The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:

184112

FACTORS RELATED TO DOMESTIC VIOLENCE COURT DISPOSITIONS IN A LARGE URBAN AREA: THE ROLE OF VICTIM/WITNESS RELUCTANCE AND OTHER VARIABLES

Executive Summary

Authors:

Joanne Belknap, Ph.D.
Dee L.R. Graham, Ph.D.
Jennifer Hartman, Ph.D.
Victoria Lippen, M.A.
P. Gail Allen, J.D., Ph.D.
Jennifer Sutherland, M.A.

FINAL REPORT

Approved By: _____

Date: _____

June 2000

EXECUTIVE SUMMARY

To date, little research effort has been committed to examining the court processing of domestic violence cases. Indeed, most of the research on the systemic processing of domestic violence focuses on the deterrent effects of arrest (i.e., the Minneapolis Experiment and its numerous replications).[1] This policing research, which originally called for arresting batterers, combined with the second wave of the women's movement and a number of court cases where battered women successfully sued police departments[2], resulted in a significant increase in the number of persons arrested for domestic violence in the U.S.[3] This increase in arrests resulted in an unprecedented increase in domestic violence cases reaching the courts. Thus, it is particularly important to broaden the domestic violence research focus to include how the courts process these cases.

This study, conducted in a large Midwestern jurisdiction, used four sources of data to explore how misdemeanor intimate partner domestic violence cases are processed. The first data set included pretrial, prosecutor, and police data collected on 2,670 court cases. These data were analyzed to determine the frequency with which various phenomena occurred, and to examine which variables were related to the case outcomes, in particular the court verdict. The second data set involved in-depth interviews with and surveys of the 14 judges, 18 prosecutors, and 31 public defenders who try misdemeanor domestic violence cases in the jurisdiction. The third data set comprised 127 court transcripts from this Midwestern jurisdiction. These transcripts were carefully analyzed using content analysis. The final, and probably most important portion of the data, was in-depth interviews with and surveys of over 100 women victims who were involved in these cases.

A major focus of this study was to address the issue of victim/witness reluctance/cooperation. Battered women are not-so-fondly characterized by the public, the media, and often, researchers, as being uncooperative with those who want to help them.[4] There is often the assumption that there are numerous professionals and others "out there" waiting to "help" these victims. There is also the assumption that these victims do not know what is "right" in order to protect themselves, and often, their children. They are viewed as irrationally staying with their abusers, despite numerous opportunities to lead safe and productive lives. Some feminist research has called to question these assumptions, and "re-presented" them as, largely, myths.[5] The reality is that many battered women try to leave, many do leave, and leaving is one of the most dangerous times for many battered women.[6] Furthermore,

1

many battered women actively seek help from the police and courts. There is considerable documentation in anecdotal work, of women who want to leave their batterers, want their batterers held accountable, and want to be safe, who have been turned away and *not* helped by professionals.[7] This executive summary addresses some of these issues, presenting some key findings from this four-pronged attempt to collect a variety of data on the court processing of domestic violence.

Pretrial, Police, and Prosecutor Data

Table 1 provides a description of the defendants and victims in the largest of the four data sets, the pre-trial data (merged with data from police files and NIBRS and a sheet developed for this study completed by prosecutors), in the jurisdiction of this study, a large Midwestern city and its surrounding county. Similar to other research, the defendants were predominantly male (86%), and same-sex couples constituted a tiny fraction (1%) of the sample. The defendants were disproportionately African American (71%),[8] with whites constituting most of the rest of the sample (28%), and the couples were almost entirely intra-racial. The victims and offenders both tended to be in their late twenties and early thirties. Regarding the victim-offender relationship, almost two-fifths (37%) were common-law or living together, slightly over one-fifth (28%) were married, and almost one-tenth (9%) were boyfriend-girlfriend. The remainder were "broken-up": almost one-fifth (17%) were former couples who were never married and defined their relationship as "a child in common," fewer than one-in-twenty (3.5%) were former spouses, and about one-in-twenty were former boyfriend/girlfriend.

Combining data from the prosecutors' reports (a sheet designed for this study) with the police and pre-trial data, the findings indicate the following availability of various evidence variables in these court cases: photographs were available in about 19 percent of the cases, 911 tapes available in about 2 percent of the cases, and medical records were available in about 3 percent of the cases (see Table 2). The prosecutors reported that some form of victim testimony or statement was available in over half (51%) of the cases. Additionally, prosecutors reported that victims were subpoenaed in almost half (47%) of the cases. The victims were generally seen as cooperative by the prosecutors, and prosecutors reported the judges' conduct most typically (84%) as "appropriate." The prosecutor

2

and NIBRS data indicated that weapons were used in almost one-quarter (23%) of the cases, and injuries occurred in almost half (48%) of the cases. One of the most profound findings in this study, a jurisdiction where there were no victim advocates in the prosecutors' office, was how little time the prosecutors' spent with the victims. In almost 90 percent of the cases the prosecutor never spoke with the victim on the phone, and in about half the cases (52%) the prosecutor never met with the victim in person (see Table 2). It appeared from our court observations and the victims' reports that the rare times the prosecutors met with victims were typically a few minutes before their court cases started.

The charge and disposition information is reported in Table 3. In the domestic violence cases in this jurisdiction, a little over two-fifths (44%) resulted in a "guilty" verdict, half (51%) were "dismissed," and one-in-twenty (5%) resulted in a "not guilty" verdict. Although the guilty verdicts are higher than one might think, they rarely entailed much in the way of a punishment. Defendants were typically required to attend batterers counseling and given time-served in jail. Regarding the prosecutors' assessments of these verdicts, they typically reported the main reason for case dismissal was they could not contact the victim (often even when they subpoenaed them) and the victims' "failure to appear." A recurring theme throughout the data sets in this study is that a significant number of battered women never receive information about their court dates. For those cases where there was a guilty verdict, 84 percent of the defendants, reportedly were sentenced to at least one day of incarceration. However, for many the sentences were for days served, or not served if they stayed out of trouble for a year. The average fine for these offenders was about $120.00 with almost two-thirds receiving a fine. Over two-thirds received at least some days on probation, with the average number of days sentenced to probation equal to 209 days.

Data collected from police reports and pretrial data indicated that the most common threat of violence noted in any of the formal documents, reported almost one-fifth of the time, was a threat to kill the victim (see Table 4). The most common form of physical abuse reported, indicated in 45 percent of the cases, was that the defendant punched or hit the victim. The next most common physical abuse was pushing/shoving, reported in almost one-third (31%) of the cases. The third most frequently reported abusive behavior was strangling, reported in almost one-fifth (17%) of the cases. Regarding injuries, the most frequently reported injury, reported in one-fifth of the cases (20%), was bruising. The next most commonly listed injury was cuts or bleeding (13%).

Table 5 is a presentation of the multi-variate analysis predicting the court verdict. *Notably, none of the variables measuring the abuse levels were significantly related to the court verdict.* The only variable describing the defendant that was significantly related to the court verdict was whether the victim and offender were "together" (not divorced or broken up). More specifically, the defendant's sex, race, age, criminal history, charge seriousness, and whether accused of strangling, kicking or hitting, stabbing/cutting and/or gun involved, were not related to the court verdict. However, defendants who were currently involved with their victims at the time of the incident were *more* likely to be convicted.

Two of the three victim participation variables were significantly related to the court outcome (see Table 5). As predicted, victims who provided statements or testimonies were more likely to have their defendants convicted and victims classified as "changing their stories" (by the prosecutor) were less likely to have their defendants convicted. Notably, the only victim participation variable that was unrelated to the court outcome was whether the victim was subpoenaed.

Overwhelmingly, the strongest predictor of the verdict in these misdemeanor domestic violence cases was how many times the prosecutor met with the victim (see Table 5). *The more often the prosecutor met with the victim, the greater the likelihood that the defendant was found guilty.* Significantly, after time spent with the victim, the prosecutor's caseload was the next most powerful predictor of the court outcome: *Domestic violence defendants were less likely to be found guilty in cases where the prosecutor's caseload was above the mean.* Other than the victim's testimony/statement (noted in the last paragraph), none of the "evidence" variables were significantly related to the court verdict. That is, the availability of 911 tapes, photographs, medical records, and police testimony were *not* related to the case verdict. Although the judge's race and sex, and the prosecutor's sex were not related to the verdict, the prosecutor race was. Specifically, domestic violence defendants were more likely to be found guilty if the prosecutor was white than if the prosecutor was African American. Given the nature of the data, we can only speculate why this was the case. It is possible that African Americans have greater concerns about the large numbers of individuals going to prison/jail and are thus less aggressive in obtaining convictions. It is also possible that African American prosecutors are perceived differently by judges, whether consciously or not, and thus their clients' offenders are less likely to be convicted. We also ran (not reported in these tables), the verdict

4

model controlling for interactions between the defendants' and judges' race, and the defendants' and prosecutors' race. This did not improve the fit of the model. Moreover, the interaction terms were not statistically significant. However, the inclusion of these interaction variables for race did result in all of the main effects of race (for the defendant, judge, and prosecutor)becoming non-significant.

Although not reported in tables in this report, multivariate analyses were conducted on the court sanctions (in addition to the court verdict). Three sanctions were considered dependent variables in these analyses: the amount the defendant was fined, the number of days the defendant was incarcerated, and the number of days the defendant was sentenced to probation. In summary:

- Male defendants were sentenced to more days incarcerated than were female defendants.
- If the defendant was accused of strangling the victim, s/he was sentenced to more days on probation.
- The more serious the charge against the defendant, the more days s/he was sentenced to incarceration.
- When the victim changed her/his story, the defendant was sentenced to fewer days incarcerated and fewer days on probation
- When photographs of injury or property were available, the defendant was sentenced to more days incarcerated.
- When medical records were available, the defendant was sentenced to more incarceration days and more days on probation.
- When the prosecutor's case load was above the mean, defendants were sentenced to *fewer* days incarceration and *more* days on probation.
- Defendants were sentenced to more incarceration days in cases where the prosecutors were women (than when they were men).
- Defendants were sentenced to lower fines and to fewer days on probation when the prosecutors were African American (than when they were white).
- Defendants were sentenced to lower fines and fewer days of incarceration when the judges were African American.

Notably, the following variables were *never* related to the court verdict or any of the sentencing variables in this study: defendant's race; defendant's age; defendant's prior criminal history; whether the victim was kicked or hit; whether the abuse involved a cut, bleeding, or a gun; whether the victim was subpoenaed; whether a 911 tape was available, whether a police officer testified, and the judge's sex. Some other patterns are worth noting. The legal (as opposed to the extra-legal") characteristics of this case (e.g., the reported abuse, the defendant's criminal history, and the case seriousness), then, did not play much of a role in predicting the case outcome and sentences. Whether victims "change their stories" had a significant outcome on the verdict, days sentenced to incarceration, *and* days sentenced to probation. Victim statement/testimony availability affected the verdict, but did not affect any

5

of the three sanctions, and two of the other "evidence" variables, the availability of 911 tapes and medical records, only affected some of the sanctioning sentences.

The findings regarding the prosecutors' and judges' races in the verdicts and sentencing is puzzling, and as stated earlier, difficult to interpret with these data. A number of analyses were conducted in an attempt to better understand this phenomenon. When separate analyses were run for African American and white defendants, we found that African American judges sentenced both African American *and* white defendants to lower fines than did the white judges. (Thus, although the judge's race "mattered" in terms of the sentenced fine, both white and African American defendants were fined less by African American judges.) Perhaps the African American judges were more cognizant and/or concerned about how truly poor many of the defendants who reach the court level are, and/or how fining domestic violence offenders may negatively impact the victims. Regarding the role of the prosecutor's race in the white versus the African American models: (1) African American prosecutors on a case resulted in lower fines for both white and African American defendants (than when white prosecutors were on a case); (2) African American prosecutors on a case resulted in less likely hood of a guilty verdict for African American, but not white defendants (than when white prosecutors were on a case); (3) African American prosecutors on a case resulted in fewer days sentenced to probation for African American, but not white defendants (than when white prosecutors were on a case); and (4) African American prosecutors on a case resulted in fewer days sentenced to incarceration for white but *not* African American defendants (than when white prosecutors were on a case). Alternatively stated: The prosecutor's race was consistently related to the amount of the fine regardless of the defendant's race, but the prosecutor's race was only related to Black (not white) defendants' guilty/not guilty verdicts and days sentenced to probation, *and* the prosecutor's race was only related to white (not Black) defendants' days sentenced to incarceration. In all cases where the prosecutor's race is significantly related to the court outcome or sanction, it is to the defendant's advantage to have an African American prosecutor. Again, it is difficult to speculate why, except that African American prosecutors may be taken less seriously in court than their white counterparts, and/or may be more concerned about the seriously rising incarceration rates in the U.S.[9]

6

Court Professional Interviews and Surveys

Now turning to data collected from intensive surveys of and interviews with the 14 judges, 18 prosecutors and 31 public defenders who try misdemeanor domestic violence cases in this jurisdiction, these court professionals reported use of both legal and extra-legal factors in their decision-making. Notably, judges were the least likely of the three professional groups to report using legal variables. Prosecutors were the most likely of the three groups to report that both victim attitudes and defendant attitudes influence the case outcome, and judges were the least likely to report these influences. Similarly, while the judges were the least likely to endorse it, the public defenders and prosecutors reported that victims' wishes were likely to determine whether batterers are prosecuted and convicted. Notably, interviews with the victim (one of the other data sets in this study), did *not* support this belief. All three groups of court professionals reported that both batterer treatment and victim advocate reports had little influence on the processing or outcome of these cases. The public defenders reported these programs were cost prohibitive, while the judges and prosecutors reported that they were largely ineffective. The prosecutors were more likely than the judges or public defenders to emphasize the victim's behavior as affecting the case outcome. Prosecutors also reported the highest rates of victim absence in the courtroom and victim refusal to testify. At the same time, prosecutors were twice as likely as judges and four times as likely as public defenders to report that victims are often threatened by their abusers if they testify.

Through these data, and even the data collection process, it was clear how over-burdened the prosecutors were to handle their cases. None of these prosecutors specialized in domestic violence and domestic violence was a significant portion of their caseload. Moreover, there were no victim advocates in the prosecutor's office. The lack of time the prosecutor's had for each client was evident during the data collection, when it was far more difficult to schedule interviews with the 18 prosecutors, and they appeared to be more "harried," than the 31 public defenders. Indeed, we believe this was a form of institutionalized sexism that far more public defenders are available for domestic violence offenders than prosecutors are available for domestic violence victims.

Court Transcript Data

The third component of the four-part data set involved intensive content analysis of 127 court transcripts. This heretofore unused source of data to assess the court-processing of domestic violence proved insightful.

7

Overall, the findings reported alarmingly low victim "voice" in these proceedings. *Indeed, all four of the data sets emphasize that improved and safer methods must be implemented to maintain contact with victims post-arrest in order to work with them, prepare them for court, and to inform them of their court dates.* The court transcript findings also point to how infrequently the abuse, injury, and weapon variables----seemingly important variables--- are raised in these court proceedings. This sheds light on the pretrial data findings where these variables were never related to the court outcome, probably because they are rarely raised. A significant component of the court transcript data was a comparison of cases where men were charged with domestic violence against women with cases where women were charged with domestic violence used against men. This analysis, although preliminary, suggests far different dynamics between them, and that in many of the cases where women were charged as the abusers, they are likely the victims.

The court transcript analysis emphasizes the need to raise judges', prosecutors', defense attorneys', and police officers' awareness about the dynamics behind domestic violence. Additionally, the role of the police in these court cases is crucial. Yet, this analysis found that the police were often unprepared for the domestic violence court cases, often failing to remember any details in those few cases for which they testified. Furthermore, the transcript content analysis findings suggest that even when they are present in court, police are rarely expected to testify in cases where the victim is not present or does not testify. It seems that these cases without victim testimony might be the most important ones for police testimony, yet, the opposite occurs. That is, in cases where a battered woman does not testify or is not even present because she either did not know about the court date or is afraid of reprisal from the batterer, it may be particularly important to have police testimony. Yet, police were apparently "relieved" of testifying by the court when the victim did not testify.

Victim Interviews and Surveys

The final data source involved 117 intensive surveys of battered women and 100 intensive face-to-face interviews with the battered women involved in the cases presented thus far. *A major finding of this portion of the study was that victims are more afraid of the courts and the law–should they testify– than they are of harming their relationships with the defendant or experiencing reprisal from him.* In the sense of policy-making, this is potentially "good news," in that it is more likely that we can change the courts than that we can change batterers'

8

behavior. By making the court system more "user-friendly" to battered women, then, the courts might mollify many victims' primary concerns about testifying and thereby reduce victim/witness reluctance.

The research on the battered women themselves also found that two of their greatest concerns about testifying are that the prosecutors will not prepare them adequately, and that the defendant might not be found guilty. Given the other data sources presented in this study, it appears the prosecutors are *not* currently equipped to prepare victims for testifying. Another important finding from the data gathered directly from the victims is that there was no relationship between the victims' preferred case outcome and the actual case outcome. (This is contrary to the findings reported from detailed surveys of and interviews with the court professionals.) Examination of the victim interviews suggests that common sense factors---- such as victims' fear of reprisal, the presence or absence of evidence, and the existence of cross complaints---- determined the ultimate outcome of cases more than did victim/witness reluctance. Further, consistent with the multivariate findings from the pretrial and police report data already presented, there was no relationship between the amount of violence a woman experienced in the relationship and the court outcome. Finally, although victims in prosecuted cases viewed defendants as more threatening than their counterparts whose cases were dismissed, victims whose cases were dismissed engaged in more help-seeking than those whose cases were prosecuted. This help-seeking largely involved steps to disengage from the defendant. It is paradoxical that the group most seeking to keep the defendant at home tended to show the most disengagement following the abuse.

Conclusions

In conclusion, this study points to the utility of employing a number of varied data sources to address the court processing of domestic violence. The findings, with some consistency, suggest that the phenomenon of victim/witness reluctance needs to be examined far more carefully than it has been to date. Indeed, it seems that the court system is remiss in effecting a manner to stay in touch with victims after their batterers are arrested. Moreover, even those victims with whom prosecutors manage to stay in touch or who seek out the prosecutors themselves, often do not receive nearly the adequate time and court preparation they need from the prosecutors, who appear to be over-burdened with cases. When domestic violence victims' cases reach court, these data suggest that the relevant factors about what the abuse and injuries actually entailed is rarely presented. Moreover, the victims'

9

voice and input is notably lacking in the court process.

In terms of policy, then, we have two primary recommendations. First, an improved method must be found and implemented to contact victims and maintain contact with victims. It appears that too many victims are "lost" well before the court case begins. The victims' safety must be evaluated and considered in the process of changing the improved contact method. Second, the Prosecutor's Office must have a serious change in staffing. Either more prosecutors need to be hired to "spread" the caseload, or prosecutors must be hired that specifically respond to domestic violence cases, or an adequate staff must be hired to work within the Prosecutor's Office as Domestic Violence Victim Advocates. Regardless of the changes in hiring, there needs to be intensive training on the dynamics behind domestic violence instituted for the prosecutors, but also for any victim advocates hired into the office, the judges, and the public defenders. At the very least, it seems "only fair" that there are as many prosecutors available to victims as there are public defenders available to defendants. (At the time of the this study, there were 18 prosecutors and 31 public defenders.) We also recommend that police officers receive more training on how to testify in court regarding domestic violence cases, and that they be expected to be familiar with the cases in which the testify. Some means needs to be implemented to help police officers "refresh their memories," through their own notes or reviewing the police reports. Significantly, in this jurisdiction it appears that police testimony is most necessary in those cases where it is least frequent: Cases where the victim is not present or does not testify.

Thus, we recommend that the courts improve their ability to process domestic violence cases *without* the victim's presence or cooperation. Part of this could be significantly aided if the police were more prepared to testify in those cases where the victim cannot be found or is too afraid to testify. The prosecution office needs to have more resources to not only contact and prepare victims, police, and other witnesses, but also to collect the available evidence (e.g., 911 tapes, photographs of injuries and property damage, and medical records). *This jurisdiction needs to have more victim resources in place.* Many of the victims reported having no where to turn. Finally, we recommend doing away with the practice of subpoenaing victims. This does not appear to be fruitful in any manner, and likely alienates many victims, and had no impact on the case outcome in this study.

10

1.Sherman, L.W. and R.A. Berk. 1984. "The Specific Deterrent Effects of Arrest for Domestic Assault." *American Sociological Review* 49:261-272; Berk, R. and P.J. Newton. 1985. "Does Arrest Really Deter Wife Battery? An Effort to Replicate the Findings of the Minneapolis Spouse Abuse Experiment." *American Sociological Review* 50:253-62; Jaffe, P., D.A. Wolfe, A. Telford, and G. Austin. 1986. "The Impact of Police Charges in Incidents of Wife Abuse." *Journal of Family Violence* 1:37-49.

2. For example, *Bruno v. Codd*, 90 Misc. 2d, 396 N.Y.S. 2d (Sup. Ct. 1977); *Scott v. Hart*, No. C-76-2395 (N.D. Cal., filed Oct. 28, 1976); and *Thurman v. City of Torrington*, 595 F. Supp. 1521 (Dist. Conn. 1984).

3. Jones, D. A., and J. Belknap. 1999. "Police Responses to Battering in a Pro-Arrest Jurisdiction." *Justice Quarterly*, Vol. 16, No. 2, pp. 249-273. Buzawa, E.S. and C.G. Buzawa. 1990. *Domestic Violence: The Criminal Justice Response*. Newbury Park, CA: Sage. Cohn, E.G. and L.W. Sherman. 1987. "Police Policy on Domestic Violence, 1986: A National Survey. *Crime Control Institute, Crime Control Reports*, No. 5.

4. Erez, E., and J. Belknap. (1998). "In Their Own Words: Battered Women's Assessment of Systemic Responses." *Violence and Victims*, Vol. 13, No. 3, pp. 3-20. Ferraro, K.J., & Boychuck, T. (1992). In E.S. Buzawa & C.G. Buzawa (Eds.), *Domestic Violence: the Changing Criminal Justice Response* (pp.. 209-225). Westport, CT: Auburn House; Gondolf, E. W., with Fisher, E.R. (1988). *Battered Women as Survivors: an Alternative to Treating Learned Helplessness*. New York: Lexington Books; Hansen, M., Harway, M., & Cervántes, N. (1991). Therapists' Perceptions of Severity of Cases of Family Violence. *Violence and Victims, 6*, 225-234; Jones, A. (1994). *Next Time, She'll Be Dead: Battering and How to Stop It*. Boston: Beacon Press.; McLeod, M. (1983). Victim Non-cooperation in the Prosecution of Domestic Assault. *Criminology, 21* (3), 395-416.

5. Davies, J., E. Lyon, and D. Monti-Catonia. (1998). *Safety Planning With Battered Women: Complex Lives/Difficult Choices*. Thousand Oaks, CA: Sage.

6.Browne, A. (1987). *When Battered Women Kill*. New York: Free Press; Campbell, J.C. (1992). "'If I Can't Have You, No One Can': Power and Control in Homicide of Female Partners." Pp.99-113 in *Femicide: The Politics of Woman Killing*, edited by J. Radford and D.E.H. Russell. New York: Twayne Publishers; Mahoney, M.R. (1991). "Legal Images of Battered Women: Redefining the Issue of Separation." *Michigan Law Review* 90 (1): 1-94.

7.Browne (1987), Ibid., Cahn (1992), Ibid., Erez and Belknap (1998), Ibid., Gondolf and Fisher (1988), Ibid., Jones (1994) Ibid., and L.B. Rosewater (1988). "Battered or Schizophrenic? Psychological Tests Can't Tell." Pp. 200-216 in *Feminist Perspectives on Wife Abuse*, edited by K. Yllo and M. Bograd. Newbury Park, CA: Sage.

8. The U.S. Census Bureau data for 1990 reports that African Americans constituted only 21 percent of this county's population, indicating a vastly disproportionate arrest rate and the strong likelihood of racism in the arrest decision.

9.We also constructed a structural equation model for the sentencing analysis, using a MIMIC model creating a single factor for the three sentencing variables (sentenced fines, days sentenced to incarceration, and days sentenced to probation) which we called "sentencing severity." When this factor or latent variable was simultaneously regressed on the independent variables, for all cases convicted *and* all convicted cases with non-missing data, the results are similar and the race of the judge and race of the prosecutor are significantly related to this overall latent construct, the "sentencing severity" variable. This latent factor should have greater reliability compared to the individual sentencing measures. Finally, we used a Heckman selection model to see if the process of being convicted had an effect on the sentences received. This is another way of testing whether omitted variables are

11

affecting (biasing) the coefficient estimates we have. (The error term–what is not accounted for by the independent variables– for the verdict equation is correlated with the error term for the sentence. If the correlation is significant, then the coefficients could be biased.) In only one sentencing variable, "days incarcerated," is there evidence of bias in the coefficients. These tests provide some faith that our models reported in the text are accurate.

12

Table 1. Demographic Information on Domestic Violence Cases Ending in Arrest (N=2,670)

Variable	N	%	(n)
Defendant Sex	2,654		
Male		86.1	2,284
Female		13.9	370
Victim Sex	2,620		
Male		13.5	353
Female		86.5	2,267
Defendant Sex/Victim Sex	2,606		
Male/Female		85.7	2,234
Female/Male		13.0	338
Male/Male		0.5	14
Female/Female		0.8	20
Defendant Race	2,670		
African-American		71.0	1,895
White		28.3	756
Other[a]		0.7	19
Victim Race	1,726		
African-American		65.9	1,137
White		33.8	583
Other[b]		0.3	6
Defendant Age ($\bar{x}$=31.4)[c]	2,632		
18-24[d]		25.6	674
25-29		22.4	590
30-34		18.2	478
35-39		16.0	422
40-45		11.4	301
46+		6.3	167
Victim Age ($\bar{x}$=29.5)[e]	1,721		
14-19[f]		10.7	185
20-24		23.9	411
25-29		21.2	364
30-34		17.5	301
35-39		13.9	239
40+		12.8	221
Victim-Offender Relationship[f]	2,062		
Spouses		27.8	573
Ex-spouses		3.5	73
Boy/girlfriend		9.1	187
Ex-boy/girlfriend		5.4	113
Co-habitating/common law		37.0	762
Child in common		17.2	354

[a] Includes three Asians, two Hispanics, one Native American, and fourteen were coded as "other."

[b] Includes four Asians, one Hispanic, and one Southasia Indian.

[c] The median was 30 years and the mode was 25 years old, and they ranted in age from 18 to 86 years old.

[d] One defendant was under age 18; he was 17. The five oldest defendants were in their eighties.

[e] The median was 28 years and the mode was 20 years old, and they ranged in age from 14 to 80 years old.

Sources: Prosecutor Form developed for this study, Police Reports, NIBRS data, and Pre-trial data.

Table 2. Prosecutors' Reports on Misdemeanor Domestic Violence Cases (N=2,241)

Variable	N	%	(n)
Available evidence[a]	1,968		
911 tapes[b]		2.2	43
photos of injuries/damages[b]		14.2	280
medical records[b]		1.7	33
victim's statement or testimony		51.2	1,007
police testimony[c]		6.7	132
other eyewitness testimony[c]		1.6	31
Victim involvement[a]	1,968		
not present		35.8	704
changed story		9.9	195
present for plea		70.2	1,381
subpoenaed		46.7	920
Victim advocate present?	1,551		
yes		3.3	51
no		28.3	439
don't know		68.4	1,061
Victim demeanor[a]	1,014		
cooperative		57.7	585
not cooperate		20.1	204
withholding		19.2	195
credible		40.0	406
not credible		10.8	110
reasonable		40.9	415
unreasonable		6.7	68
angry		7.6	77
friendly		21.2	215
belligerent		2.2	22
mentally limited		4.4	45
equally, or more at fault		8.7	88
anxious, scared[c]		2.2	22
intoxicated/drunk[c]		0.9	9
Judge's conduct[a]	924		
sensitive		37.4	346
insensitive		0.3	7
supportive		25.3	234
nonsupportive		0.4	4
appropriate		84.1	777
inappropriate		1.2	11

Continued.

Table 2. Prosecutors' Reports on Misdemeanor Domestic Violence Cases, Continued.

Variable	N	%	(n)
Weapons used?[d]	1,866		
yes		23.1	431
no		76.9	1,435
Victim injured?[e]	1,866		
yes		47.9	893
no		52.1	1,286
No. Times Prosecutor Spoke w/ Victim on Phone ($\bar{x}$=0.21)	1,934		
none		87.5	1,692
one		8.2	159
two to three		3.5	67
four to ten		0.8	16
No. Times Prosecutor Met in Person w/ Victim ($\bar{x}$=0.53)	1,942		
none		51.6	1,003
one		44.4	863
two to three		3.9	75
four to seven		0.1	1

[a] Cases could include more than one category.

[b] The 911 tape, photos of injuries and medical records data reported here were strictly from the Prosecutor Form. However, when we combined data from NIBRS and the Prosecutor Form (N=2,486), and the 911 tapes rose to 2.4% (n=60); photos of injuries/damages rose to 18.9% (n=469); and medical records rose 3.1% (n=77).

[c] These categories were listed by respondent under the "other" variable, thus they are likely to be a low representation of frequency in the respective category.

[d] Weapons include gun, knife, chair, rope, glass, bleach, and so on, but exclude body parts (e.g., hand, feet, head). This includes NIBRS data. A knife was present in 8.4% (n=145) of the cases, a gun was present in 1.3% of the cases (n=24) and a knife or gun was present in 6.2% (n=166) of the cases.

[e] Police and/or prosecutors reported injuries including stabbed, shot, broken bones, black eye, scratched, bitten, or knocked out. This includes NIBRS data.

Source: Prosecutor Form developed for this study.

Table 3. Present Charge and Disposition Information (N=2,241)

Variable	N	%	(n)
Level of charge[a]	2,104		
M1		88.4	1,860
M3		1.9	41
M4		9.7	203
Disposition	2,209[b]		
Dismissed		51.0	1,126
Guilty		43.9	969
Not guilty		5.1	114
Reason for dismissal[c]	1,126		
Victim unavailable/fail to appear		68.9	776
Counseling (AMEND) attained		9.4	106
Victim uncooperative with prosecution		6.8	77
Plead to other charge		4.3	48
Private Mediation Services		3.0	34
Rule 29[d]		2.3	26
Cross complaint warrant		2.1	24
Because of problem with TPO		1.3	15
No prior offenses		1.1	12
Request of prosecuting attorney		1.0	11
Defendant in jail or prison		0.8	9
Defendant did not show		0.2	6
Type of Guilty Plea	918		-
To amended charge		63.4	582
As charged		36.6	336
Trial Type	1,055		
Bench		90.0	949
Jury		2.3	24
No trial/settled in Pretrial		7.8	82
Sentence: Days incarcerated ($\bar{x}$=62.1)[e]	895		
zero		16.0	143
1-10 days		4.5	40 ·
11-29 days		3.2	29
30-45 days		45.3	405
46-89 days		3.5	31
90-149 days		4.6	41
150-180 days		23.0	206

Continued.

Table 3. Present Charge and Disposition Information, Continued.

Variable			
Sentence: Fines and costs ($\bar{x}$=$119.74)[f]	895		
zero		36.8	329
$1-100		35.6	319
$101-200		13.2	118
$201-999		10.8	97
$1,000-1,050		3.6	32
Sentence: Number of days on probation ($\bar{x}$=209.1)[g]	895		
none		31.4	281
1-29 days		10.5	94
30-179 days		1.5	13
180-359 days		14.0	125
360-499 days		34.2	306
500 +		8.5	76

[a] M1 is the most serious charge and M4 is the least serious charge.
[b] Four cases were reported as being both not guilty and dismissed.
[c] Cases could include more than one category.
[d] The case went to trial, testimony was taken, however, "reasonable minds" concluded that the state could not prove their case (e.g., victim plead 5th or victim recanted testimony).
[e] The median and mode were 30 days.
[f] The median was $100 and the mode was zero dollars.
[g] The median was 180 days and the mode was zero days.

Source: Prosecutor Form developed for this study.

Table 4. Information on Reported Abuses[a] (N=1,867)

Variable	%	n
Threats of Violence		
Non-Lethal Threats of Physical Harm to Victim	11.5	215
Non-Lethal Threats of Physical Harm to Others	1.2	22
Lethal Harm to (Threaten to Kill) Victim	19.4	363
Lethal Harm to Self	0.5	10
Lethal Harm to Others	2.2	41
Kidnap Victim's Children	0.9	16
Committed Violence/Abuse		
Slapped	13.1	244
Shoved/Pushed	31.3	585
Grabbed/Dragged	10.5	196
Punched/Hit	44.8	836
Hit with Held Object	7.5	140
Hit with Thrown Object	3.2	60
Kicked	7.3	137
Ripped Clothing	1.9	35
Pulled Hair	4.6	85
Bit	2.6	49
Spit on	0.9	16
Chased	0.7	14
Physically Restrained	4.1	76
Burned	0.4	7
Kidnaped	0.4	8
Strangled/Choked	17.5	327
Harmed a Pregnancy	0.4	8
Hit with a Vehicle	0.4	7
Knifed/Stabbed	6.8	127
Raped Victim	0.2	3
Physically Abused Victim's Child	0.2	4
Sexually Abused Victim's Child	0.2	4
Trespassed	3.2	59
Damaged Property	8.4	157
Harassed on Phone	1.9	35
Prevented from Calling 911	2.9	54
Stalking Behavior	2.3	43

[a]These data were collected from NIBRS, Police Reports, Pre-Trial, and Victims' Affidavits. More than one type of abuse and/or threat could be reported for any given case.

Table 5. Logistic Regression Model Predicting Case Outcome (Guilty =1) (N=824)

	Model 1	
Variables	Coefficient	SE
Defendant and Abuse/Charge Variables		
Defendant Sex (1=male)	0.394	0.239
Defendant Race (1 = African American)	0.021	0.187
Defendant Age (17 to 86 years)	-0.011	0.009
Victim/Offender Relationship (1 = together)	0.393*	0.193
Defendant DV or other Viol. Crime History (1=yes)	-0.120	0.168
Kicked/Hit Victim (1=yes)	-0.156	0.173
Stabbed/Cut Victim and/or Gun Involved (1=yes)	-0.027	0.379
Strangled Victim (1=yes)	0.267	0.218
Case Seriousness (1=M1 Charge)	0.178	0.263
Victim Participation Variables		
Victim Statement/Testimony (1 = yes)	0.488**	0.187
Victim Subpoenaed (1 = yes)	-0.109	0.187
Victim Changed Story (1 = yes)	-0.525*	0.258
System Variables		
911 Tape Available (1 = yes)	0.305	0.483
Photos Available (1 = yes)	-0.140	0.224
Medical Records Available (1= yes)	-0.089	0.528
Police Officer Testified (1=yes)	0.306	0.339
Prosecutor Sex (1= male)	-0.164	0.201
Prosecutor Race (1= African American)	-0.432*	0.184
No. of Times Prosecutor Met With Victim (0 to 7)	1.898***	0.176
Prosecutor Caseload (1= hi; above the mean)	-0.755***	0.232
Judge Sex (1=male)	-0.208	0.198
Judge Race (1=African American)	-0.162	0.198
Model Chi Square	222.496***	

* p<.05, ** p<..01, *** p<..001