIL WEBSDALE

I base these observations on a five day intensive field trip to Clinton County, which took place in August 2000, and upon various written reports made available to me at that time and since. I reviewed the transcripts from interviews with victims of domestic violence conducted by members of the Clinton County research team. I have also transcribed my own fieldwork interviews and observations, and these inform what follows. Where appropriate I expand upon my observations and include information from the extant research literature on domestic violence.

Clinton County is the most northeastern county of New York, bordering Canada and Vermont. The town of Plattsburgh (population circa 20,000) is the principally municipality in an otherwise rural county with total population around 80,000. Levels of violent crime are relatively low in the county and violent incidents in public stem most often from disputes involving young males in the town of Plattsburgh. Domestic violence is a chronic problem in the community although domestic homicide rates appear to be low.

In response to the chronic problem of domestic violence, the Clinton County Probation and Alternatives to Incarceration Department received an NIJ grant to encourage arrest. This grant essentially provides for the better coordination and strengthening of services to victims of intimate partner violence, the more diligent prosecution of offenders, and the screening that is more careful and supervision of probationers. A Domestic Abuse Reduction Team (DART) emerged to effect some of these changes. This team augments the countywide Taskforce, formed in 1995, and comprising advocates, town justices, city court personnel, state and city police, social service providers, educators, and others. The purpose of the current grant is to conduct a process evaluation of the DART program and its effectiveness. My role as consultant is to contribute insights into the handling and disposition of domestic violence cases and to offer information that might help improve the lot of battered women in Clinton County.

The law enforcement response to domestic violence in Clinton County does not appear to be hampered or compromised by corruption among local police. In some rural parts of the U.S where local law enforcement officers either connive in or ignore the subterranean drug economy, they have not been able to effectively enforce domestic violence laws. This old boys network that centers around marijuana growing, drug manufacture, and drug sales and distribution, particularly in very poor communities, does not appear problematic in Clinton County. Having said this, police officers talked a lot about the role of drug trafficking between Montreal and New York State. None of this should be taken to imply that the rural old boys network is absent from Clinton County. Clearly, victims, their advocates, and other key informants identified the working of a network among men that insulated some batterers from the full force of the law.

Battered women in Clinton County need more outreach services, especially in terms of knowing where to go, who to contact, and what to do about their interpersonal victimization. The communities and terrain are such that many battered women could live without access to or knowledge of services for victims. This tendency may be

exacerbated by the fact that there is no shelter and no culture that tends to grow up around such places. Without a shelter as a springboard for outreach services, a special effort is required to reach women in outlying rural areas. A community of battered women within a shelter system and its outreach services can function as a powerful bridgehead into rural communities and provide a network for other battered women to tap into. Also more conscious attention needs to be devoted to rural issues, culture, transportation, difficult terrain, training and awareness of police and the smaller courts. It is clear from my fieldwork that much of the county is inaccessible and public transportation appears non-existent outside of Plattsburgh. Social isolation appears to be high and this usually presents acute difficulties for battered women, a number of whom likely live with their victimization in extreme isolation.

Within the township of Plattsburgh, battered women are placed in "safe houses" since there is no shelter. Safe houses in a small community such as this are not always as safe as people think, especially in cases that carry a high risk of lethality. Most batterers can easily find out where such safe houses are located. Men I talked with at the batterer's intervention program said as much to me. It is also common knowledge in most small town and rural communities where either shelters or safe houses are located.

Perhaps because of the absence of a shelter and its attendant culture battered women do not figure prominently in the provision of services for victims of intimate violence. This is a problem. When I visited, the local Taskforce had no battered women on it. I met with a group of local battered women and they shared a number of concerns about their voices not being heard concerning service provision. Clearly, battered women in crisis are unlikely candidates for such a Taskforce; however, survivors of longer standing who have lived in the community for a while have much to contribute to these discussions about victim safety, victim services, and batterer accountability. One victim was not recognized as a battered woman. Treatment professionals changed her medications without any discussion of her interpersonal victimization and its effects

upon her mental health. Corrections officers treated this same victim punitively at the jail, again without recognition of her status as a battered woman. She was assessed primarily as a drunk driver and an alcoholic. Her alcohol use was clearly secondary to her battering and ought to have been recognized as such. Another victim complained that CPS told her she should not discipline her child, whereas the city police told her she needed to physically restrain her adolescent daughter. Problems such as these are best addressed through the input of battered women and the assumption of non-judgmental forms of advocacy.

Part of the problem with the lack of access battered women have to the DART initiative is the concentration of the program in the district attorney's office. This office has considerable energy, commitment, and expertise and has taken a bold lead. However, it might be good to share the power around a little more, particularly into arenas that do not include criminal justice professionals.

That the focus of the DART initiative revolves around the criminal justice system is in some ways understandable given the mandate of the grant. While it is admirable to improve the delivery of such services, it is also important to recognize that battering is a social problem rather than merely a criminal justice one. Consequently, in the long term, criminal justice interventions will always be of limited utility. The DART team would do well to broaden its focus to explore issues related to job readiness, education, safe affordable independent housing, childcare, and the availability of job options for battered women. These matters directly affect the choices victims make regarding remaining in their violent relationships.

Broadening the scope of domestic violence interventions is particularly important given social changes in the last five years. Welfare reform put welfare under state control and was a major budget cutting initiative, first projected as saving $54.1 billion by 2002.[1] The 1996 Personal Responsibility and Work Opportunity Act (PRWORA) placed lifetime limits on the receipt of cash assistance to five years or less and made receipt of welfare

contingent upon recipients agreeing to engage in job training, education, or actual waged work for varying lengths of time. Temporary Aid to Needy Families (TANF) replaced AFDC benefits and the number of women receiving welfare declined significantly. Single mothers living in public housing projects are particularly vulnerable to interpersonal violence and abuse[2] and drug addiction.[3] We have known for a long time that welfare does not allow a family to live above the poverty line. Edin and Jencks found that poor black women felt obligated to feed, dress, house, and love their children.[4] However, as Edin and Jencks show from their work in Chicago and Cook County, welfare mothers will develop additional sources of economic support, some of them illegal (crime, prostitution), and not report these supports to welfare authorities. Federal welfare reform legislation prevents any person with a felony drug conviction stemming from offenses committed after August 22, 1996 from receiving TANF or food stamps, unless a state introduces legislation to the contrary. As Hirsch notes, although 27 states eliminated or modified the ban, 23 retain it. Given that many female drug addicts from places such as public housing are also battered women,[5] imposing lifetime bans on the receipt of welfare makes it more difficult for such impoverished, under-educated women to leave violent personal relationships, escape prostitution, and avoid homelessness.

The number of deaths in Clinton County traceable to intimate partner violence appears to be very small. It does not seem that this jurisdiction needs or wants to engage in domestic violence death reviews. However, I would caution that the local DART team has not considered the number of female suicides and the role domestic violence may play in those cases. The county could clearly benefit from a safety and accountability audit, the kind offered by Ellen Pence and colleagues.[6] Specifically, there are concerns within the criminal justice system about the triaging of cases, particularly those cases that appear on the surface to carry a higher risk of violence that is more serious or death. One probation officer I spoke said he thought that some "high risk" offenders were slipping through the cracks. He recommended that some of these offenders needed to be

monitored more closely and, in some cases, should be incarcerated. Certainly domestic violence offenders need to be tracked more carefully. Clearly, there is a need within the jurisdiction for more careful reflection on screening tools in domestic violence cases. Accompanying this there is also a need for a more sustained conversation about how to handle the seemingly "higher risk" cases.

The DAs office uses MOSAIC but screens cases beforehand. This screening seems overly focused on perpetrators and pays less attention to victims. This is a concern because women's safety is best assessed by a comprehensive analysis that involves those women in the creation of dangerousness/risk assessment and in safety planning. At the time of my visit, the case coordinator takes out the cases she thinks are most dangerous and then does a MOSAIC on them. She reports a high number of 8+ on the cases she triages out. However, this is a rather haphazard form of triaging and might be made more systematic. An assessment tool, whichever one they choose, needs to be used on a much greater population of cases and the results combined with local knowledge and experience of case coordinators. Rendering risk assessment more systematic might also indirectly improve security in the courthouse, which struck me as rather weak.

The research into or evaluation of lethality assessments in domestic violence cases is practically non-existent. There is little research on how lethality or dangerousness assessment tools are used, what agencies do with the scores, and how battered women are affected by the instruments.

From my own research (Websdale, 1999), the antecedents that emerge most prominently in domestic homicides are as follows, in order of importance:

* A prior history of domestic violence.

* An estrangement, separation, or an attempt at separation nearly always by the female party.

* A display of obsessive-possessiveness or morbid jealousy on the part of the eventual perpetrator; often accompanied by suicidal ideations, plans, or attempts; depression (clinical or

more rarely, psychotic); sleep disturbances (sometimes under treatment medically), and stalking of the victim.

* Prior police contact with the parties, more so in cases of single killings; often accompanied by perpetrators failing to be deterred by police intervention or other criminal justice initiatives.

* Perpetrator makes threats to kill victim; often providing details of intended modus operandi and communicating those details in some form or other, however subtle, to the victim herself, family members, friends, colleagues at work, or others.

* Perpetrator is familiar with the use of violence and sometimes has a prior criminal history of violence. Included in this group are a small but significant number of killers who have both access to and a morbid fascination with firearms.

* Perpetrator consumes large amounts of alcohol and/or drugs immediately preceding the fatality; especially in cases of single killings.

* Victim has a restraining order or order of protection against perpetrator at time of killing.

However, the DART team would do well to bear in mind the following caveats:

* No instrument, however thorough, however seemingly in-tune with research findings, should form the exclusive basis for safety planning for victims. Rather, the predictive formula produces a score or risk assessment that ought to only be used in concert with other information, including the intuitive feelings of advocates who have worked with women and perhaps lived similar experiences.

* Risk assessment scores should not substitute for listening to battered women and learning about the complexities of their personal lives and broader social circumstances. Police officers who administer risk assessment tools ought not use these instead of working closely with women. Likewise, probation officers and prosecutors ought not base their work with battered women on raw scores alone. Rather, raw assessment scores might be integrated into an overall non-judgmental strategy of advocacy and care.

* Battered women ought not to be filling out these instruments in close proximity to batterers. Batterers can become enraged at the sharing of what they perceive as private and privileged

family information. The practice of sending battered women home with a risk assessment instrument so that they can complete it in a "relaxed atmosphere" and then return it to a police department is dangerous. While police may feel batterers are safely behind bars, this may not always be the case. If he is released under unusual circumstances and discovers a completed instrument, the victim could be in grave danger.

Ideally, rather than producing a "foolproof" predictive instrument, it would be better to train those involved in providing services to battered women in the intricate dynamics of domestic violence. However, in the real world where funding is short, where many agency players do not know much about domestic violence or are hostile to learning because they think, "she should just leave him," the instruments clearly have their uses. Consider the following:

* Any thoughtful instrument has the potential to enlighten those who know little about the plight of battered women. As such, the instruments expose players like police and probation officers to issues that they may not otherwise consider or have been trained to think through.

* Risk assessment instruments may not only be an educational tool for service providers. They may also provide a touchstone for victims themselves as they seek to strategize about their futures and those of their children. This is not to say that battered women always minimize their victimization, or that they do not have the wherewithal to work things out for themselves. Rather, risk assessment scores and dangerousness predictions may provide yet another (and perhaps very different) lens through which to see themselves, their batterers, and their overall predicaments.

* At present, we know little about how these assessments are used and what effect they have on intervention and support services (but see Roehl and Guertin, 1998). It might be the case that the administering of these tools applies pressure to multiple service providers, encouraging them to develop a greater sense of care and caution. For example, however sensitive a criminal justice professional may be to battered women's accounts, if that professional is informed that this victim has taken a legitimate danger assessment instrument, and has been assessed to be at the highest risk of lethality, then I suspect that professional may exercise greater caution and care.

- Finally, using numbers provides a shared language of risk for all those working with domestic violence cases (see Trone, 1999). Such sharing, albeit in the form of impersonal enumeration, may enhance communication among service professionals, lead to increased awareness and greater proactive interventions, and, hopefully launch further discussions about how best to curb these atrocities.

CONCLUSION

Although I have focused somewhat on work remaining to be done, my impressions of the work performed under the process evaluation grant were most favorable. The community of Plattsburgh and the broader Clinton County hinterland have introduced a number of important improvements in the services delivered to battered women. These improvements clearly fulfill the goals, objectives, and specific deliverables laid out in the original grant proposal. My central concern is that the fine-tuning of the criminal justice and related interventions to include other issues that directly impact women's safety. The physical and sociocultural isolation of the more rural parts of Clinton County make this a particularly challenging task.

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[1] This legislation passed into law as the 1996 Personal Responsibility and Work Opportunity Reconciliation Act.

[2] Research suggests that 20-30 percent of women enrolled in TANF live in violent relationships, and that roughly two-thirds report experiencing domestic violence during adulthood (Lein, Jacquet, Lewis, Cole and Williams, 2001: 194). See also Honeycutt, Marshall, and Weston (2001); Pearson, Griswold, and Thoennes, 2001. Many other studies note that women on public assistance and others with low incomes are much more prone to violent interpersonal victimization, see Bassuk et al, 1996; Raphael, 1996.

[3] See Hirsch, 2001.

[4] Edin and Jencks, 1992.

[5] Out of her sample of 26 female felony drug offenders, 20 (77 percent) admitted being battered by a husband or boyfriend (Hirsch, 2001: 164).

[6] See Shepard and Pence, 1999.