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

FINAL REPORT

Principal Investigators:

Joanne Belknap, Ph.D.
Departments of Sociology and Women's Studies
University of Colorado

Dee L. R. Graham, Ph.D.
Department of Psychology
University of Cincinnati

Research Associates:

Jennifer Hartman, Ph.D.
Northeastern University

P. Gail Allen, J.D., Ph.D.
Private Practice
Louisville, KY

University of Cincinnati Research Assistants:

Victoria Lippen
Jennifer Sutherland
Anthony Flores
Colleen Kadleck
Dawn Wilson

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ABSTRACT

Most of the extant research on domestic violence and the criminal processing system focuses on the police response to the victims and batterers. Relatively little scholarly work attempts to understand how the *courts* operate in responding to battered women and their batterers. However, just as the police historically have failed to arrest batterers, many prosecutors have failed to prosecute arrested batterers, and judges frequently have failed to convict them.

The study reported in this document helps fill the knowledge gap about what happens with domestic violence cases where the alleged batterers were arrested, once they leave law enforcement agencies. Specifically, the goal was to identify factors which influence whether city misdemeanor domestic violence cases where batterers were arrested by the police, result in dismissals, acquittals, or convictions in the courts, and how these cases are processed. Key to this understanding is awareness of victim/witness reluctance, as domestic violence cases are widely known to have large numbers of victims who do not testify against their batterers, or who may actively try to get the charges dropped, possibly to the extent of testifying to *support* their batterers' "innocence."

The specific objectives of this study were to determine factors that influence court officials' (judges', prosecutors', and defense attorneys') decision-making in domestic violence cases, and factors that influence victim/witness reluctance in bringing batterers to successful adjudication (convictions). To reach these objectives, data for the study were collected from a variety of the key actors and sources: Pre-Trial Services Files and data; (2) detailed interviews and surveys of prosecutors, judges, and public defenders interviews; (3) intensive content analysis of court transcripts; and (4) detailed interviews and surveys of domestic violence victims.

The research design is a result of collaboration. The research-community partnership was between researchers at the University of Cincinnati and the Cincinnati Domestic Violence Coordinating Committee (DVCC), a community organization composed of judges, prosecutors, police officers and administrators, victim advocates, mental health and social workers, and others.

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CHAPTER 1

INTRODUCTION:

STATEMENT OF THE PROBLEM AND REVIEW OF THE LITERATURE

Joanne Belknap, Ph.D.
Jennifer L. Hartman, Ph.D.
Dee L. R. Graham, Ph.D.

One result of the second wave of the women's movement in the 1970s was the identification of "domestic violence" as a social problem (see, for example, Belknap, 1996; Dobash and Dobash, 1979; Tierney, 1983).[1] To this end, since the 1970s, acceptance of the seriousness and high frequency with which women are abused by their intimate male partners has increased (Dobash and Dobash, 1988; Mills and McNamar, 1981; Straus, Gelles, and Steinmetz, 1980; Straus, 1991; Walker, 1979). Since the 1970s, however, much of the research on battered women has been devoted to police response, with a focus on the effectiveness of arrest on batterer recidivism (for reviews and critiques of these studies, see Belknap, 1995; Bowman, 1992; Frisch, 1992; Lerman, 1992; Manning, 1993; Stark, 1993). Research on the response of police to domestic violence documents a general avoidance of arrest (Belknap, 1995; Dobash and Dobash, 1979; Erez, 1986; Finesmith, 1983; Gondolf and Fisher, 1988; Hanmer et al., 1989; Oppenlander, 1982; Rowe, 1985; Schecter, 1982; Stanko, 1985; Tong, 1984; Zorza, 1992). Furthermore, pro-arrest legislation and policies have limited effectiveness if judges and prosecutors do not treat these cases seriously. Although the research on court responses to domestic violence is far less extensive than that evaluating police responses, the court response research suggests that, similar to the law enforcement pattern, prosecutors often fail to pursue cases against batterers, and judges rarely convict those proportionally few batterers who get to the courts (Blodgett, 1987; Hart, 1993). In fact, some research has reported that judges tend to "side" with the batterers (Crites, 1987).

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[1]For the purposes of this study, we use the terms "domestic violence," "woman battering," and "spouse abuse" interchangeably. We do not intend the term "domestic violence" to include child, sibling, elder, and other types of "family abuse." However, we include in our sample for the pretrial data and the court transcript data, any cases of intimate partner battering, regardless of the sex of the alleged defendants and victims.

Criminal processing system decision-makers in Hamilton County, Ohio, out of concern for coordinating a community-wide response to domestic violence, conceived the Domestic Violence Coordinating Council (DVCC) in October 1995. The purpose of the Council was to bring together key "players" in the criminal processing system's response to domestic violence (e.g., the police, prosecutors, and judges) in an attempt to improve the prosecution and conviction rate of batterers. In addition, this council includes both academic scholars in the area of domestic violence from the University of Cincinnati and representatives from local organizations who advocate for victims of male violence. Finally, the DVCC membership also encompasses representatives from Child Protection in the Department of Human Services, medical personnel, Pre-Trial Services officials, and representatives from AMEND, a program for batterers. The research team for this project was involved in varying degrees with this council since its inception.

Primary concerns of the leadership and many members of the Council (the DVCC) are (1) "What factors are related to domestic violence case outcomes?", and (2) "How do domestic violence victims experience the system, and how can it be improved to get them more involved?" To this end, the research design for the study reported herein was a collaboration between the DVCC and the researchers. To examine this problem and to identify solutions, the research team used a multi-pronged approach to collect data on misdemeanor domestic violence cases in the municipal court.[2] Four data sets were collected to examine the court processing of misdemeanor court cases: (1) analysis of almost 2,760 misdemeanor domestic violence cases for 1997 collected by Pre-Trial Services (merged with police data and a form completed by the prosecutors for this study); (2) detailed interviews with and surveys of 63 court officials (judges, prosecutors and public defenders); (3) content analysis of 127 randomly sampled 1997 misdemeanor domestic violence court cases; and (4) detailed interviews with and surveys of 118 battered women.

In sum, existing research does not adequately capture the "picture" of what happens in the courts to cases of domestic violence, particularly regarding the role of victim/witness reluctance and presentation of evidence in the case of victim/witness reluctance. Although considerable research has examined why police often avoid arrest (even

[2]Misdemeanors constitute the vast majority of the domestic violence cases in Cincinnati (approximately 80 percent), and little is known about the court processing of misdemeanor (as well as felony) domestic violence cases. Furthermore, the misdemeanor cases are still believed by the DVCC to include very serious cases of abuse; they are often batterers charged with a misdemeanor instead of felony simply because it was the first time he was arrested (not necessarily the first time he was abusive or that the police were called.) This is not to deny the importance of studying court processing of felony domestic violence cases.

while operating in departments with mandatory or presumptive arrest policies [see Balos and Trotzky, 1988; Ferraro, 1989a; Lawrenz et al., 1988; Pastoor, 1984]), there is a lack of scholarly examination of what influences case outcomes in domestic violence court cases. This study helps answer these questions and devise solutions in order to more successfully prosecute and convict batterers. This is particularly important given the seriousness and frequency of this problem and the research that suggests that victims are often reluctant or afraid to prosecute their abusers.

RESEARCH QUESTIONS

(1) What is the rate of dismissals, acquittals, and convictions for misdemeanor court cases? What are the conditions of these sentences? Do they simply attend a batterers' group?

(2) What factors in court cases are significantly related to whether the disposition is a dismissal, an acquittal, or a conviction? How are these cases processed?

(3) What do prosecutors perceive as necessary for a successful prosecution? How do they decide which cases they will pursue to obtain convictions against their abusers? How do they decide which cases to drop? How do prosecutors perceive victim/witness reluctance? How do the prosecutors perceive their relationships with the victims, the offenders, and the judges? Are the prosecutors' perceptions consistent with the findings from the available data and victim interviews? What supports to victims are provided by prosecutors ? Are resources sufficient to pursue full prosecution of cases that warrant it?

(4) What do the judges perceive as relevant and necessary for a successful prosecution? What factors do they perceive influence their likelihood to convict? What are their frustrations with the courts and domestic violence? How do the judges perceive the importance of victim/witness reluctance? Are the judges' perceptions related to the findings from the available data and victim interviews? How do they feel about convicting a defendant if the evidence is strong, but the victim seeks dismissal?

(5) How do victim/witnesses perceive their role in the prosecution of their abusers? What factors inhibit them from pursuing prosecution? What factors might help them pursue prosecution? How consistent are the victims'/witnesses' demographic and psychological profiles with existing research in this area?

A BRIEF HISTORY OF WOMAN BATTERING

Although battering has been an historical constant, formal responses to battering are somewhat recent (Erez and Belknap, 1995). In fact, the victimization of females by males (rape and battering) has been, for the most part, invisible until the women's movement of the 1970s (Belknap, 1996). Despite estimates of two million women per year being battered in the U.S., the term "battered woman" was first coined as recently as 1974 (Schecter, 1982, p. 16). The invisibility of woman battering is largely attributed to cultural myths that battering is rare, the victim's fault, and shameful for the victim (Belknap, 1996). Gelles (1979, p. 121) states that "battered wives and rape victims are often accused of 'asking for,' 'deserving,' or 'enjoying' their victimization."

Attempts by individuals and groups to bring awareness to the seriousness of woman battering occurred well before the 1970s. In fact there were a few laws criminalizing wife beating in the 1600s and 1700s, but these resulted in only one or two formal complaints filed *per decade for the entire United States.* (Pleck, 1989). Feminists such as Susan B. Anthony attempted to bring the plight of battered women to the public eye during the latter part of the 1800s (during the struggle for women's suffrage), but these efforts met with little success. In fact, historically, both the community and the criminal processing system have been more likely to punish or ostracize men for *not* dominating their wives than they have been for beating them (Dobash and Dobash, 1981, p. 566).

Four factors have been identified which helped change the traditional "arrest avoidance" response by the police (see Belknap, 1995): (1) it was apparent to many law enforcement officials and beat officers that non-intervention and mediation did not "work" (i.e., did not decrease recidivism); (2) the feminist movement initiated shelters and speak-outs for battered women; (3) successful class action and individual suits were filed by battered women against police departments for failure to protect them,[3] and (4) Sherman and Berk's (1984) "Minneapolis Experiment" found that arresting batterers decreased their recidivism.

COURT RESPONSES TO DOMESTIC VIOLENCE

Pro-arrest policies alone fail to deter batterers (Jones and Belknap, 1999). Indeed, it is quite possible, that the mandated arrest statutes simply moved discretion from the point of arrest to the point of prosecutorial screening (Davis and Smith, 1995). For example, although pro-arrest policies resulted an unprecedented number of batterers referred to criminal court, serious prosecution of these cases still appears to be unlikely (Syers and Edleson, 1992: 491; see also Fagan, 1995; Ford, 1983, 1993; Lerman, 1992 and Dutton, 1987). More specifically, rates of nonprosecution for domestic violence cases are consistently above the 60 percent mark; specifically, 62 percent (Feeney, Dill and Weir, 1983); 65 percent (McLeod, 1983); 66 percent (Mignon and Holmes, 1995); 79 percent (Martin, 1994); 80 percent (Rauma, 1984); and 81 percent (Quarm and Schwartz, 1985).

As stated earlier, the limited research on court responses to woman battering suggests that similar to law enforcement, judges and prosecutors often fail to take woman battering seriously (see Hart, 1993). It is also important to note that the growing implementation of mandatory and presumptive arrest policies across the U.S. in

[3]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. (Dist. Conn. 1984).

recent years (Buzawa and Buzawa, 1990; Cohn and Sherman, 1987), has increased the number of domestic violence cases that reach the court system (Goolkasion, 1986). Furthermore, the focus to date on police response to domestic violence typically ignored, and thus, in some manner, excused the actions and inactions of the courts in domestic violence cases. "It is important to note that police officers also [in addition to some victims] complain of the courts' failure to act [against batterers]" (Belknap, 1996, p. 190).

From compiling various data sets on criminal processing system responses to domestic violence, Dutton (1988, p. 142) states: "For every 100 wife assaults, about 14 are reported, 6 are detected, 1.5 arrests are made, .75 men are convicted, and .37 men are punished with a jail sentence or a fine. Prior research has established that prosecutors are significantly less likely to prosecute and judges are less likely to convict in cases where the victim and defendant are intimates (Elliott, 1989; Friedman and Schulman, 1990). Moreover, punishment is rarely severe for those few convicted batterers, and first convictions usually result in probation with minor conditions (Lerman, 1981). Regarding prosecutors' decision-making in domestic violence cases, Lyon and Mace (1991, p. 176) state: "On the average, about 75 percent of the cases are nolled, while charges are dismissed in the other cases."[4]

It is well known among criminal processing system personnel and advocates for battered women that these victims often drop charges or "fail" to pursue the case through the legal system. It is important to understand why this happens. Most notably, many of these victims fear the violent reprisals should they pursue a case against their batterers in court. Moreover, there are some domestic violence victims who try to use the courts and cooperate, but "the system" fails to convict their abusers, or simply orders probation when it does convict. Prosecutors often assume that victim noncooperation is the major obstacle to the successful prosecution of woman battering. Prosecutors have historically declined domestic abuse cases because they believe that victims will not cooperate, thus, hindering the prosecution and potentially resulting in a self-fulfilling prophecy (Cannavale and Falcon, 1976; Cahn, 1992; Cretney and Davis, 1997; Davis and Smith, 1981; Ellis, 1984; Parnas, 1967; Pastoor, 1984; Schmidt and Steury, 1989; Sigler, Crowley and Johnson, 1990; see U.S. Commission for Civil Rights, 1982 where prosecutors attribute low prosecution rates to uncooperative victims). Schmidt and Steury (1989) reported that in 45 percent of these cases, the primary reason for prosecutors' failure to go forward was the victim's wishes.

[4]For an excellent review of the prosecutor's role in domestic violence cases, see Ford and Regoli (1993).

The vast majority of the limited research on the court processing of woman battering cases focuses on prosecutorial behavior. Additionally, given that the police and prosecutors have usually siphoned off battering cases for either dismissal, mediation or counseling, judicial attitudes are largely untested. Although it has been reported that only 1 percent of abuse cases are presided over by judges, these court professionals (similar to police and prosecutors), have generally expressed that woman battering cases do not "belong" in criminal court (Cahn and Lerman, 1991; Schafran, 1987; see U.S. Commission on Civil Rights, 1982 where criminal court judges with jurisdiction to hear abuse cases transfered them to civil courts). The Minnesota Supreme Court Task Force for Gender Fairness in the Courts Final Report (1989) describes a six-jurisdiction study in which the Task Force found that *none* of the 224 domestic violence cases reviewed went to trial because *all* were disposed of by either a dismissal or guilty plea.

There can be little doubt that what judges prefer to do (i.e., their substantive attitudes and values) influences their decision-making behavior. This has subsequently been reaffirmed in many methodologically sophisticated studies. Goldman and Jahnige (1971) report that judicial decisions are consistent because they flow from judges' attitudes, not because they flow from precedents, statutes and conditions. Moreover, Schafran (1987) notes that although state domestic violence legislation provides adequate statutory protections for the battered women, judicial enforcement is lax due to the stereotypes about the victims. Judges often assumed that the woman provoked the violence and that she used the court system to resolve a private family dispute (Welch, 1994).

Pro-arrest legislation and contemporary policies have limited effectiveness if judges do not treat these cases seriously. The New York City Task Force found, as a result of their inadequate understanding of domestic violence, that judges and other professionals in the court system (including police) often discredit or blame battered women (Eaton and Hyman, 1992). Factors that research has identified as affecting judicial decision-making include:(1) hesitancy to penalize batterers; (2) over-emphasis on family unity; and lack of judicial training.

Judicial hesitancy to impose penalties commensurate with the intimate partner abuser's crime detracts from the intent of the criminal penalties. Judges ordering protection orders often dilute their effectiveness by failing to provide meaningful enforcement against abusers who violate the orders (see U.S. Commission of Civil Rights, 1982 where judges are often hesitate to order a separate sanction for violation of restraining or protective order). Even though prosecutors and judges can utilize a wide range of dispositional alternatives, the most common disposition is

a nominal fine (see U.S. Commission of Civil Rights, 1982 where twenty to thirty dollar fines were imposed), regardless of severity of injuries. For example, Quarm and Schwartz (1985) report that of the cases originally filed, only 17 percent reached a final disposition. Of the cases where the batterer was found guilty, 64 percent did not spend even one day in jail and 27 percent were neither jailed nor placed on probation. Moreover, unlike other violent crimes against the person, repeat offenders of domestic assault receive no harsher punishment than for their first conviction (U.S. Commission of Civil Rights, 1982).

Judges reluctant to sentence batterers to jail often defer to the victim's wishes (in cases where the victims report they do not want their batterers convicted) or overemphasize family unity, regardless of the level of violence. Frequently, judges rely on traditional views in these cases, "it is not uncommon for archaic notions of gender roles to inhibit successful intervention" (Archer, 1989). Similar to prosecutors, judges may attempt to talk victims out of pursuing charges. For example, a judge may suggest to a victim that a trial would cause more problems and that if she backs out, the judge will make the defendant promise to leave her alone. Further, if there are future incidents, she need only come back and tell the judge and she will be taken care of. Judges, however, often fail to inform the victim that there will be no official record of her current complaint and that the court will have no authority to do anything special on her behalf, should she return (Zorza, 1992).

In a study assessing the influence an individual judge has on the outcome of a domestic violence case, Ford, Rompf, Faragher and Weisenfluh (1990) found that for the 174 cases heard by judges in three civil courtrooms, there were significant differences between the judges in final outcomes. Although the research is somewhat restricted due to its limited sample size, it is interesting to note that there is wide variation in outcome factors among only three judges. Seemingly, training judges on how to recognize and understand the dynamics behind woman battering may reduce the wide variation among specific decision makers.

The limited research addressing defense attorneys' attitudes toward woman battering suggests that, similar to prosecutors' attitudes and behaviors, defense attorneys' beliefs regarding victim "noncooperation" and "reluctance" appear to become a self-fulfilling prophecy (Ford and Regoli, 1993). This is most frequently achieved by "wearing" down the victim's resolve to proceed, by asking for continuances, and forcing multiple trips to court. A more direct tactic utilized, is to ask the victim directly to drop the charges (Ford and Regoli, 1993). Ford and Regoli (1993) note that sometimes the defense attorney behavior borders on obstruction of justice, such as when

victims are induced to ignore subpoenas or give false testimony at trial. Crenshaw (1994) reported that defense attorneys often inform women that if they did not appear in court, they would probably not be arrested. The victims often accepted the words of the lawyer presuming they had some greater control over their assailants' behavior than either they themselves or the other criminal processing agents (e.g., the police, prosecutors, and judges) had.

VICTIM/WITNESS RELUCTANCE

Victim/witness reluctance (V/WR) as used in this study, is defined as: (1) not appearing for grand jury hearing or trial; (2) testifying on behalf of the abusive partner; and (3) seeking to have the charges against the charged partner dropped. For the purposes of this study, "victim/witness reluctance" is used to describe the same phenomenon often referred to as "victim/witness cooperation"-- the degree to which a victim is able or willing to support criminal processing system decision-makers to advocate on her behalf against her abuser. Ferraro and Boychuk (1992, p. 213) highlight some of the major problems regarding V/WR and prosecutors:

> Victim cooperation in cases of domestic violence is viewed as such a typical problem that prosecutors have established a "cooling off" period for such cases.....In our data, the majority of intimate victims were cooperative with prosecution (49 percent). However, a large proportion of intimate victims did request for charges to be dropped once filed (39 percent).....If it [a cooling off period] is a bureaucratic technique for eliminating the difficulty of working with victims who are emotionally and financially tied to their assailants, it would be helpful to provide assistance for the problems rather than discourage prosecution.

Sixteen years ago, McLeod (1983) published an extensive study of victim/witness reluctance in domestic violence cases. Although McLeod identified victim and situation characteristics associated with victim/witness reluctance, she did not interview women or solicit information from them about their reasons for not "cooperating." Our specific aims regarding victim/witness reluctance are to extend the existing literature on this phenomenon (V/WR) in domestic violence cases by: (1) determining how V/WR is related to prosecutors' decisions to pursue these cases; (2) determining how V/WR is related to judicial decision-making in these cases; (3) identifying the victims'/witnesses' concerns about testifying and not testifying against their abusers; and (4) evaluating the efficacy of variables likely to predict victim/witness reluctance (e.g., level of past injuries, criminal processing system (non)responses prior to the reluctance, level of fear, posttraumatic stress disorder symptoms, dangerousness of batterers, health problems of victims, help-seeking behaviors of victims, economic stability of the victims; resources available to the victim; presence of guns in the home, and so on).

Despite the speculation and assumptions that victim/witness reluctance is due to dispositional or characterological aspects of victims (i.e., "she must like it or she would leave") or that all or most of these women will eventually go back to their abusers voluntarily, there is considerable evidence of battered women who have tried just about everything to get themselves (and often their children) out of their dangerous homes. These victims receive little or no help and are continually placed in dangerous climates, for lack of legitimate avenues out, as revealed in a recent newspaper headline in the *Cincinnati Post*: "'She Was Afraid' of Abuser: Comatose Mom Tried All Legal Safety Nets" (Griggs, 1994). (For other examples, see Browne, 1987; Jones, 1994; Walker, 1989). These types of incidents are comparable to what led to battered women successfully suing police departments. One study (conducted in the same county as the study reported here) found that many women who drop battering charges are "escorted" to the courts to drop the charges by their batterers, citing fear as their major reason for dropping charges against their batterers (Quarm and Schwartz, 1985).[1]

Nonetheless, both the criminal processing system and the public continue to blame victims/witnesses who are reluctant or too afraid to testify against their assaulters, and this blame-the-victim approach likely serves to justify further abuse in the batterers' (and others') eyes. Homant and Kennedy (1982) found that 91 percent of police officers in their Michigan sample agreed with the statement, "The main problem with an arrest is getting the woman to cooperate with the prosecution." Ninety-eight percent of Brown's (1984) sample of police officers in a small Southern city also agreed with this statement. Belknap (1995) found that 47 percent of police officers surveyed reported not arresting "some," "most," or "all of the time" because they believed that victims would drop the charges. Also, 45 percent agreed that victims "don't mean it" when they request officers to arrest. Only 27 percent disagreed with this.

In terms of focusing on the issue of victim/witness reluctance/cooperation as it applies to battered women, a number of research findings are relevant. Briefly, first, in reality many battered women leave their batterers (e.g., Schwartz, 1988). Instead of asking "why battered women stay?", then, we need to acknowledge that plenty leave, but also ask, "What happens to battered women when they (try to) leave?" Second, while the focus on exasperation

[1]A woman's dropping charges, however, may not necessarily negate the usefulness of these charges being filed. Some battered women have effectively used the threat of prosecution to influence batterers to change their behavior (stop the abuse) (Ford, 1991a).

with non-cooperative battering victims has been on police frustration, it is useful to note that a study of family therapists found even a sizable portion of them are unwilling to address family violence (Hansen et al., 1991). Another recent study highlights, from battered women's perspectives, their frustrations in using the formal criminal processing system to control their batterers (Erez and Belknap, 1998). Thus, it appears that Gondolf's (1988) assertion that the police, judges, and other decision-makers have more "learned helplessness" than battered women–likely has some merit. Indeed, prosecutors often decline domestic violence cases because they *assume* the victims will not cooperate (Cannavale and Falcon, 1976; Parnas, 1967; Sigler et al., 1990). For example, the idea of prosecutors allowing a "cooling off period" in order to see if victims really want to pursue charges is only used in domestic violence cases (Ferraro and Boychuk, 1992).

There is little available research regarding domestic violence victims' motives for cooperating with criminal processing system decision-makers. David Ford (1983) identified major reasons that battered women sought help from the prosecutor's office in Marion County, Indiana in 1978; however, by his own admission, data were collected through "conversations" with victims and personnel of the Municipal court (p. 470). Thus the seeming informal nature of Ford's work raises questions about the replicability and validity of his findings.

In one of the few studies of victim/witness reluctance, Cannavale and Falcon (1976a, 1976b) interviewed 922 witnesses randomly selected from closed felony and misdemeanor cases in the District of Columbia. The offenses included, but were not limited to, domestic violence. They found that "fear of reprisal" was the most often cited reason victims reported a reluctance to cooperate with the prosecution. Fear of reprisal was reported by approximately equal percentages of "cooperators" and "noncooperators" and of victims and nonvictims; however, more women than men expressed fear of reprisal (31% vs. 26%), and more residents than nonresidents expressed this fear (30% vs. 17%). These findings suggest that proximity of the victim to the offender, in terms of both physical distance and intimacy distance, is related to fear of reprisal. Because Cannavale and Falcon's findings were *not* specific to woman battering cases, it is not known whether fear of reprisal is related to victim/witness reluctance to cooperate with the prosecutor in domestic violence cases. Evidence from other studies, however, suggests that fear of reprisal is likely to be related to victim/witness reluctance in domestic violence cases as well (Buzawa and Austin, 1993; Martin, 1994; McLeod, 1983; Singer, 1988). For example, although Buzawa and Austin (1993) did not analyze the relationship between victim preference for nonarrest and serious injury, they observed that many

seriously injured women preferred non-arrest. A study by Fernandez et al. (1997) reported that the more dependent a woman is on her abuser and the more severe the abuse, the less persistent she is in obtaining a protection order.

Finally, Davis (1983), in a review of research on victim/witness reluctance, reported that prosecutors were often successful without victim/witness participation (except in cases where the prosecutor had specifically requested participation and the victim/witness did not appear). Moreover, charges against defendants were far more likely to be dismissed for victims/witnesses who did not testify in the cases when they were acquainted with the defendant, than in cases where the victims/witnesses did not testify and were strangers to the defendant. Although, Davis (1983) did not examine domestic violence cases as a subset, these findings have obvious implications for domestic violence cases. In sum, little is known about the court processing of domestic violence cases and about those factors affecting domestic violence victims'/witnesses' decisions to cooperate or about the basis for their reluctance. The research reported in this report help broaden the knowledge about these problems.

THE CONTEXT OF THE STUDY SITE

This Final Report presents the method and findings from four manners of data collection on the court processing of misdemeanor domestic violence cases (pretrial data, interviews and surveys of court officials, content analysis of court transcripts, and interviews and surveys of domestic violence victims).). In the current study the "defendant" is a person who was arraigned in Cincinnati Municipal Court between the period of January 1, 1997 and December 31, 1997 for one or more of the above charges: misdemeanor Domestic Violence (2919.25), 2919.27, Violating Protection Order or Consent Agreement (2919.27), or a related crime--2903.211 Menacing by Stalking and 2907.02 Rape--for violence against a person living as a spouse. A person living as a spouse is defined by Ohio law, and thus here, as "a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, who otherwise has cohabited with the offender within one year prior to the date of the alleged commission of the act in question, or who is the natural parent of the offender's child" (Ohio Statue. Cases involving male-on-female as well as female-on-male violence and heterosexual and as well homosexual domestic violence were included in the sample.

Briefly, we will describe the practices in the jurisdiction from which these data were collected. The police in this jurisdiction operate under a "preferred arrest" policy, where they are not *obligated* to arrest, but are strongly encouraged to do so (at least in theory). There are no specialized dockets and no special services/policies regarding

domestic violence cases in these courts. There are *no* victim advocates housed in the prosecutor's office or working with the prosecutors. Thus, victim services are quite distinct from the courts. There are approximate 250 cases heard daily in these courts (domestic violence combined with all other offenses). In short, there are no innovative practices to address domestic violence currently operating in this jurisdiction, short of the Domestic Violence Coordinating Committee's efforts to gain funding and meet monthly.

First, we will address how misdemeanor cases come into this court. A complaint is filled out, either by police or victim. When the case is placed on the docket, there are 14 judges (and 14 available court rooms) and each judge is assigned one week to hear cases. When all 14 have sat for one week, the court system starts with the first judge again. Thus the judge a defendant (or victim) is assigned depends upon which judge is sitting on the bench that week. The same judge will hear the case through the end.

The court in this jurisdiction is one with a next-day arraignment following an arrest, except that there is no court on Sunday so those who are arrested on Saturday must wait for court on Monday. The typical cases takes between one and three months to move from arraignment to disposition. Currently, there appear to be few resources to notify victims/witnesses about their cases. Subpeonaes from the court appear to be a common, yet not very useful practice, to try to locate and inform domestic violence victims. Women Helping Women, a victim advocacy agency operates independently of the court also received faxes from the police regarding domestic violence calls. It is unclear how rigorously the police fax all of their cases to WHW, and if WHW is understaffed, victims may not be contacted and WHW may not be in court.

It is useful to examine the program structure of the victim advocacy program, Women Helping Women (WHW). WHW oversees all cases in the county, but they are funded independently of the county (e.g., through the United Way, the city, and private donations). WHW advocates are in the courtrooms Monday through Friday. When the police service a domestic violence call, the police are supposed to fax a copy of the report to WHW. The City of Cincinnati police are good at doing this. WHW calls the victims before arraignment and tells them which courtroom to go to and offers to stand up with the victim at the hearing, to explain to the victim what the protection orders mean, to offer additional information on what services WHW offers, and to educate the victim about the courtroom process. They also provide crisis intervention. WHW receives a copy of the docket for that day and attempts to find the victim in the courtroom, if they have not already contacted the victim before. WHW tells the victims that, should their case go to trial, the victim can notify them and they will do their best to provide the above-noted assistance at

that time.

A TRO violation is a misdemeanor violation. Theoretically, the offender should be charged with a misdemeanor. Most commonly, a TRO violation is prosecuted when the offender does something in conjunction with the TRO, such as another call for domestic violence. It is likely that most of the TRO violations aren't reported to the courts either because the victims do not call the police, or the police believe the court won't see the case as meeting evidentiary standards (information gleaned from conversation with Pretrial worker).

The prosecutors in this jurisdiction do not have any contact with the victims before arraignment; they rely on women helping women to notify the victims of the court time and date. After arraignment, the prosecutors are expected to contact the victims to ask and inform them about. This jurisdiction does not have a "no-drop" policy or any other domestic violence-specific policies

CONCLUSIONS

This chapter is an introduction to a study on the court processing of 1997 misdemeanor intimate partner battering cases in Cincinnati, Ohio. The study reported herein will contribute to the currently limited data on the court processing of these cases. using four data sets. Each of the following four chapters represent the methods and findings for each of these data sets. Chapter 2 presents findings on 2,670 (90.5%) of the 1997 Cincinnati cases, compiling data from pretrial services, police reports and NIBRS reports, and a form designed for use in this study that was completed by prosecutors. Chapter 3 describes the method and findings from intensive interviews and surveys with 14 judges, 18 prosecutors, and 31 public defenders who process these cases. Chapter 4 reports the findings from intensive content analysis of 127 court cases, and Chapter 5 is a detailed report of the method and findings from interviewing and surveying over 100 battered women who were in this process. Finally, Chapter 6 summarizes this Final Report and outlines policy changes and directions for future research.

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)

Variables	Model 1 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

CHAPTER 2

THE RESULTS OF THE PRETRIAL DATA

Joanne Belknap, Ph.D.
Jennifer Hartman, Ph.D.
Victoria Lippen, M.S.

Introduction

One of the foremost tasks of this study was an attempt to unite a number of quantitative data sets already collected in the criminal processing system on misdemeanor domestic violence cases. Specifically, Pretrial Services in Cincinnati, Ohio asks a large volume of questions of defendants upon intake. (Notably, the victims are *not* asked questions.) Additionally, police officers are supposed to complete "527" forms and NIBRS forms on each case (although NIBRS was in the process of being implemented over the course of the study). The primary goal in this portion of data collection, "the pretrial data," was to take the pretrial data and merge it with information from the police reports (NIBRS and "527" forms), when available. Finally, in order to help "flag" intimate partner domestic violence cases *and* in an attempt to determine the prosecutors' perceptions about the victims and judges in the individual cases, we developed a "green form" (named for the color of paper on which it was printed). Unfortunately, the pretrial data alone only "flags" cases as "general domestic violence," thus the child abuse, elder abuse, sibling abuse, and other "family violence" cases get lumped in with intimate partner cases. Given that some of the pretrial data are incomplete, it is often difficult to determine which cases are intimate partner domestic violence. Thus the prosecutor "green" form both allowed aid in determining the domestic violence cases *and* provided useful information from the prosecutors on *their* perspectives regarding victim behavior, judge behavior, and other facets of the case (e.g., evidence). The lead prosecutor allowed us to employ this data collection tool if we limited it to one page. All 18 of the prosecutors were instructed to complete these forms for each of their intimate partner cases.

The cases in the data set described in this chapter, then, are a combination of pretrial, police, and prosecutor information from misdemeanor intimate partner domestic violence cases in 1997. A doctoral student, Victoria Lippen, was employed on this grant to work in the pretrial office to identify all of the misdemeanor intimate partner domestic violence cases by using the green forms (N= 2,241) completed by the prosecutors and

perusing the police reports sent to the pretrial office by various agencies responding to these calls (particularly victim advocate agencies). Ms. Lippen was also responsible for entering the data from these sources and merging them with the relevant pretrial data. The head of the prosecutor's office in the jurisdiction of the study claims that there were 2,950 such cases for that year. Unfortunately, although the prosecutor's office had some means of tracking these cases, we were not made aware of it until the study was over and it was impossible to go backwards to get the missing (9.5% of the) cases. However, the method we used allowed us to collect data on over ninety percent of the cases, and we have no reason to think the cases we missed were different. Thus, we have data on 2,670 (90.5%) of the 2,950 1997 court cases of misdemeanor domestic violence cases in Cincinnati, Ohio .

Despite this impressive aspects of this data set, we also believe it is important to use caution regarding some of the variables. Specifically, it is difficult to have much faith in some of the injury and abuse data. The police forms appeared to be filled out very inconsistently. For example, some officers took great care to complete these forms and hand-write detailed information in the qualitative part, often about abuses or injuries not listed in the check-box items. On the other hand, we assume that the prosecutors faced this same inconsistency, and thus based their cases on this same "unreliable" information. Therefore, we believe that the case outcome is likely influenced by what the police recorded, however unreliably or inconsistently.

Regarding the research questions posed on page 3 of this report, the data discussed in this chapter are best suited to answer the rates of practices and outcomes in these courts processing misdemeanor domestic violence, and what variables are and are not related to the verdict and the sentencing. These findings suggest what prosecutors may need in order to increase their likelihood of guilty verdicts in domestic violence cases.

Data Analysis

The first portion of the findings is a presentation of the rates (or frequencies) with which different phenomena occurred in these court cases (Tables 2.1 through 2.5). The latter portion of the findings section reports the results of the multivariate analysis. A number of models were run to determine which independent variables were related to four dependent variables: (1) whether the defendant was found guilty (versus the defendant was found "not guilty" or the case was dismissed); (2) the amount the defendant was fined in dollars; (3) the number of days the defendant was sentenced to probation; and (4) the number of days the defendant was sentenced to be

incarcerated (including time served). A combination of various independent variables were used to form models, with an attempt to keep variables out that were correlated at a rate greater than the absolute value of .60 (for reasons of multicollinearity).

The final independent variables chosen for inclusion in the multivariate models were divided into three groups: defendant and abuse/charge variables, victim variables, and system variables. The *defendant and abuse charge variables* included the defendant's sex, race, age, and criminal history. (Given the few defendants with race other than white or African American, race was coded as a dichotomous variable representing these two dominating racial categories.) These variables also included whether the defendant hit or kicked the victim, whether the defendant strangled the victim, and whether the defendant stabbed or cut the victim or a gun was involved. These three variables were included to address the severity of the offenses. Given that some research on police officers' decisions to arrest have found the victim-offender relationship a significant predictor, this variable was included as a "defendant" independent variable. (Clearly, it is a "victim" variable as well.) This variable was measured as whether the victim and defendant were currently in a relationship/intimately involved at the time of the incident for which the defendant was arrested. Thus, victims and defendants who were married or living as common-law spouses were coded as "together," whereas victims and offenders linked by a "child in common" or who were former spouses or former boyfriends/girlfriends were coded as "not together." Finally, in addition to using abuse and injury variables to assess "legal" (as opposed to "extra-legal") variables, the charge and the defendant's prior criminal history were included under defendant/abuse/charge variables. The charge variable was simply a dichotomous measure of whether the most serious misdemeanor charge was made (M1). The criminal history variable, also a dichotomous measure, represents whether the defendant had a prior record for a violent crime (including domestic violence).

In order to ascertain the importance of *victim/witness cooperation/reluctance*, three victim participation variables were included in the final multivariate models: whether victim testimony or a victim statement were available, whether the victim was subpoenaed, and whether the victim changed her/his story. The *system variables* included whether 911 tapes were available, whether photos of the victim or property damage were available, whether medical records of the injury were available, and whether a police officer testified in court. The *system*

variables also included characteristics about the prosecutors and judges (there was little information available about the defense attorneys). Specifically, the multivariate models include the prosecutor's and judge's race and sex (race was a dichotomous measure of White versus African American), the number of times the prosecutor met with the victim, and the prosecutor's caseload (a dichotomous variable representing whether the prosecutor on the case had a caseload above or below the mean).

Findings

Table 2.1 (in the appendix) describes the sample. These data were compiled using the prosecutor forms (designed specifically for this study), NIBRS, and pretrial data. Over four-fifths of the defendants in the sample were male, and over four-fifths of the victims were female. About 86 percent of the cases were male defendants and female victims and 14 percent were females charged with abusing their intimate male partners. These data certainly speak to the "double" or "dual" arrests as part of the backlash to pro-arrest policies (see Jones and Belknap 1999 and Martin 1994). Fewer than two percent of the sample were same-sex partners. (There was some indication that same-sex partner domestic violence abuse was more likely to be forwarded to mediation than heterosexual couples. This came up in casual conversations in the court house and pretrial.) Similar to many other studies and jurisdictions, African Americans were grossly over-represented in the court sample compared to the population. Over seventy percent of those charged with domestic violence were African Americans, and about seventy percent of the victims were African Americans. Almost all of the remaining defendants and victims were white. The defendants' ages ranged from 17 to well into their eighties, with the average age in the early thirties. The victims ranged in age from 14 to one woman in her eighties. The average age for victims was almost thirty years old. The defendants tended to be about 4 inches taller and weigh twenty pounds more than the victims.

The largest category of victim-offender-relationship (VOR) was "cohabitating" or "common law." Almost two-fifths of the sample (37%) were "in this category. The next most common VOR category, over one-quarter of the sample (28%) were spouses, and the next most common VOR category, almost one-fifth (17%)were "child in common." Almost ten percent were boyfriend/girlfriend, about five percent were ex-boyfriend/girlfriend, and fewer than five percent were former spouses (see Table 2.1). It is somewhat remarkable, from data on the prosecutor ("green" forms), how infrequently the prosecutors knew whether the victim and offender (1) were residing together

at the time of the incident, and (2) were still intimately involved at the time of the court case. For the 1,284 cases when prosecutors knew whether the victim and offender were living together at the time of the incident, approximately three-fourths (73%) were living together. For the 957 cases where the prosecutors knew whether the victim and offender were "still intimately involved at the time of the court case," they were fairly equally divided. Notably, however, and in contrast to the "Why don't women leave?" question, 54% were no longer intimately involved.

Table 2.2 presents information on from the prosecutors' reports on the dynamics of the court case. The most common form of available evidence was the victim's testimony or statement (51% of the cases), followed by photographs of injuries or property damage, available in fewer almost 20% percent of the cases (when pretrial data were merged with Prosecutor Form data). Police testimony was available in about 7 percent of the cases. Nine-one-one tapes, medical records, and other eye-witness testimony were available in fewer than 3 percent of the cases. According to the prosecutors, victims were not present in about one-third of the cases, and were subpoenaed in almost half of the cases. Prosecutors reported that the victims changed their stories in almost ten percent of the cases. Prosecutors infrequently seemed to know whether a victim advocate was present in court. In those almost 500 cases they reported whether the knew of the presence of victim advocates, they were only present in about ten percent of the cases.

Table 2.2 also reports prosecutors' descriptions of victims' demeanor. In contrast to the media and research concentration on "uncooperative" victim/witnesses, the most commonly reported demeanor, used to describe almost three-fifths of the victims, was "cooperative." The next most common descriptions of victim demeanor, reported for two-fifths of the victims, were "credible" and "reasonable." About one-fifth were reported as "friendly." About one-fifth were also reported as "with holding" and "not cooperative." Roughly ten percent were reported as "not credible." Fewer than ten percent were reported as "equally or more at fault" (9%), "angry" (8%), "unreasonable" (7%), "mentally limited" (4%), and belligerent (2%). In the "other" category, about two percent recorded "anxious or scared" and almost one percent wrote "intoxicated/drunk." Thus future research should include these last two categories, and doing so would likely significantly increase the reported rates of fear/anxiety.

Table 2.2 also reports the prosecutors' perceptions of the judges' conduct, albeit for fewer than 1,000 of the cases. The most common description of the judge's behavior (84% of the cases) was "appropriate." Over one-third (37%) of the cases described the judge as "sensitive." One-quarter (25%) described the judge as "supportive." Thus, similar to descriptions of the victim, the descriptions most frequently provided regarding the judge were positive. About one percent of the time prosecutors described the judges' behavior as "inappropriate" and in fewer than one percent of the cases the judges' conduct was reported as "non-supportive" or "insensitive." It is worth noting that the prosecutors all kept their completed forms in a common place in the prosecutors' office (not such a good idea) to be picked up, and it is likely that some of them may have been resistant to report "unkind" or "unprofessional" behaviors about the judges on these forms (thus the somewhat low response rate to this item). The prosecutors reported that weapons were used in the incident in almost one-fifth (17%) of the cases, and that the victim was injured in almost two-fifths (38%) of the cases. The remaining items reported in Table 2.2 concern the amount of time prosecutors spent with victims in person and on the phone. *In almost nine tenths of the cases, prosecutors reported that they never spoke with the victim on the phone, and in half of the cases they never met with the victims.* This is particularly disturbing given that most of the prosecutors when they discussed meeting with victims in person, it was 5 minutes before their court cases started, in the court room. The average number of minutes prosecutors spent talking with victims on the phone was 3 minutes. In fewer than 2 percent of the cases did they talk more than 30 minutes with victims they represent. This is not surprising when taken in conjunction with the findings from the next chapter regarding the lack of time prosecutors report they have for each domestic violence case.

Table 2.3 presents the information on the charges and dispositions (garnered from the prosecutor forms). Almost ninety percent of the charges were "M1," the most serious misdemeanor charge. Approximately half of the defendants' cases were "dismissed" and slightly over two-fifths were found guilty. About 5 percent were found "not guilty." The most common reason (70%) reported by prosecutors for the dismissal was victims' unavailability or failure to appear. The next most common reason (9%) was that the defendant was given the option and took it to have the case dismissed if he (this was only available for male defendants) attended batterer treatment. In 7% of the dismissed cases the prosecutor claimed the dismissal was due to the victim not cooperating with the prosecution. In

cases where there was a guilty plea, over three-fifths (63%) were to an amended (lesser) charge. Ninety percent of the cases were "bench" cases, about 8 percent were settled in pretrial, and about 2 percent were jury trials. Although about 30 percent of the defendants were incarcerated no days, the average number of days of the sentence was 51 days (the median and mode number of days sentenced to incarceration were 30 days). (Some of the defendants who were later found "not guilty" or had their cases dismissed had spent time in jail waiting for their court date.) In almost two-fifths of the cases there was no probation sentence; the average number of days on probation was 189.

Table 2.4 reports information on the abuses that were mentioned on one or more of the following documents: the prosecutor's "green" form, NIBRS forms, "527" police reports, victim affidavits, or pretrial offender intake data. As stated previously, these variables, along with those reported in Table 2.5 (on weapons and injuries), are rather "sketchy." The police seemed somewhat inconsistent in how they completed the forms, and this is likely true for the prosecutors as well. It is our belief that, if anything, the rates reported in Tables 2.4 and 2.5 underestimate the occurrence of these abuses, injuries, and weapons. The police forms were filled with missing information. Indeed, looking at these rates, one cannot help but wonder about resulted in many of the defendants' arrests. Clearly, there is a significant amount of missing data on the abuse, injury, and weapon variables. At any rate, we also assume that the prosecutors trying these cases were typically relying on the same information we were able to find (except the significant difference of prosecutors who had access to the victims' input). Perhaps one of the most notable findings from this study is that almost one-fifth of the victims reported a lethal threat from the defendant. Given that some research reports the psychological abuse as the worse type of abuse and that we know from everyday perusal of the news that some batterers *do* kill their victims, this rate is rather alarming. Indeed, it was the most common form of threat reported on any of the data sources. The next most commonly reported threat was of non-lethal physical harm. Many of these on the police reports said things like, "I'm going to get you!" and "I'm going to f— you up!" Thus, perhaps they could be taken as lethal threats as well, but were not coded as such. For one-half of one percent of the cases there was a report that the defendant had threatened to kill himself. About two percent of the cases involved a lethal threat to someone other than the victim or the defendant (often the victim's child, mother, or sister), and one percent of the cases involved non-lethal threats of physical harm to others.

Table 2.4 also reports the types of violent or abusive behaviors that were reported in the various data sources. The most commonly reported abuse, reported in 55% of the cases, was being "punched or hit." The next most common, reported in almost one-third of the cases (31%), was being shoved. The third most frequently reported abusive or violent action was being "choked or strangled," reported in almost one-fifth (18%) of the cases. Thirteen percent of the cases involved some report of being "slapped," and about 10 percent had reports of being grabbed or dragged. Although slapping sounds more "minor" than many of the abuses listed, they frequently appeared to result in bloody noses and split lips. Similarly, while "shoved or pushed" sounds relatively tame, sometimes this involved being pushed out of a car, downstairs, or through a glass door. The cases of being "dragged," frequently involved being dragged by one's hair. Property damage was reported in about 8 percent of the cases, and about 7 percent of the cases involved being knifed/stabbed with a sharp object, being kicked, or being hit with a held object (3 % involved being hit with a thrown object). The range of objects used to hit or throw at victims were also varied. They were as "minor" as a stack of papers to objects as varied and serious as a television set, a vacuum cleaner, and a shovel. The stabbing cases often resulted in a number of stitches, making a "misdemeanor" charge seem inappropriate. About 4 percent of the cases involved restraining the victims, often pushing them down and standing on their chests, or holding their hands behind their backs. About 3 percent of the cases involved property damage and the same amount involved trespassing and preventing from calling 911. A little over 2 percent of the cases had some report of stalking behavior. Although less than half of one percent of the cases reported "raping the victim" or "sexually abusing the victim's child," it is worrisome that any such charges would be charged as "misdemeanors."

Table 2.5 provides information on any reports of weapons or injuries. Almost 10 percent of the cases involved a knife or sharp object (e.g., scissors or a screwdriver). Almost two percent involved a gun. Other types of weapons included lamps, belts, ropes, and flammable liquids. Although the weapons other than knives/sharp object and guns were numerous and varied, there was not much reported in the way of patterns. We do, however, report the telephone as a weapon (1.3%). Even though this is rare, it is a noted pattern in the court transcript data presented in Chapter 4. We argue that the telephone is symbolic: the victim's lifeline to safety. Telephones were often involved in the property damage reported in the last table, as well as the issue of being kept from calling 911.

Table 2.5 also reports information on the injuries. Similar to weapons, it was difficult to come up with patterns. For the most part, injuries were not reported regularly. The most commonly reported injury, in one-fifth of the cases, was bruises (including black eyes and bite marks). The next most common was cuts, at 13% (including bloody noses and split lips). Almost one percent of these misdemeanor domestic violence cases involved broken bones or broken teeth.

Table 2.6 and 2.7 present the multivariate findings. Table 2.6 is a multivariate logistic regression presentation of factors related to the case outcome in terms of whether the defendant was found guilty. Table 2.7 represents the multivariate multiple (OLS) regression analyses regarding the amount of the fine in dollars (Model 1), the number of days sentenced to incarceration (including time served) (Model 2), and the number of days sentenced to probation (Model 3). It is important to note that the R-squared statistics reported in the ordinary least squares regression analyses indicate that these models do not include many of the relevant variables, given that the R-squares range from 0.09 to 0. 23.

Table 2.6 reports the factors significantly related to whether the defendant was found guilty of domestic violence. Notably, the only "defendant" variable significantly related to case outcome is also a victim variable: the victim-offender-relationship. Specifically and surprisingly, defendants who were "together" when the incident occurred were *more* likely to be found guilty than their counterparts who were broken-up from their victims at the time of the incident. Predictably, regarding victim participation variables, in cases where a victim statement or victim testimony was available, the defendants were more likely to be found guilty, and victims who changed their stories were less likely to have their defendants found guilty. Also predictably, defendants were less likely to be found guilty (1) the fewer times that prosecutors met with the victims, and (2) when the prosecutor's caseload was above average. For no apparent reason, defendants were more likely to be found guilty when the prosecutors were White than when they were Black.

Now turning to the models predicting what the sentence involved (Table 2.7), analysis was conducted on those cases with a guilty verdict to determine what influenced the sentence. None of the variables were significant in every model sentencing model. Some of the variables were not significant in any of the sentencing models: defendant's race, defendant's age, victim-offender-relationship, defendant's criminal history, wither the defendant

kicked or hit the victim, whether the defendant stabbed/cut or used a gun on the victim, the victim's statement/testimony, whether the victim was subpoenaed, the availability of 911 tapes, whether a police officer testified, the number of times the prosecutor met with the victim, and the judge's sex.

First we will discuss the defendant and abuse/charge variables significantly related to the sentence in guilty verdicts. These were rarely related. The defendant's sex was only related to the case outcome once: Male defendants received more days sentenced to incarceration than their female counterparts.The seriousness of the charge (whether it was an "M1") only affected one case outcome: A more serious charge resulted in a greater number of days sentenced to incarceration. The only time that a variable measuring abuse or injury was significant in any of these models was that when strangling/choking was reported as a form of abuse in the case, the defendants received more days on probation.

Regarding the victim variables, victim's testimony/statement and subpoenaing victims had no impact on the sentence in cases with guilty verdicts, however, if the victim changed her/his story, the defendant was likely to receive fewer days sentenced to incarceration *and* fewer days sentenced to probation.

The "system" variables were far more likely to be related to the actual sentencing in guilty verdicts. Although the number of times the prosecutor met with the victim approached significance, it was never significant in these models. The only variables significant in predicting the amount fined, were both system variables, and both had to do with the race/ethnicity of the judge and prosecutor. Guilty defendants' fines were lower when there was an African American judge and they were also lower when the prosecutor was African American. When the prosecutor was African American, the number of days sentenced to probation was significantly less, and when the judge was African American, the number of days sentenced to incarceration were significantly less. The prosecutor's caseload was significant in two of the sentencing models in opposing ways. Prosecutors with higher caseloads were more likely to be involved in cases where defendants received fewer days sentenced to incarceration, but *more* days sentenced to probation. These findings suggest that it may not be appropriate to separate out the three guilty sentencing outcomes: fines, days incarcerated, and days on probation. It may be necessary to determine a combined measure of these. The prosecutor's sex was significant in one model: defendants received more days sentenced to incarceration when the prosecutors were female.

The other system variables not accounted for thus far were the evidence variables. Although 911 tapes were never significantly related to the sentencing decision in guilty verdicts, the availability of photographs and the availability of medical records both increased the likelihood of more days sentenced to incarceration. The availability of medial records also increased the likelihood of more days sentenced to probation.

Summary

This chapter presented the quantitative analysis of over 2,500 misdemeanor intimate partner domestic violence court cases in Cincinnati, Ohio in 1997, representing about nine-tenths of the cases in the population that year.

In the multivariate analyses presented in Tables 2.6 and 2.7 it is worth noting the variables that were *not* significant. Specifically, the following variables were *never* significantly related to whether the defendant was found guilty, the amount the defendant was fined, the number of days the defendant was sentenced to probation, or the number of days the defendant was sentenced to incarceration: (1) the defendant's age; (2) the defendant's race; (3) the defendant's prior criminal record; (4)whether the defendant kicked or hit; (5) whether the defendant stabbed, cut, or used a gun; (6) whether the victim was subpoenaed; (7) the availability of 911 tapes; (8) whether the police testified; and (9) the judge's sex. *The most important variable predicting whether the defendant was found guilty was the number of times the prosecutor met with the victim* (see Table 2.6). As predicted, when the prosecutor met with the victim, the defendant was more likely to be found guilty.

Three variables were significantly related to case outcome in three of the four outcome models (presented in Tables 2.6 and 2.7): The prosecutor's caseload, whether the victim changed her/his story, and the prosecutor's race. When the prosecutor had a higher than average caseload, the verdict was less likely to be guilty, the defendant received fewer days sentenced to incarceration, and the defendant received *more* days sentenced to probation. As predicted, when a victim changed her/his story, the defendant was less likely to be found guilty, received fewer days sentenced to probation, and fewer days sentenced to incarceration. When the prosecutor was African American, the defendant was less likely to be found guilty, fined a lessor amount, and sentenced to fewer days on probation.

Two variables were significant in two of four outcome models. The availability of medical records increased the likelihood of days sentenced to incarceration and days sentenced to probation. When the judge was African American, the defendant received lessor fines and fewer days sentenced to incarceration.

A number of variables were only significant in one of the models, and usually this was the model predicting the number of days the defendant was sentenced to incarceration. The sex of the defendant was only related to the number of days incarcerated, with males receiving more days incarcerated than their female counterparts. The severity of the charge against the defendant only "mattered" in the "days incarcerated" model, and as expected, a more severe charge resulted in a greater number of days sentenced to jail or prison. Similarly, whether photographs were available only "mattered" in predicting the number of days sentenced to incarceration, and predictably, their availability increased the likelihood of more days sentenced to incarceration. The only instance in which the prosecutor's sex "mattered" in the multivariate analysis was for the days incarcerated: When females prosecuted the case the number of days the defendant was sentenced to incarceration *increased*. Perhaps the female prosecutors take the cases more rigorously, or perhaps the judges are more inclined to give serious sentences when females are prosecuting the cases. The victim-offender-relationship was only significant in the guilty v. dismissed/not guilty outcome. Surprisingly, if the victim and offender were still involved/together, the verdict was more likely to be "guilty." None of the abuse/injury variables were significant except that if one of the abuse charges was strangling/choking, the defendant received more days on probation. Although victims' testimonies/statements increased the likelihood of a guilty verdict, it had not further impact on the fines, probation or days sentenced to incarceration decisions. Although the number of times the prosecutor met with the victim was only significantly related to the verdict, it approached significance in the other models.

It is important to stress that the most important variable predicting the likelihood of a guilty verdict is *the number of times the prosecutor meets with the victim*, and that this variable has the expected effect: it increases the likelihood of a guilty conviction. At the same time, as noted in the next chapter, prosecutors report having too little time to spend on these cases. Indeed, there are far more public defenders available (n=31) to the defendants in this jurisdiction than there are prosecutors available to the victims (n=18). Moreover, many of the times that prosecutors first met with the victims, was 5 minutes before their cases began. Moreover, prosecutors with a higher than

average caseload were less likely to have the defendants found guilty and were more likely to be involved in cases where the incarceration sentences represented fewer days (but the probation days were higher). A second overall finding from the multivariate analysis is the importance of victim participation. It appears from these data that victims' testimony and statements are seemingly "required" for guilty verdicts in this jurisdiction. When a victim is perceived as changing her (or his) story, this has the predicted affect, as well (it decreases the likelihood of a guilty verdict, days sentenced to probation and days sentenced to incarceration).

Overall, evidence did not seem to play much of a role in these verdicts. Police testimony had no impact on the verdict or any of the other three sentencing models. The injury and abuse variables were only significant once, and the presence of 911tapes was never related to any court outcome. The availability of photographs and medical records "mattered" solely in terms of extending the incarceration days to which the defendant was sentenced, but the availability of medical records increased the number of days sentenced to incarceration *and* the number of days sentenced to probation. Given that this study indicates that subpoenaing victims does *not* affect the case outcome, we believe this evidence should be used to reconsider this practice. Second, we fear that too much emphasis is placed on victims' testifying, particularly given the literature documenting many victims' fear of reprisal *and* the evidence in the prosecutor forms and data presented in other chapters of this document regarding the numerous victims who never knew when their cases were being tried. Finally, the evidence presented in this chapter, and supported in the following data chapters, suggests the very immediate need to hire more prosecutors for these cases and/or implement a victim advocacy office within or as a part of the prosecutor's office. It is likely that with more prosecutors, they could meet with victims more often, which would likely increase victims' participation and guilty verdicts and stricter sentences of intimate partner abusers.

Table 2.1. Domestic Violence Victim and Defendant Demographic Information (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

Continued.

Table 2.1. Domestic Violence Victim and Defendant Demographic Information, Continued.

Variable			
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
Residing Together at time of incident?[g]	2,088		
Yes		45.0	940
No		16.5	344
Don't Know		38.5	804
Still intimately involved?[h]	2,075		
Yes		21.3	443
No		24.8	514
Don't Know		53.9	1,118
Defendant Height ($\bar{x}$= 5'8.4")[i]	1,140		
5'2" and under		4.5	51
5'3" - 5'7"		26.6	304
5'8"+		68.9	785
Victim Height ($\bar{x}$= 5'4.2")[j]	1,156		
5'2" and under		21.5	249
5'3" - 5'7"		58.6	677
5'8"+		19.9	230
Defendant Weight ($\bar{x}$=174.2 pounds)[k]	1,142		
Under 115 pounds		1.8	20
115-129		6.4	73
130-144		7.2	82
145-159		16.8	192
160-174		21.6	247
175+		46.2	528

Continued.

Table 2.1. Domestic Violence Victim and Defendant Demographic Information, Continued.

Variable			
Victim Weight ($\bar{x}$= 155.8 pounds)[l]	1,156		
Under 115 pounds		7.9	92
115-129		14.0	162
130-144		22.7	262
145-159		15.5	179
160-174		14.2	164
175+		25.7	297
No. of Times Defendant Appears in This Model	2,403		
1		90.5	2,175
2		8.2	196
3		1.1	27
4		0.1	3
5		0.1	2

[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.
[f] These data are solely from the Prosecutor Form.
[g] These data are solely from the Prosecutor Form.
[h] These data are solely from the Prosecutor Form.
[i] The median and mode were 5'9"
[j] The median was 5'5" and the mode was 5'4."
[k] The median was 170 pounds and the mode was 160 pounds.
[l] The median was 150 pounds and the mode was 130 pounds.

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

Table 2.2. 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 2.2. 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
Total Minutes Prosecutor Spoke w/ Victim on Phone($\bar{x}$=3.19)	1,169		
none		80.6	942
1-5 minutes		5.1	59
6-15 minutes		9.9	116
16-30 minutes		2.7	32
more than 30 minutes		1.7	20
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
Total Minutes Prosecutor Spent Meeting w/ Victim ($\bar{x}$=7.89)	1,501		
none		38.4	577
1-5 minutes		23.1	346
6-15 minutes		27.3	410
16-30 minutes		9.2	138
more than 30 minutes		2.0	30

[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 2.3. 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 2.3. 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 2.4. 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 2.5. Information on Weapons Used and Injuries Reported[a] (N=1,867)

Variable	%	n
Weapons		
Any Weapon[b]	12.3	430
Knife/Sharp Instrument	9.1	169
Gun	1.8	33
Knife/Sharp Instrument or Gun	10.6	198
Telephone	1.3	25
Injuries		
Scratched	10.3	192
Bruised (includes black eyes, swelling, bite marks)	20.4	380
Cuts (includes bloody nose and split lip)	13.0	243
Broken Bones/Teeth	0.9	16

[a]These data were collected from NIBRS, Police Reports, Pre-Trial, and Victims' Affidavits. More than one type of weapon and/or injury could be reported for any given case.
[b]These weapons included a wide variety of objects, from guns, knives, belts, lamps, baseball bats, and telephones, to logs, walkers (for the disabled), and televisions thrown at the victim or used to beat the victim. Weapons do not include body parts such as hands/fists, feet, or heads used to slap, beat, or butt.

Table 2.6. Logistic Regression Model Predicting Case Outcome (Guilty =1) (N=824)

Variables	Model 1 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

Table 2.7. Ordinary Least Squares Regression Models Predicting Sentencing Sanctions

Variables	Model 1(Fines) Coefficient	SE	Model 2 (Days Probation) Coefficient	SE	Model 3 (Days Incarc.) Coefficient	SE
(Constant)	69.2	45.6	87.4	52.0	13.8	15.3
Defendant and Abuse/Charge Variables						
Defendant Sex (1 = male)	38.4	20.4	36.5	24.0	21.1**	7.2
Defendant Race (1=African American)	-36.4*	16.0	-36.0*	18.1	-10.8*	5.4
Defendant Age (17 to 86 years)	-0.7	0.8	-0.7	0.9	-0.2	0.3
Victim/Offender Relationship (1 = together)	-2.6	17.0	4.1	19.0	13.8*	5.7
Defendant DV or Other Viol. Crime History (1=yes)	23.6	15.9	42.8*	17.7	15.2**	5.1
Kicked/Hit Victim (1=yes)	6.3	15.5	-12.4	17.4	6.5	5.1
Stabbed/Cut Victim and/or Gun Involved (1=yes)	11.3	33.3	0.1	37.1	-8.4	11.1
Strangled Victim (1=yes)	-22.0	19.2	56.8**	21.1	-1.3	6.4
Case Seriousness (1=M1 Charge)	23.4	23.0	-15.4	25.8	17.2*	7.5
Victim Participation Variables						
Victim Statement/Testimony (1 = yes)	62.2***	16.5	37.6*	18.4	6.2	5.4
Victim Subpoenaed (1 = yes)	-13.4	16.8	2.0	18.6	0.0	5.4
Victim Changed Story (1 = yes)	-32.0	22.4	-101.6***	25.8	-27.7***	7.4
System Variables						
911 Tape Available (1 = yes)	-30.1	40.6	-21.0	45.0	0.1	12.7
Photos Available (1 = yes)	9.6	19.5	20.2	21.5	12.9*	6.3
Medical Records Available (1=yes)	-1.6	43.6	60.3	51.2	32.0*	14.6
Police Officer Testified (1=yes)	-17.3	29.3	-67.5*	32.9	11.2	9.4
Prosecutor Sex (1=male)	21.4	17.3	-34.2	19.7	-15.0**	5.8
Prosecutor Race (1=African American)	-65.8***	17.5	-36.4	19.2	-9.0	5.6
No. of Times Prosecutor Met With Victim (0 to 7)	30.2*	13.6	102.4***	15.2	25.8***	4.5
Prosecutor Caseload (1=hi; above the mean)	-18.0	19.5	34.2	21.6	-20.6***	6.4
Judge Sex (1=male)	7.9	17.8	3.7	19.8	0.2	5.8
Judge Race (1=African American)	-57.5**	17.6	-14.8	19.8	-12.2*	5.8
R-Squared	0.120		0.188		0.213	

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

CHAPTER 3

COURT PROFESSIONALS' SELF-REPORTED RESPONSES TO AND ATTITUDES ABOUT DOMESTIC VIOLENCE

Jennifer L. Hartman, Ph.D.
Joanne Belknap, Ph.D.

INTRODUCTION

A review of the literature reveals that the closer the relationship between the victim and the offender, the less likely the prosecutor is to bring formal charges (Dobash and Dobash 1990; Field and Field 1973; Martin 1976; Rauma 1984; Schmidt and Hochstedler 1989), and the less likely a conviction or prison sentence will result (Cannavale and Falcon 1976). The extant research, reviewed previously, indicates that the police treat intimate assaults differently than stranger assaults. At this point, however, definitive answers to questions about *court professionals'* attitudes toward domestic violence remain elusive due to the paucity of research on these decision-makers. The little research on court officials' attitudes and responses to domestic violence has been largely anecdotal in nature. The study reported in this chapter is an attempt to fill this void.

The research reported in this chapter is the first of its kind: intensive self-report survey and interview data from court professionals. Specifically, judges, prosecutors, and public defenders in Cincinnati, Ohio were asked detailed questions about their level of knowledge about, attitudes toward and self-reported behaviors regarding the processing of domestic violence cases. Specifically, this research presented in this chapter addresses the following research questions:

1. What roles do legal and extra legal factors play in decision-makers self-reported behaviors and attitudes?
2. How do decision-makers rate victim advocate and batterer treatment programs?
3. How do court professionals view the victim's role in the court process?
4. To what degree do court professionals report victim-blaming attitudes and experiences?

METHOD

Research Design

The current study used a one-shot, cross-sectional survey design (Campbell and Stanley 1963). This design was used to determine knowledge of and attitudes toward domestic violence by court professionals. The design is appropriate for the due to its exploratory nature. Thus, the data were gathered at one point in time given that the goal was to establish relationships among the variables and not the examination of cause and effect. The research questions in this study attempt to determine descriptions of court professionals' attitudes and self-reported behaviors, and to determine whether if the court professionals' responses vary based on their professional office (judges, prosecutors or public defender).

The research design for this project included the collection of data from court professionals through both intensive one-on-one, face-to-face interviews and detailed written surveys. The authors of this chapter drew on prior research and formal and informal interactions with court officials to design the survey and interview measurement instruments. Although the majority of questions were asked of all professionals, additional questions were formulated based upon the initial group of interviews (the judicial interviews). Thus each subsequent group (the prosecutors and public defenders, respectively) had increasingly longer interview and survey formats.[1] Moreover, questions had to be altered according to the targeted professional group and its respective charge within the criminal justice system (e.g., judges' opinions on sentencing patterns and public defenders' opinions on defense strategies).

Upon completion of the face-to-face interview, the respondent was handed a copy of the written survey. In terms of scheduling the data collection for both types of data (the interview and the survey), there were notable differences between the court professionals based on their agency affiliation. Specifically, the judges seemed to be better able to predict when they could meet for an interview and when they could complete the survey than the prosecutors or public defenders were. While the prosecutors

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[1]The judicial interview schedule was 7 pages long and asked 21 open-ended questions. While the prosecutor and public defender interview schedule was 11 pages long asked 40 open-ended questions. The judicial survey was 15 pages in length, while the prosecutor and public defender surveys were 23 pages in length.

seemed willing to participate in the study, meetings for the interview as well as when the survey was to be picked up continually had to be re-scheduled, mainly due to prosecutors having to be in court unexpectedly. Generally, the public defenders were able to keep their scheduled interview time, however, they were somewhat resistant to completing the survey. Thus, the simple process of collecting the two types of data from the professionals (the face-to-face interviews and the written surveys) pointed to vastly different constraints on time between these three court professional groups (judges, prosecutors, and public defenders).

The Measurement Instruments

The initial development of the court professionals' interview and survey schedules was based on an extensive review of existing literature. In this overview, the following documents were most influential on the final design: American Prosecutors Research Institute (1996), The Canada-Manitoba Spouse Abuse Tracking Project (1994), Erez and Belknap (1998), and Ford (1991). During the development of the interview schedule, numerous meetings were held with a representative from each professional group who could offer feedback on the respective measurement instruments to ensure comprehensiveness and clarity of the items being addressed. For the most part, these individuals were either the primary attorneys in their offices (e.g., Chief Prosecutor, Chief Public Defender) or someone of "senior" status (the judge in charge of the Cincinnati Domestic Violence Coordinating Council). Notably, all of these "primary" attorneys who pilot-tested the instruments were male, which speaks to a gendered leadership in these important legal agencies where battered women have their cases heard.

Once the authors completed a final draft of the interview and survey schedules we asked the contacts (the primary attorneys in the respective offices) to read the interview and survey items in order to clarify any misleading or unclear questions and to point out errors or missing items. As a final check to ensure whether any items needed to be altered before interviewing the rest of the respective professionals, the representative from each group was the first of their professional group to be formally interviewed and surveyed. The surveys and interviews offered both open-ended and closed-ended questions, although the interview schedule was largely open-ended and the survey largely closed-ended.

The surveys addressed such topics as evaluating the current arrest policy for domestic violence cases, issues related to bail and treatment mandates, and reasons why cases are dismissed. Moreover, scales were developed from Likert questions which ascertain decision-makers' assessments of concepts such as victim provocation, victim ability to leave, role of legal and extra-legal factors, treatment for batterers, deterrent factors, and policies relevant to the processing of domestic violence misdemeanor cases. Other items addressed in the survey included factors to be considered in the determination of whether an abuser should be sentenced and convicted, the influence of various factors on outcome decisions, criminal justice techniques most likely to be utilized in the courtroom, and the ranking of factors' effectiveness in stopping repeat woman battering.

Sample Participation

The project population included all of the municipal judges, prosecutors and public defenders in Cincinnati, Ohio in 1997. The total number of court professionals in this city was 63 (14 municipal judges, 18 city prosecutors and 31 public defenders). All 63 of the professionals were asked to participate in the study, first through a contact letter and then a follow-up phone call. The interview participation rate was 100 percent for both the judges and prosecutors. One public defender declined participation in the interview, thus the participation rate for the public defenders was 96.8 percent, and the overall court professionals' interview participation rate was 98.4 percent. The participation rate for the surveys was somewhat lower. All of the prosecutors completed the survey (100.0%), two of the 12 judges elected not to complete the survey, and slightly over three-quarters of the public defenders (77.4%) completed the survey (thus, an 85.7% response rate).

The judges were the first of the three groups to be sampled, followed by the prosecutors, and finally, the public defenders. The professional interviews occurred from March 1997 to November 1997. The average interview was almost 2 hours in length ($\bar{x}$= 1.8 hours), with the judicial interviews averaging the longest time ($\bar{x}$=2.1 hours), and the prosecutor and public defender interviews averaging about the same time ($\bar{x}$=1.8 hours and $\bar{x}$=1.7 hours, respectively). For the most part, the judges completed the survey within 48 hours, while the prosecutors and public defenders took an average of 2 weeks to complete the

survey. (Some of the prosecutors and public defenders took up to four weeks to return the completed survey).

Data Analysis

The qualitative data from the surveys were carefully and systematically coded to examine the factors the professionals raised in how they viewed the processing and dynamics in domestic violence cases. Where possible, the qualitative data were coded into quantitative data (e.g., from a list of reasons why something occurs). Further, verbatim qualitative data quotes used to support, as well as show the ranges and exceptional findings from the quantitative data provided by the surveys.

The analysis proceeded through a series of stages. The initial analysis for the survey data involved a series of univariate or descriptive statistics for the sample. Next, a series of bivariate analyses were conducted of all relevant variables. The bivariate analyses provided an overview of the relationships between court professionals and numerous variables of interest. Last, multivariate statistics were utilized to determine if there were any differences between the court professionals (e.g., the judges, prosecutors and public defenders).[2] The multivariate model then, tested the relationship between each professional group regarding the various responses. To measure factors that influence the court professionals on misdemeanor domestic violence cases, scales were created from questions/items asked in the survey. Given that it is difficult to measure a concept well with a single indicator, we combined several indicators into a composite measure. This technique generally provides a better overall representation of the concept, and the errors tend to cancel each other out, yielding a more reliable measure (e.g., avoiding the biases of either underestimation or overestimation inherent in any single item) (Babbie 1995).

The scales were created from the Likert questions asked on the professional surveys. The Likert procedure was chosen because of its ability to measure attitudes. The Likert scale utilized consisted of a simple summated scale of items containing a 7-point response category ranging from "strongly disagree"

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[2]Because effects were presented for numerous relationships, a multitude of comparisons were offered. Although this allows for ample opportunity to test for specific effects, it also increases the likelihood of finding statistical significance. With alpha equal to 5 percent, it is likely to find statistically significant results for 5 percent of the tests by chance alone.

(1) to "strongly agree" (7). In order to determine and control for what Babbie (1995) and Grimm and Wozniak (1990) refer to as a "response-set," 12 of the 35 items were reverse "worded." The means presented in the subscales for these 12 reverse "worded" items, however, are not reversed, thus "1" still represents "strongly disagree and "7" represents "strongly agree".

An orthogonal factor analysis with a varimax rotation was utilized to capitalize on the scaled factors. Orthogonal solutions are better suited than an oblique solution for this exploratory project because with orthogonal solutions it is assumed that the factors are independent of each other. Using orthogonal over oblique rotation imposes an additional constraint by not allowing the factors to be related, therefore the orthogonal solution is more restrictive than the oblique model. Thus, to determine if any of the Likert items exhibited common features and could be grouped together to measure a specific concept, an orthogonal factor analysis with a varimax rotation was utilized. The orthogonal solution allows the variables to be distinct from each other when they become explanatory in the model. Specifically, Greenberg (1979: 136) states: "Varimax rotation redistributes the variance in such as way as to simplify the complexity of each factor rather than each variable."

We employed Cronbach's alpha reliability measure to assess the reliability or performance of the scales. The internal consistency method upon which Cronbach's alpha is based produces an estimate ranging in value from 0.0 and 1.00 (Carmines and Zeller 1979). The statistic alpha is produced splitting the scale into two halves and generally yields a conservative estimate of the lower bound of reliability (Allen and Yen 1979). Measures of internal consistency using split-half measures will yield a high value only if two halves measure highly correlated traits (Allen and Yen 1979). If all the components of a test inter-correlate highly, the test will have a high reliability estimate, indicating internal agreement or consistency among the components of the test. The reliability for the domestic violence scales used in this study are reported in the next section. To preserve confidence in the findings, no scale was used which did not achieve a minimum reliability of 0.70. The Cronbach's reliability scores for these scales varied from 0.71 to 0.86, these are interpreted as being acceptable reliability scores.

For each scale, an overall mean and a mean by each professional group was calculated. Moreover, general linear models (GLM) were estimated to determine if there were differences among the professionals on particular scaled items. Two-way multivariate analysis of variance (MANOVA), using Wilk's criterion, were followed by univariate F tests to examine group differences on the dependent variables. The "main effects" model was used in order to decrease Type II errors. Manovas allow the simultaneous study of more than one related dependent variable while controlling for the correlations among them. The assumptions for the MANOVA are: (1) the observations on the dependent variables follow a multivariate normal distribution for each group; (2) the population covariance matrices for the dependant variables in each group are equal; and (3) the observations are independent. Data from this research meet the assumptions for the MANOVA. The data analysis also allowed for determining whether any of the covariates (e.g., age and race), were significant.

FINDINGS

Interviews and surveys were conducted on judges (14 interviews and 12 surveys, out of a total of 14 judges in the population), prosecutors (18 interviews and 18 surveys, out of a total of 18 prosecutors in the population), and public defenders (31 interviews and 24 surveys, out of a total of 31 public defenders in the population). This section presents the findings from both the written surveys (largely closed-ended and quantitative) and the interviews (largely open-ended and qualitative). Where applicable, quotes from the professionals' interviews augment the quantitative survey results. Table 1 provides a general description of this sample of professionals. Tables 2 through 23 provide detailed data on court professionals from analysis of the survey data. Due to the limited sample size (N=54), meaningful bivariate analyses were not always possible (see tables 13 through 23), thus significance levels are not reported in some of the tables. A number of tables, then, are responses to open-ended items which have been carefully analyzed. The tables predominately present, however, responses from closed-ended items in the survey. Throughout the chapter the findings from the survey are "given life" with quotes from the extensive professional interviews.

Sample Description

Table 1 represents a description of the demographic characteristics of the professional sample. Slightly over one-quarter of the sample was female (28.6%), three-quarters were Caucasian (76.2%) and most were married (80.6%). About three-fourths of the judges (71.4%) and public defenders (77.4%) and three-fifths of the prosecutors (61.1%) were male. The predominant race for all the professional groups was white: almost nine-tenths (87.1%) of public defenders, almost three-fourths (71.4%) of the judges, and three-fifths (61.1%) of the prosecutors. Prosecutors had the best representation of African-Americans, almost two-fifths (38.9%), followed by over one-quarter (28.6%) of judges, with the most problematic representation of African-Americans among the public defenders, about one-in-twenty individuals (6.5%).

The mean age for the sample was almost 44 years old. Unlike the national average, where most of the prosecutors are young and serving their first term of office (Morgan and Alexander 1972), the prosecutors in this sample were more senior, with an average age of 40.4 years. Further, while the national turnover rate among assistant district attorneys is quite high, most serving an average of two to four years before entering private practice (Albonetti 1987), the assistant prosecuting attorneys in this sample had an average of over 8 years in office (see Rubin 1984 where many assistant attorneys seek these positions at the start of their career to gain trial experience prior to starting their own practices). Although the years in office for the judges may seem low ($\bar{x}$= 3.7), it must be noted that these are Municipal and not Common Plea judges. Thus, most have not been in office for an extensive period. It is interesting to note that the public defenders ($\bar{x}$= 9.4 years) are the most likely to have been in office for the longest period of time. The average length of the professional interviews was just under two hours ($\bar{x}$= 1.8) with the judges talking for the longest time ($\bar{x}$= 2.1 hours), and the public defenders the least time ($\bar{x}$= 1.7 hours).

Assessment of Factors Relevant to the Decision to Prosecute or Convict Batterers

Table 2 presents professionals' estimates of factors that should be considered in determining whether a batterer should be prosecuted or convicted (where "1" represents "low extent" and "5" represents "high extent"). The findings reported in Table 2 to this closed-ended question are listed from highest to lowest agreement, not the order they appeared on the survey. The factor rated as what should

have the most weight in whether batterers should be prosecuted or convicted was the offense seriousness ($\bar{x}$= 4.6), followed by the severity of the current injury ($\bar{x}$= 4.5), the past record of the batterer ($\bar{x}$= 3.9), the fact that the behavior had violated the law ($\bar{x}$= 3.7), the batterer's attitude ($\bar{x}$= 3.2), the victim's wishes of what to do with the batterer ($\bar{x}$= 3.1), the likelihood of conviction ($\bar{x}$= 2.7), the advice of the AMEND report ($\bar{x}$= 1.9), and the opinion of the victim advocate ($\bar{x}$= 1.6), respectively. Notably, the "legal" variables are rated the highest (e.g., offense seriousness, injury severity and past record of the batterer), and the opinion of the victim advocate as well as the advice of the AMEND report were reported as having minimal influence in determining whether a batterer should be prosecuted or convicted.

A comparison of means points out some statistically significant differences between the professionals' reported responses. For example, judges ($\bar{x}$=3.8) ranked consideration of the current event seriousness lower than prosecutors ($\bar{x}$=4.9) and public defenders ($\bar{x}$=4.7) ranked them (F=3.84, $p \leq .05$).[3] The interviews helped specify some of the findings from the survey. For example, although numerous prosecutors defined offense seriousness as cases where "serious physical injury" occurred, specifically, "skin breakage, bruises, and stitches," prosecutors also identified offense seriousness according to whether threats or specific phrases were used such as "if I can't have you no one can." Interestingly, prosecutors ($\bar{x}$=4.9) were more likely to rank the batterer's past record as an important consideration in determining whether a batterer should be prosecuted than public defenders ($\bar{x}$=3.9) or judges ($\bar{x}$=2.1) were (F=17.49, $p \leq .001$). The prosecutors ($\bar{x}$=4.1) also were far more likely than the judges ($\bar{x}$= 2.8) or public defenders ($\bar{x}$= 2.7) to report that the batterer's attitude should be considered (F=3.82, $p \leq .05$). Summarily, a prosecutor detailed in an interview factors that are influential:

> Factors of a defendant that influence my decision-making include a defendant's appearance of honesty, defendants' remorsefulness and their attitude. For example, are they belligerent? Also, the defendant's prior record [is important]. (Prosecutor)

Another prosecutor offered insight into how to assess a batterer's attitude:

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[3]Due to the small sample and to guard against non-normality, a Levene's test of homogeneity was conducted for this relationship. Because the variable "current offense seriousness" was found to be significant with the Levene's test, it needs to be interpreted liberally.

> More experienced prosecutors can assess by visual observation and relationship with their attorney, looking for signs of control-type freak, criminal record, nature of violence, offense, and how it was committed. All this gives information into the defendant's mind. (Prosecutor)

Public defenders ($\bar{x}$= 3.7) ranked the victim's wishes more strongly than did prosecutors ($\bar{x}$= 3.1) and judges ($\bar{x}$= 2.1) as a factor influencing whether a batterer should be prosecuted ($F=6.08$, $p \leq .01$). It is noteworthy that public defenders may be more inclined to listen to victims' wishes since most of the victims they are in contact with are more likely to request the case be dismissed or for the defendant to be released with minor consequences (e.g., counseling).

The final variables that indicated a statistically significant difference among the groups for estimating factors that should be considered in determining whether a batterer should be prosecuted included the AMEND report and the victim advocate opinion. It is probably not a coincidence that these assessments both result from feminist, battering victim advocacy organizations. The local YWCA oversees the batterer treatment program AMEND, and Women Helping Women is an advocacy group for battering, rape, and stalking victims. Overwhelmingly, for both variables, the prosecutors reported they were far more likely than the other professionals to consider these reports or opinions from these two feminist, pro-victim agencies. An example follows:

> Women Helping Women run interference--if the victim is at arraignment they will talk with [someone from the agency]. Women Helping Women can grease the wheels and have them give the victim a good idea about what is going on. I find them helpful. (Prosecutor)

The disdain and hostility the public defenders generally held for the feminist victim advocacy agencies were prevalent in the public defender interviews. For example, a "typical" response from a public defender interview follows:

> Some of the guys here call Women Helping Women, 'Bitches Helping Bitches.' There's a range of public defenders here, and a range of ways they vent their frustration. They don't mean anything bad by it. You have to put a sense of humor in your work. They refer to Women Helping Women advocates as 'bitches' more than they refer to the victims as 'bitches.' They believe the advocates interfere with the court process, so their frustration is directed at the advocates. They are also angry that the advocates are not lawyers, yet they're advising clients [victims]. (Public defender)

The Prevalence of Methods in Court

Table 3 presents the professionals' assessment of the prevalence of methods used within the courtroom. The findings to this closed-ended question are listed in order of reported frequency, not the order they appeared on the survey. The most commonly reported method (where "1" represents "very unlikely" and "10" represents "very likely") was the utilization of eyewitness testimony ($\bar{x}$= 7.4), followed by "excited utterances" at the scene ($\bar{x}$= 6.8), impeachment of the prosecuting witness ($\bar{x}$=6.8), the use of photos to verify injuries ($\bar{x}$= 6.7), the use of a signed affidavit or complaint ($\bar{x}$=6.0), police reports ($\bar{x}$=5.9), Rule 29[4] ($\bar{x}$= 5.7), medical records ($\bar{x}$= 4.5), 911 tapes ($\bar{x}$= 4.4), the AMEND reports ($\bar{x}$= 2.7), character testimony on behalf of the defendant ($\bar{x}$= 2.7), and use of victim advocate testimony ($\bar{x}$=1.6), respectively. Although the differences reported between the professional groups was not significant, the overall professionals' reported ranking of the "legal variables" is interesting to note. For example, the combined court professionals' groups reported that the use of photos was the most likely method to be used, more so than the use of police reports, medical records or 911 tapes. Again, similar to Table 2, AMEND reports and victim advocate testimony were reported as being very unlikely methods to be used in court.

To determine if there were any statistical differences among the groups, one-way ANOVAs were conducted. There was only one significant relationship: The public defenders ($\bar{x}$= 7.8) were much more likely to report utilizing the impeachment of the prosecuting witness than judges($\bar{x}$=6.5) or prosecutors ($\bar{x}$= 5.6) were ($F=4.44$, $p \leq .05$). In the interviews, the public defenders reported supporting methods to discredit testimony for victims who testified against their batterers, however, it is interesting that the judges were also likely to support the impeachment of the prosecuting witness's testimony ($\bar{x}$= 6.5).

Necessary Evidence

As previously discussed, it can be difficult to obtain a conviction in domestic violence case. Table 4 details the specific levels or types of evidence professionals reported are needed to adequately pursue a domestic violence case. This open-ended question was only on the prosecutors' and public

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[4]The case went to trial, testimony was taken, however, "reasonable minds" concluded that the state could not prove their case (e.g., the victim pled the 5th Amendment or the victim recanted testimony).

defenders' surveys. Given that only 18 prosecutors and 22 public defenders responded to this item, meaningful bivariate analyses were unable to be conducted, however, the findings are potentially helpful for future surveys on the court processing of domestic violence cases. The most common response, identified by one-quarter (25.0%) of these professionals, was that the case had to meet all the levels of evidence. Fifteen percent (15.0%) of the respondents noted that proof beyond a reasonable doubt was acceptable evidence to pursue a domestic violence case. Although not asked on the survey schedule, one judge explained the judicial function in these cases during an interview:

> A judge's function is to weed out the wheat from the chaff, to determine if all the elements have been met in the case and to fashion a sentence with what that the victim wants in mind. I always ask the victim what they want or what they would like to happen in this situation. (Judge)

Similarly, fifteen percent of the respondents (15.0%) identified the victim's statements/testimony as necessary to pursue a domestic violence case. Because not all victims in these cases eagerly participate, one prosecutor noted a 4th Writ order could be requested. A 4th Writ is issued by the judge to have the police pick up the *victim/prosecuting witness* within a short time frame (usually 4 hours) for the express purpose of coming to court to testify in the case. Although the prosecutor noted it is a "pretty extreme measure to lock up the victim to help them," this prosecutor believed such a response is justifiable: "Without [victims] there, we don't know why they're not coming to court, or what is going on." In contrast, one prosecutor was opposed to utilizing a 4th Writ: "You can lead a horse to water, however, you cannot make him drink. It is up to the individual." This prosecutor suggested that even if a victim is forced to come to court, she may not testify.

Probable cause (12.5%) was the next (and fourth) most likely category of evidence reported by prosecutors and public defenders to be necessary to effectively pursue a domestic violence case. One-tenth of the prosecutors and public defenders reported that having a credible witness (10.0%) and fulfilling the presumption of evidence (10.0%) were what was needed to adequately pursue these cases. Having enough evidence to defeat Rule 29 (2.5%) was the least reported category of evidence given for these cases.

It is interesting to note how the professionals ranked the levels of evidence necessary to pursue domestic violence cases within categories (remembering that judges were not asked this question).

Although one-third of the prosecutors identified that a victim's statement/testimony (33.3%) was necessary, none of the public defenders identified this. Similarly, over one-quarter of prosecutors (27.8%) and no public defenders identified probable cause as necessary. On the other hand, almost one-fifth of public defenders (18.1%) and no prosecutors reported a presumption of innocence as necessary. One public defender offered a measure to determine if the victim/ prosecuting witness was telling the truth:

> Sometimes a prosecuting witness will have photos, or an emergency room report. However, as a defense attorney I know how long it takes (about 18-24 hours) for a bruise to form. Therefore, if in the police report a bruise shows up 5 minutes later, maybe the victim was drunk and walked into the door. Initially you see a reddening of the area after the incident and not a bruise. (Public defender)

Estimates of Victims' Actions and Behaviors in Court

Given the research focus on victim/witness reluctance/cooperation, the professional survey included items to estimate victims' actions and behaviors in court. Table 5 details the professionals' estimates of various aspects of victims' courtroom testimonies. The professionals reported that almost three-fifths of the time (56.2%), the victims were most likely to testify *only* if subpoenaed. The two next most frequently rated aspects of victim testimony were that the professionals reported the victims were present in almost half of the cases (46.9%), and were not present in almost half of the cases (44.8%). The professionals indicated that the victims testify against the defendant almost two-fifths (38.1%) of the time. In about one-third of the cases, professionals reported that the victims either changed their mind (31.8%) or undermined the prosecutor's case (31.8%). One prosecutor indicated in the interview the frustration of noncooperative victims: "The squeaky wheel gets the grease--I can do something if I know the factors." This quote suggests that if the victim does not cooperate, the professional may be unable to follow through with the prosecution. The respondents indicated that the victims testify *for* the defendant about one-fifth (20.2%) of the time. One public defender suggested that if a victim does not want to prosecute, she should not be forced to do so. Further this public defender noted:

> Sometimes this [forcing the victim to testify] exacerbates the situation- and pits one against the other. We should listen to the victim and not take such a hard line. (Public defender)

The aspects of the victim testimony that professionals reported occurring least frequently, in fewer than one-fifth of the cases, were victims' refusal to testify (18.2%) and victims' being threatened by the defendants if they testify (17.1%). One prosecutor seemed to empathize with reluctant victims:

> I understand the normal frustration and apparent unwillingness of the victim to not cooperate. The last thing I want is to end up in an adversarial position with the victim. However, I see these cases day in and day out. I feel the need to reinforce for the victims that they need to prosecute. One word about these cases--frustrating. (Prosecutor)

Notably, while the prosecutors were most likely to report acknowledging that the victims are not present for the court case (55.5%) and also that they refused to testify (27.1%), they also reported more than the judges and public defenders that the victims had been threatened by the defendant if they did testify (32.5%). Quite possibly the victims are not testifying or refusing to come to court due to the threats by the defendant, however, this is difficult to establish from the current data.

Obstacles Leading to Conviction

Table 6 presents the professionals' assessment of obstacles leading to court convictions. The most commonly reported obstacle to this open-ended question was lack of evidence (usually no corroboration), identified by over half (53.7%) of the professionals. Two-fifths of the professionals (40.2%) identified uncooperative victims as an obstacle to conviction, and almost one-quarter reported both victim's failure to appear (29.6%) and victim recanting/changing testimony (27.8%) as impediments leading to a conviction. Although theoretically a case can be prosecuted whether or not a victim wishes to press charges, many prosecutors expect the cooperation of victims and witnesses to pursue these cases. Some direct quotes from the professionals' interviews "flush out" these findings. For example, one judge stated:

> If the victim does not show up and/or recants, that compromises the state's ability to prosecute. *It is almost better for the victim to not show up* than for her to recant her earlier testimony and/or actions. I believe that recantation may be a sign that the violence is very serious/significant... the victim is recanting out of fear. If the victim recants in court, she can then be held criminally liable for making a false filing. Typically in my room, if I find a false statement was made, I will hold her to time served that he did on false charges-- for example, if he did 2 days, so will she. (Judge) (Author's emphasis added)

Another judge, however, reported being "somewhat reluctant to revictimize the victim," while yet another judge noted how frustrating these cases are:

> I struggle with the victim's report...I had a case where the victim reported being kicked in the stomach 8 months into her pregnancy and she says she didn't know who did it. That is really frustrating. (Judge)

Approximately one-fifth of the professionals identified both victim reluctance (22.3%) and decision-maker tactics (20.4%) as inhibiting conviction. Again, the interviews add richer detail to the survey findings. A little over one-tenth of the decision-makers blamed current laws (13.0%) and the victim's desire for dismissal (11.2%) as conviction obstacles. Moreover, one prosecutor reported that the legislature in creating and expanding the domestic violence statute has taken: "a broad axe as a solution to a problem that could have been resolved with a paring knife." Similarly, another public defender indicated:

> Ninety percent of the time, give or take, the domestic violence law is an enormous waste of the taxpayer's money, time, resources....*We are using an atomic bomb to swat a fly*, if you will. The vast majority of these cases have a victim who doesn't want to prosecute and when the government proceeds in prosecution, the participants believe they are intruding in people's private lives. This is the vast majority of cases that I see. It is none of the government's god damned business. (Public defender) (Author's emphasis added)

Fewer than 10 percent of the professionals reported the victim and defendant reuniting (7.5%), the defendant's innocence, (5.6%), the couple's mutual combativeness, (3.8%), the U.S. Constitution (3.7%), the victims' fear of the defendant (1.9%), and the punishment not fitting the crime (1.9%) as barriers to conviction.

Professionals' Estimates of Factors Affecting Case Outcomes

Table 7 presents the professionals' estimates of factors that affect case outcome decisions using a 1 to 10 scale, where "1" represents "very minor" or "little affect" and "10" represents a "very major" or "large affect." The findings to this closed-ended question are listed in order of importance, not the order they appeared on the survey. The factor reported as the most powerful in affecting the outcome decision was the legal sufficiency of evidence ($\bar{x}$= 8.7). The professionals' estimate of the next most common factor to be considered was if the victim suffered severe injury ($\bar{x}$= 8.4), followed by if a weapon was involved in the incident ($\bar{x}$=7.9). Special circumstances surrounding the incident also were likely to affect

outcome. These circumstances included whether the offense occurred when the victim had a temporary restraining order (TRO) or temporary protective order (TPO) out on the defendant ($\bar{x}$= 7.5) and whether persons other than the couple's children witnessed the abuse ($\bar{x}$= 7.2). If the victim testified *against* the defendant ($\bar{x}$= 7.0), the professionals reported that this was more likely to affect the outcome decision than if the victim did *not* testify against the defendant ($\bar{x}$=6.6). However, it is worth noting that the gap between these variables is very slight. These variables were followed by whether the professionals' perceived the defendant as being belligerent to them ($\bar{x}$=6.5).

The professionals reported that static factors, such as the defendant's prior criminal record ($\bar{x}$=6.3), or the couple had a previous history of domestic violence abuse ($\bar{x}$= 6.1) would next most strongly affect the outcome decision. The next most powerfully reported reasons to affect the outcome decision included, in order of reported impact, were if the defendant had *verbally threatened* the victim with serious bodily harm ($\bar{x}$=6.0), followed by if the victim suffered only minor injury ($\bar{x}$= 5.7), if the defendant was found to be under the influence of drugs or alcohol during the assault ($\bar{x}$= 5.7), if the couple's children witnessed the abuse ($\bar{x}$= 5.7), if the defendant showed remorse for causing the incident ($\bar{x}$= 5.6), if the defendant was belligerent to the arresting officer ($\bar{x}$=5.3), or if the *victim* was under the influence of drugs or alcohol during the assault ($\bar{x}$= 5.3). Whoever was found to be responsible for provoking the incident ($\bar{x}$= 5.3) was next most likely to influence the final decision, followed by if the victim and defendant were currently romantically involved ($\bar{x}$= 5.0) and if the victim still cohabitates with the defendant ($\bar{x}$= 4.9). The next most strongly ranked factor in terms of importance that affected the outcome decision was if the *victim* was belligerent to the professional ($\bar{x}$= 4.9), followed by if there was violence and property damage ($\bar{x}$= 4.2), if the victim signed the arrest report ($\bar{x}$= 3.9), or if the victim and children needed the defendant's income ($\bar{x}$= 3.9). The professionals reported that these would potentially have a more marginal affect on the outcome decision than those factors listed thus far. While other research has reported that victims stay with abusers, in part, because of financial dependance, the professionals in this sample report this to be a factor with the outcome decision. One prosecutor in the interview reported: "Most of the time, they are not lovers... it is a dollars and cents issue." Generally, the

professionals reported the outcome decision was influenced only minimally if the defendant alleged that the victim provoked him ($\bar{x}$= 3.8), followed by the AMEND report ($\bar{x}$= 3.5), whether the offense occurred when the parties were separated or divorced ($\bar{x}$= 3.3), and whether the defendant was employed ($\bar{x}$= 2.9), respectively.

Significant differences between the professional groups can be organized into three categories: (1) facts about the case, (2) victim and defendant attitudes, and (3) static or historical variables. First, regarding "facts about the case," the judges ($\bar{x}$=9.8) and prosecutors ($\bar{x}$=9.6) ranked the legal sufficiency of evidence more strongly than public defenders ($\bar{x}$=7.5) as a factor influencing the outcome decision (F=9.20, p≤ .001). Judges ($\bar{x}$= 7.1) were also more likely to rank the defendant verbally threatened the victim with serious bodily harm as an important factor in determining what would affect the outcome decision than were prosecutors ($\bar{x}$=6.4) or public defenders ($\bar{x}$=5.4) (F=3.72, p≤ .05). Prosecutors ($\bar{x}$= 8.2) ranked persons other than the party's children witnessed abuse (presumably an independent witness) more strongly as a factor that affects the outcome decision than public defenders did ($\bar{x}$= 6.7) (F=2.72, p≤ .05).[5]

Turning to significant differences in professionals' estimates of influences on outcome based on "victim variables," the prosecutors ($\bar{x}$=8.5) were far more likely to rank the victim testified against the defendant as a major influence in estimating what factors affect the outcome decision than were judges ($\bar{x}$= 7.2) and public defenders ($\bar{x}$= 6.0) (F=4.25, p≤ .05). Further, the prosecutors ($\bar{x}$= 7.9) ranked the victim did not testify against the defendant more strongly than did the public defenders ($\bar{x}$= 6.5) and judges, respectively ($\bar{x}$= 5.0) (F=4.22, p≤.05). A prosecutor offered input in the interview as to the victims' involvement:

> I think the reason victims do not become involved in these cases, is because of the attachment involvement with the defendant. (Prosecutor)

Notably, the prosecutors ($\bar{x}$=5.9) and public defenders ($\bar{x}$= 5.1) ranked victim was belligerent to you far more strongly as a factor that affects the outcome decision than the judges ($\bar{x}$=2.9) did (F=4.77, p≤.05). In the same vein, the prosecutors ($\bar{x}$= 7.8) ranked the defendant was belligerent to you more strongly than did

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[5]An ANOVA was unable to be conducted on this variable because the item was not included on the judge's survey so a t-test for independent sample was utilized.

the public defenders ($\bar{x}$= 6.6) and judges ($\bar{x}$= 4.1) (F=7.05, p≤.01). One prosecutor indicated in the interview:

> The biggest factor influencing outcome is probably the attitude of the victim and defendant. As long as the victim is not hostile to us, we will do the most to conjole them through it [the court process]. I will tell them [the victims] to take the stand to tell him [the defendant] not to do it anymore- that this time I [the victim] mean it. But if the victim comes at us like a tiger, whether they say 'these mother fucking cops' [should not have arrested the defendant] and go after *us* right out of chute then... However, if they [the victims] are reasonable, we will try to understand their problems and hope they will draw a line--keep an open mind [and follow through with the charges]. (Prosecutor)

Another factor that was found to have significant differences among the professionals in affecting the outcome decision was the defendant's remorse for causing the incident. Public defenders ($\bar{x}$=6.3) ranked this item slightly higher than the prosecutors ($\bar{x}$= 6.1), but much higher than the judges ($\bar{x}$= 3.6) (F=4.10, p≤.05).

The final category of factors with significant differences between the professional groups concerned the static or historical variables. Prosecutors ($\bar{x}$= 7.9) were most likely to rank the defendant's prior record as a factor that affects the outcome decision in domestic violence cases followed by public defenders ($\bar{x}$= 6.3), and judges ($\bar{x}$= 4.0), respectively (F=5.50, p≤.01). Similarly, prosecutors ($\bar{x}$= 7.4) ranked the couple's history of domestic violence more strongly than did the public defenders ($\bar{x}$= 5.9) or judges ($\bar{x}$= 4.5), respectively (F=3.46, p≤.05).[6] In the interview, one public defender responded how difficult these cases are to understand:

> I consider the history of involvement with courts you know, the number of times they file domestic violence reports. It is a 2-edged sword, either could mean the offender is a habitual violent abuser. I will look and see what the person was charged with and if there are other things to corroborate the notion. On the other hand, the victim could be a court process abuser. By this I mean she files domestic violence cases just because she wants him out of the house. (Public defender)

Severity of Domestic Violence Sanctions

Table 8 presents professionals' assessments, of the severity of available sanctions in domestic violence cases. Over three-quarters of the sample reported that the most severe sanction in domestic

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[6]Due to the small sample and to guard against non-normality, a Levene's test of homogeneity was conducted for all the relationships. All the variables were found to not be significant with the Levene's test.

violence cases was jail (77.5%). The next most severe sanction in a domestic violence case, reported by about one-in-seven professionals, was a no contact order, also referred to as a temporary restraining order (TPO) (14.6%). The following sanctions all were less than 10 percent of the response group, maximum sentence[7] (7.3%), probation (7.3%), castration (2.4%), high bond (2.4%), fine (2.4%), and counseling (2.4%). Although one-fifth of the public defenders reported a "no contact" order (20.8%) as the most severe sanction, less than 6 percent of the prosecutors (5.9%) reported the same. The stark difference in opinion could be due to the prosecutors being aware of how often the TPOs are violated and not believing they are an effective sanction. For example, prosecutors reported that while the TPO "stay away" order can legally keep the parties separated, it cannot keep them apart "de facto," and thus frequently fails to stop the physical abuse. One prosecutor's insight is helpful:

> A TPO is only as good as the person who will follow the court's orders. Individuals with priors will not listen to paper, saying 'no judge will tell me what I can do.' This scares me. Judges who ask 'what more can I do?' put too much emphasis on a TPO. This is scary. (Prosecutor)

It is not too surprising that only public defenders suggested probation as a severe sanction (12.5%), while no prosecutors reported this as a severe option for these cases. Alternatively, it is interesting that only a public defender suggested castration (4.2%) as the most severe sanction. Surprisingly, a prosecutor, the only professional to do so, reported that fines (5.9%) are the most severe sanction in domestic violence cases. These findings need to be interpreted conservatively because so few respondents reported these as options.

Judges' Criteria to Impose Jail

[7]The maximum sentence for a misdemeanor domestic violence crime is 6 months in jail and a $1,000 fine.

Table 9 presents findings from what judges report as needing in order to impose jail time (versus probation).[8] Given the sparse number of responses to this open-ended question, (only 12 responses), meaningful bivariate (chi-square) analyses were unable to be conducted. These findings are potentially useful, however, for future surveys on court professionals. The foremost factor, reported by almost three-quarters of the time, was whether the defendant had a prior record (70.0%). Almost one-third of the cases, the judges reported that if injuries (30.0%) were present, they would be more inclined to impose jail time. The final reasons reported, to impact judges' likelihood of imposing jail time (versus probation) included: if there was a request for jail time (20.0%), if children were involved in the incident (10.0%), if substance abuse was involved in the current incident (10.0%), and if there was a denial of responsibility by the batterer (10.0%), respectively.

Benefits and Drawbacks of Treatment Programs

Table 10 presents the professionals' assessments of the benefits and drawbacks of treatment programs for batterers. Local agencies within the sample county offer court-ordered programs for men and women who batter. The local Y.W.C.A. offers three stages of a program called AMEND, for men who batter. The Y.W.C.A. along with a local victim advocacy agency, Women Helping Women, offers a program for women who batter, "Women Who Resort to Violence." Private Mediation Services and counseling from local pastoral/synagogue services include other available treatment services.

The reported benefits of the treatment programs will be presented first, and the drawbacks of the programs, second. One-fifth of the sample reported, awareness (19.6%), education (19.6%), and counseling (19.6%) were the principal benefits of the treatment programs. Less than 20 percent of the sample reported they either "Don't know" or "cannot say" (15.2%) what the benefits of the treatment programs were. The least reported beneficial aspects of the programs (reported by less than 10 percent of the professionals), were that the programs effectively addresses anger management (8.7%), the programs teach the defendant to take responsibility for the act (4.3%), programs serves as a measure to keep the

[8]The question, "What do judges need to impose jail time (versus probation)?" was asked only of judges. Thus, public defenders and prosecutors did not answer this question.

defendant out of jail (4.3%), the programs generate money for the program directors (4.3%), the programs address substantive issues (4.3%), the programs effect attitude change (2.2%), and programs address underlying issues (2.2%).

The overwhelming drawback of the treatment programs reported by over two-fifths of the court professionals was that the treatment programs were cost prohibitive (44.4%). Over one-quarter of the respondents reported that the programs were simply not effective (28.9%). The least reported drawbacks of the treatment programs (reported by less than 10 percent of the sample), were that the programs were too short (8.9%), or alternatively that the programs were too long (8.9%), the treatment programs were not implemented in a consistent manner and that the benefits of the programs vary for each defendant (6.7%), the programs do not offer enough individual attention for the batterer (2.2%), and the programs are not coercive enough towards the batterer (2.2%).

Due to the limited sample size, meaningful bivariate (chi-square) analyses could not be conducted. It is interesting, however, to "eyeball" the differences and similarities, among the group of professionals. The judges and public defenders consistently rated specific benefits of the treatment programs higher than the prosecutors did, with the exception of "don't know/cannot say,""address substantive issues" and "attitude change." Further, over one-quarter of the prosecutors (28.6%) reported they did not know nor could say what the benefits of the treatment programs were. Although the prosecutors seemed less inclined than the other groups to report treatment program benefits, it was the judges who were more likely to report drawbacks of the treatment programs.

Effectiveness of Dispositions in Stopping Repeat Woman Battering

Table 11 is an overview of the professionals' beliefs about the most effective dispositions in deterring woman battering recidivism. The findings to this closed-ended question are listed in order of ranking in terms of effectiveness, not the order provided on the survey (where 1 = "very ineffective" and 10 = "very effective"). There are three overall findings regarding the reported frequencies and rankings in this table. First, the professionals do not view any of the dispositions as very effective; the highest mean ranking is 3.6 out of a possible 10.0. Second, the professionals are fairly consistent in reporting disposition

(in)effectiveness. Third, the professionals indicated overall, that counseling or special conditions were more effective than simply incarceration (jail or prison) in stopping repeat woman batterers. For example, the disposition that the professionals ranked most highly in terms of effectiveness was probation with counseling ($\bar{x}$=3.6). The professionals' next most highly rated disposition was probation with AMEND ($\bar{x}$= 3.5). It is not surprising that the two most highly ranked dispositions are almost identical, given that AMEND is a batterers' counseling program. Electronic monitoring ($\bar{x}$=3.5), jail or prison time ($\bar{x}$=3.4), and suspended jail time and conditions ($\bar{x}$= 3.4), were in somewhat of a "dead heat" ranking at the "top" of the "list." Probation ($\bar{x}$=3.1) and pretrial diversion with counseling ($\bar{x}$= 2.9), were ranked next and, fines ($\bar{x}$=1.8) was the lowest ranked disposition in terms of its deterrent value.

Regarding significant differences between the professional groups, public defenders ($\bar{x}$=3.1) ranked suspended jail time and conditions lower than did judges ($\bar{x}$=3.9) and prosecutors ($\bar{x}$=3.4) ($F=3.45$, $p \leq .05$). Moreover, public defenders ranked probation with AMEND lower than did judges ($\bar{x}$=4.2) and prosecutors ($\bar{x}$=3.5) ($F=3.84$, $p \leq .05$). It is useful at this point to re-examine some of the findings reported earlier in this chapter in light of the current findings. For example, as noted in Table 2, the public defenders and judges also ranked the AMEND report and victim advocate opinion as factors that should be least considered in determining whether a batterer should be prosecuted or convicted. The reader might remember that in Table 3 the public defenders and prosecutors reported a less frequent use of AMEND reports than did the judges, and none of the court professionals reported the use of victim advocate testimony in court to be very likely. It is interesting to compare the results of Table 11, estimates of effective dispositions in stopping repeat woman battering with the results of Table 12, which presents methods to increase the future safety of victims.

Methods to Increase Future Safety of Victims

Table 12 presents items from the survey included to address victims' future safety. Notably, the most commonly reported means to ensure the victims' future safety was reported almost exclusively by public defenders: "It isn't my job to figure out" or "I don't care"(25.0%). While one-fourth of the total sample (determined almost exclusively by public defenders) reported "not-my-job/don't care" regarding

victim's future safety, almost one-fifth of the professionals listed each of the following in answering the open-ended question regarding the best means to increase victim's future safety: (1) convicting the batterer (18.8%); (2) treatment/counseling for the batterer (18.8%), and (3) serious counseling for the batterer to get him to take responsibility (18.8%). One in eight of the professionals listed the following as means to increase the victim's future safety: jail batterers (12.5%), prosecute all cases (12.5%), terminate the relationship (12.5%) and temporary protection orders (TPOs) (12.5%). Fewer than ten percent (n= 4) listed enlisting batterers to stop the offending (8.3%), probation (6.3%), and addressing the underlying problem (4.2%). Due to the limited sample size, meaningful bivariate (chi-square) analyses were unable to be conducted for the items reported in Table 12, to determine differences between the court professional groups.

Responses to General "Yes/No" Survey Items

Table 13 is a presentation of the general "yes" or "no" items on the professional surveys. It is noted within the text and in Table 13 which items are a result of these "skip" patterns in the general questions. We provide this detailed level of data because the research on court professionals' experiences with and ideas about the processing of domestic violence is exploratory at this point. It is our hope that this "hair splitting" in the small sample data will be useful in designing survey items in future research on this topic.

The item with the most agreement regarded a question about bail conditions. Almost half of all the professionals (98.1%) reported that judges typically attach bail conditions. Approximately two-thirds of the sample reported they would like to see changes made to the arrest policy (68.5%), that particular types of domestic violence cases would be better served by social services or civil alternatives they identified (64.8%), and that judges set bail similarly in non-domestic violence and domestic violence assault cases (6 2.9%). About half of the sample identified that the case would proceed more successfully if victims met with prosecutors, or defendants met with public defenders, prior to the day of the trial (53.7%). Half of the sample believed that there are effective social service and civil community alternatives to criminal prosecution in domestic violence cases (50.0%).

Less than half of the sample (44.4%) reported that evidentiary requirements may hinder the effectiveness of the criminal justice system in domestic violence cases. About one-third of the professionals (35.2%) identified that they assessed the defendant's dangerousness in deciding how to proceed with the case. Less than one-third (29.6%) reported that the proportion of cases plea bargained changed with the implementation of the preferred arrest policy. One-quarter (24.1%) of the professionals agreed with the statement that the handling of domestic violence cases is affected by the availability of resources. (The sample size was too small to conduct meaningful bivariate (chi-square) analysis.)

Tables 14 through 23 are the results of the open-ended questions that followed the closed-ended items presented in Table 13. Although the response rate to these open-ended items was quite low, we are reporting these responses to help begin to provide some of the reasons behind court professionals' reported behaviors, attitudes and experiences. Again, although the numbers are small in these tables (14 through 23) presenting the open-ended follow-up items presented in Table 13, and too small for significance tests between the professional groups, the findings reported in this section are potentially useful for future surveys on court professionals' processing of domestic violence cases.

Evidentiary Requirements that Hinder Effectiveness

Table 14 presents a more detailed assessment of the reasons supporting the first question in Table 13: professionals' assessments of evidentiary requirements that hinder court effectiveness. Given that only 1 judge, 10 prosecutors, and 13 public defenders claimed that there were such hindrances in this open-ended question, meaningful bivariate (chi-square) analyses were unable to be conducted. Of those 24 professionals who agreed that some evidentiary requirements hinder the effectiveness of the court processing of domestic violence, the most frequently reported evidentiary requirement hindrance was the hearsay exception/excited utterances in this category. One-third (33.3%) of the professionals reported exception to the hearsay rule[9] (also commonly known as "excited utterances"). From the interviews, however, one prosecutor reported using the hearsay exception successfully, given that prosecutors "do not

[9]This rule, an exception to the general rule against hearsay, serves to admit into evidence any statements made by the victim while she was "under the stress or excitement caused" by the domestic violence. This rule is not limited to mere impeachment purposes, but can be used to proffer substantive evidence.

know at the time the victim walks in the court whether we will have the victim's cooperation." Another prosecutor explained that "if cops have done their job...if cops get excited utterances or a statement, we can prosecute the case without the victim." However, this same respondent stated "[Domestic violence] cases are often not done correctly. Maybe because of the volatility of the situation." Generally, most crimes occur before the police arrive at the scene. However, police officers must be able to reconstruct the crime on the basis of physical evidence and witness reports. Notably, prosecutors depend on the police to provide *both* the suspects and the evidence needed to convict the abusers in court

Following the hearsay exception, the next most frequently reported factor to circumvent evidentiary effectiveness, reported by one-quarter of the respondents (25.0%), was lack of evidence. This was followed by proof beyond a reasonable doubt, reported by one-fifth of the sample (20.8%). A prosecutor noted in the interview:

> About 90 percent [of professionals] cannot make the case without her [the victim's] testimony. Without firm, unequivocal testimony from the victim; the reality is that we need proof beyond a reasonable doubt. Nine-one-one tapes help, though. (Prosecutor)

The fifth amendment (12.5%), hearsay rule (4.2%), and proof of domestic violence violation (4.2%) were the least commonly reported evidentiary requirement factors that hinder court effectiveness. In one interview, a prosecutor noted how hard it is to prove a domestic violence relationship without the prosecuting witness's cooperation *simply in establishing whether the relationship qualifies as "domestic"*:

> Being unable to establish the relationship or "prove cohabitation" without the victim present and the defendant claiming no such relationship, which is the crux of a domestic violence case, was reported by numerous prosecutors in the interviews. Noteworthy, the prosecutors reported that the victim and defendant often understand that if they are not married (or common law), nor have any children in common, that the relationship will be difficult, at best, to establish, and therefore the case will have to be dismissed or recharged as an assault (which prosecutors admitted in the interviews, rarely occurred).

Suggestions on How Additional Resources Should be Used

During the interviews a common criticism was the lack of resources. Specifically, the court professionals stated that if more resources were made available, the case outcome would be different (presumably fewer dismissals). Table 15 presents detailed findings from the more general "yes/no"

questions on the professional surveys regarding available resources (see the second question/item on Table 13).

The most commonly noted resource, identified by almost two-fifths (38.5%) of the respondents, was to have more time to prepare a case. The need to maintain contact with the victim was reported by almost one-third of these respondents (30.8%). Approximately one-fifth of the professionals reported the need to hire more staff (such as investigators and attorneys) (23.1%), and one prosecutor noted that, "it is so busy now we could have two prosecutors per room." More counseling was identified by 15 percent of the sample (15.4%) as needed to develop better office procedures. Fewer than 10 percent of the professionals reported a separate domestic violence court (7.7%), creating better victim notification letters (7.7%), utilizing better cameras (7.7%), and more time for making more phone calls to victims (7.7%) as features needed to improve office procedures.

The amount of time to prepare a case or meet with victims was a frequent topic of conversation in the interviews, as well. This is hardly surprising given the structural make-up of the prosecutors' and public defenders' offices. Specifically, there are 18 prosecutors for the domestic violence victims and 31 public defenders for these batterers. This alone, institutionalizes a pro-defendant/anti-victim approach. It is interesting that over two-fifths of the prosecutors reported they need more time to prepare these cases (44.4%), while only one-fourth of the public defenders responded this need (25.0%). Likewise, over two-fifths of the prosecutors reported that more time is needed to spend maintaining contact with the victim (44.4%), whereas none of the public defenders reported a need to spend more time maintaining contact with defendants as a resource issue. One prosecutor reported during an interview:

> Ideally, I would be meeting with the victim a couple of hours, or even days before the case is called. Then the second time would be at the trial. As a practical matter we get between 2 and 20 minutes right before the case is called. I would really like to see the prosecutors get more time. *[How would more time affect case outcome?]* I think there are a minority of cases where I don't have the complete picture. (Prosecutor)

Alternatively, one public defender reported spending "as much as is required" on a particular case. This public defender reported:

> For the typical case, it's about five to six hours. We sometimes minimize the impact of a trial. But in cases with real issues you have 5 to 6 hours or more. The majority, it's

> probably a half hour in arraignment room and one hour in the court room. So most cases are 2 to 3 hours. For court or jury cases they're six or more hours with the defendant. (Public defender)

It is perplexing that three-quarters of the public defenders request the hiring of more personnel (75.0%) while none of the prosecutors requested this. Moreover, the public defender office administrator indicated that most of the public defenders have private practices (or at least handle other legal matters) outside of the 35 hours they are required to work for the county (Telephone conversation with John Dowlin, Office Administrator to the Public Defenders, May 21, 1998).

Another difference noted by the first author during data collection was the physical structure of the offices. Seemingly, the public defender's office was more equipped to meet defendants and/or victims than the prosecutor's office. That is, in the public defender's office there was space for clients to sit and wait until an attorney could meet with them. In the 3 to 4 month period that the first author spent in each office (prosecutors' and public defenders'), she noted *more victims in the public defenders' office than in the prosecutors' office*. Ironically, many public defenders reported in the interviews that while they do not speak directly to the victims they may act as a surrogate prosecutor:

> If the prosecutor is busy or overwhelmed they will ask me to talk with the victim to see if they want to go forward with the case or dismiss it. (Public defender)

Over one-fifth of the prosecutors (22.2%) and none of the public defenders (0.0%) reported more counseling for the parties as a needed resource. During an interview, one prosecutor noted that victim involvement could be encouraged if the courts were more invested in treatment and monitoring of batterers:

> [It would help] if the court would be more devoted to treatment, counseling, and monitoring. I think the AMEND program choices are not efficient. I would like there to be more encouragement from the court. Currently, if the offense is more severe, the offender just gets more time within AMEND, not necessarily more *treatment*. A lot with this offense is a way of life and cannot just stop with a 14 week program. [The defendant] needs a program to be able to handle frustration and avoid another domestic violence. Smokers couldn't quit in a 14 week program. Neither can these offenders. [The defendant] needs people involved on a daily basis--a lot of the individuals have alcohol problems they need lots of help. (Prosecutor) (Author's emphasis added).

Although only one of the prosecutors requested to have a separate domestic violence court (7.7%) on the survey, numerous professionals made comments in the interviews that having a domestic violence

court might allow them to be better equipped to deal with these cases. One prosecutor suggested that the current criminal justice system is not capable of solving the problems associated with these cases:

> Family court or civil court would be better to deal with the victims, counsel them because they [the victims] are half the problem. (Prosecutor)

One public defender seemed to succinctly capture these findings:

> Domestic violence is emotionally draining. We are dealing with raw edge of people's lives. The court's Band-Aid cannot heal the wound. (Public defender)

About one-tenth of the prosecutors suggested that providing better notification letters to victims (11.1%) as a means to improve upon current office procedures. Theoretically, a form notification letter is sent from the prosecutor to the victim to inform the victim who is processing her or his case, and as a means for the victim to contact the prosecutor if she or he would like to offer any input into the case. Comments made in the interviews indicated that the current letter is ineffective in gaining the victim's participation. While one prosecutor suggested that one problem with the letter is that if the victims are "noneducated people," they may not know what to do with the letter, another prosecutor suggested the problem is more general:

> A lot [of the victims] don't know they can call the prosecutor--they do not see them as an advocate. I don't think a vast majority of Americans have a clue as to how the criminal justice system works. (Prosecutor)

A different prosecutor theorized the lack of response from the notification letter could be because only "1 out of 7 [victims] get the letter" because the victim does not give the correct mailing address in the police report. When asked if the victims were purposefully giving incorrect addresses or as a result of the chaotic nature of the incident, the prosecutor speculated that: "it is done on purpose because the victims do not want the criminal justice system to be involved in the matter." Whether the victims were not responding to the letter because they do not understand what to do with the letter or because they do not want the criminal justice system involved in what they consider to be a "private" matter, it seems evident that relying on the form letter as a means to notify victims about the case is not proving to be an efficient process. Some victims are likely in hiding from their batterers and do not want their addresses known.

Assessing Defendants' Dangerousness

Table 16 presents the findings from the more general "yes/no" questions on the professional surveys regarding the role of the defendants' perceived dangerousness in processing the case (see the third item/question on Table 13). Given that only 17 prosecutors and 2 public defenders reported how they assess defendants' dangerousness on this open-ended question (this question was not on the judicial survey), meaningful bivariate (chi-square) analyses were unable to be conducted. Of those 19 professionals who reported how they assess defendants' dangerousness, approximately three-fifths of the respondents suggested that the defendant's prior record (57.9%) was the most common factor used to determine how dangerous a defendant is. Over one-quarter of the professionals reported using the severity of injury (26.3%) and defendant's demeanor (26.3%) to assess the batterers' dangerousness, while one-fifth reported utilizing a pattern of abuse (21.1%) to assess the defendants' dangerousness. One-tenth of the respondents identified the victim's opinion (10.5%), evidence (for example photos and medial records) (10.5%), whether drugs were involved in current incident (10.5%), and the victim's fear (10.5%), as factors in determining the defendants' dangerousness.

Considering their job charges, it is not surprising that prosecutors reported many more factors to ascertain defendants' dangerousness than public defenders did (e.g., that the prosecutor is both an administrator of justice and an advocate [American Bar Association Standards for Prosecutors, Standards 3-1.1 (b)]. It is interesting though, that all the public defenders in this sample identified the defendant's demeanor (lack of remorse) (100.0%) and available evidence (50.0%) as factors in assessing dangerousness, whereas the prosecutors reported those same factors as 17.6 percent and 5.9 percent, respectively. One prosecutor noted that:

> I think offenders are 'pissed mad'... be gratified now--therefore they hit. The women in these cases are objects for the men 'that bitch,' when they are done, they discard them-raw. (Prosecutor)

Similarly, a public defender responded about his client's demeanor: Most say, "I wouldn't hurt the bitch, I love the bitch." Another public defender offered insight into why they consider available evidence to be a factor:

> If there is physical harm to the victim; if cut, blood, gash, severe bruises to the face-- this will effect my case. Testimony I can always discredit but I can't discredit physical harm

> to the victim; cut, blood, gash, severe bruises to the face... If the victim has that, then there probably will not be a plea. (Public defender)

Overwhelmingly, the prosecutors reported the prior record (64.7%) to be the most common factor they used to determine dangerousness. Numerous prosecutors and judges stated during the interviews, that if the defendant had prior domestic violence *dismissals*, they would not dismiss the case for counseling. This is noteworthy given that *legally* a prior domestic violence dismissal should not bear upon one's current record. However, the professionals hypothesized a dismissal in a domestic violence case may be due to victim's fear of retaliation, and not because of lack of evidence (or that the event did not occur). Just over one-tenth of the prosecutors reported that the victim's fear (11.8%) is used to assess defendants' dangerousness. One prosecutor admitted to assessing the 'fear factor' by watching "their [the defendants' and victims'] body language." One public defender suggested that there are cases were the relationship is so abusive, that a neighbor, not the victim will call the police, because the woman is so frightened.

Professionals' Assessments of Pro-Arrest Policies

The county in which this project was undertaken enacted its own mandatory arrest policy in 1991, years before the state law policy which is considered a "preferred" (as opposed to "mandatory") arrest law was enacted. Essentially this policy states while an arrest is not mandated in every situation, if a police officer responds to a domestic violence call and does *not* arrest someone, he or she needs to write a report as to why no one was arrested. Table 17 is a detailed version from the more general "yes/no" questions on the professional surveys regarding pro-arrest policies, (see the fourth question/item on Table 13).

Table 17 is divided into two parts, the top part includes detailed responses from professionals who would like the current arrest policy to be changed, while the bottom part presents responses from professionals who would not like the arrest policy changed. Over three-fifths of the sample (68.5%) reported that the policy should be changed, while one-third (31.2%) of the total sample indicated the current policy should not be changed. Discussing the top portion first, the most common reason given for why the policy should be changed, reported by over half of the respondents, was that mandatory arrest is not always necessary (54.0%). The next most common response (45.9%) reported by over two-fifths of this sample, (as to why the pro-arrest policy should be changed) was to allow the police officer more

discretion . The final reasons to change the current arrest policy, reported by less than 10 percent of the sample, included not arresting both parties (5.4%), offering additional training (5.4%), and observing victims' wishes (2.7%) (presumably those victims who do not wish for the batterer to be arrested). Although this sample was too small to conduct significance tests between the professional groups, it is clear that those most adamantly opposed (predictably) to pro-arrest policies were the public defenders. Despite their overwhelming lack of support for pro-arrest policies, the insights informing this stance varied among the public defenders, which is evident in statements from three different public defenders:

> Seventy-five percent of these cases never should have been brought to court. The way the system is set up, any domestic violence call equals an arrest. (Public defender)
>
> I think the mandatory arrest policy will deter victims from calling the police. It defeats what you're trying to do. It doesn't prevent it [domestic violence], it irritates the problem. (Public defender)
>
> The court welcomes victims bringing these charges, and victims should know that. But from a system's perspective it's a mess. The courts say 'victim, we'll protect you,' but what really happens is the system speaks with forked tongue. They tell them 'Ms. Victim. we'll help you,' then all they do is separate them from their partner. Mandatory arrest policies may be counterproductive. I don't know. That's the subject of a whole study. (Public defender)

The professionals who reported that the current pro-arrest policy should not be changed, reported three reasons why they supported the current policy. The most common reason, reported by over one-fifth of the professionals who supported the policy, was that it separates the victim and abuser (23.5%), while just over one-tenth of those who reported they supported the policy revealed the policy should not be changed because it helps remove negative police stigma (11.7%). The final reason given to not alter the policy was because it takes responsibility away from the victim (5.9%).

How Cases Plea Bargained Have Changed

Table 18 offers detailed findings from the more general "yes/no" questions on the professional survey regarding how the pro-arrest policy has impacted plea-bargaining (see the fifth item on Table 13). One prosecutor in the interviews reported (laughing): "Judges like plea bargains to get them out of there... they have tee times, you know?" Overwhelmingly, the most commonly reported reason of how cases plea bargained have changed since the policy initiative, was the creation of more borderline cases (46.7%). The

following reasons, reported in less than one-tenth of the cases, included less tolerance of domestic violence cases (6.7%), heightened awareness of domestic violence (6.7%), increased use of "C" section[10] (6.7%), political depth (6.7%), and increased trials but decreased pleas (6.7%). One judge suggested during an interview that the policy initiative had a heightened awareness about domestic violence cases.

Comparable Bail to Non-Intimate Assault Cases

Table 19 presents findings comparing whether bail[11] in domestic violence cases is set, comparably to other assault cases in which the defendant and victim are not related (or in an intimate relationship). Given that only 6 judges, 11 prosecutors, and 17 public defenders responded to this item, meaningful bivariate (chi-square) analyses were unable to be conducted. Of the 34 professionals who responded to this open-ended question, more than two-fifths of the respondents indicated domestic violence bonds are actually set *higher* than bonds for other assault cases (44.1%). Almost one-quarter of the professionals reported that political pressure (23.5%) creates a situation in which comparable bails are set. Less than one-fifth of the professionals (17.6%) indicated that the relationship of the couple must be considered. The next most common response was that domestic violence cases are more dangerous cases (14.7%) than other assaults. Less than one-tenth of the respondents reported that assault cases are not arrested (5.9%), nor are bonds higher for domestic violence cases because it creates a risky situation for the victim (2.9%). One public defender reported in the interviews:

> Because of societal emphasis on domestic violence, if there are injuries or repeat record, they set too high bonds and no chance to rehabilitate or mend the offender. (Public defender)

Almost half of the public defenders (47.1%) reported, and they were the only professionals to do so, that the high bonds are due to the political pressure. When asked if judges set higher bonds in domestic violence cases, one public defender reported:

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[10]Threat of force, cause belief of imminent physical harm. Usually charged as a M4.

[11]The major considerations taken into account in determining the amount of bail are the defendant's assets and liabilities, his family ties, and any other information relevant or the question of whether he is likely to flee the court's jurisdiction prior to trial (American Bar Association Project on Standards fro Criminal Justice, 1968)

> Yes, because they are over-sensitized on domestic violence and there are pressure groups, yeah. They're elected officials and they attend more to the public opinion. (Public defender)

Another public defender reported: "I have had judges admit to me that because they don't want their name in the paper, they take a stronger stance." Avoiding "bad press" was the main reason the public defenders reported that judges set higher bonds, while some public defenders suggested that the judges have their own political agenda, particularly getting re-elected.

Half of the judges (50.0%) and almost one-third of the prosecutors (27.3%) reported that the relationship must be considered when making bail decisions. Although no public defender reported to consider the relationship in the survey, one public defender indicated this was necessary in the interview:

> Domestic violence is always worse, domestic violence is so emotionally involved, intimate, kids, have lives together- would go emotionally bankrupt, there are always others issues [economic] than just domestic violence. Therefore their reaction is so much more profound. (Public defender)

Conditions Attached in Domestic Violence Cases

Table 20 presents the findings from the more general "yes/no" questions on the professional survey, (see the seventh item on Table 13) regarding professionals' examples of attached bail conditions. Specifically, Table 20 presents court professionals' reports of what conditions are attached in domestic violence cases. Approximately half of the respondents identified that a temporary restraining order (TPO) (54.7%) is attached in domestic violence cases. The next most commonly attached condition, reported in over two-fifths of the cases, was utilizing an electronic monitoring or juris monitor unit (41.5%). The final conditions reported by the professionals included visitation issues (1.9%) and no alcohol (1.9%).

Three-quarters of the judges reported that they attach a TPO condition in domestic violence cases (75.0%). One judge identified during an interview, that not only did s/he issue TPOs, but was "pretty strict about enforcing them." This same judge, however, admitted to "never ordering a violation to be filled out against someone." It is disconcerting that the judge had never ordered a TPO violation since the effect of the TPO depends upon the enforceability of the order. However, the judge reported that if a TPO "had been violated even unintentionally, I will go to a more severe order, such as home confinement or electronic monitoring." Despite this particular judge's report, research suggests: "Judges don't usually do

anything the first time a man violates an order of protection" (Hart 1993; see also McCann 1985). Two-thirds (65.2%) of the public defenders reported having a TPO attached in these cases, while over one-quarter (27.8%) of the prosecutors reported this. Approximately half of the judges (50.0%) and public defenders (47.8%) reported having an electronic monitoring unit or juris monitor unit attached in these cases, whereas about one-third of the prosecutors (27.8%) reported the utilization of these units.

The Examples of Effecting of Meeting with Victim/Defendant Prior to Trial

Table 21 addresses the issue of professionals' beliefs about how case outcome is related to meeting with victims/defendants prior to trial. As noted above in Table 15, the professionals (particularly prosecutors) suggested they would like more time to prepare a case or maintain contact with the victim. About 70 percent of both prosecutors and public defenders who responded to this survey item. (Due to the small sample size, meaningful bivariate (chi-square) analyses were unable to be conducted). Slightly less than three-quarters of the public defenders who responded to this item reported that meeting with the victim/defendant prior to trial would *not* affect case outcome (70.6%), while two-fifths of the prosecutors identified a similar sentiment (41.7%). Corresponding to this finding, two-fifths of the prosecutors reported that meeting with the victim prior to trial would increase guilty outcomes (41.7%), while no public defenders reported that this would affect the case outcome. Alternatively, just over one-tenth of the public defenders (11.8%) suggested that meeting with the victim/defendant prior to trial would increase the amount of pleas, while no prosecutors reported this. Notably, only one professional, a prosecutor, suggested that meeting prior to trial would increase victim cooperation (3.4%).

Community Alternatives to Criminal Prosecution

Table 22 provides detailed findings from the more general "yes/no" questions on the professional survey regarding the professionals' identifications of effective alternatives to criminal prosecution available within the community (see the ninth item on Table 13). The most prevalent alternative to criminal prosecution, reported by almost three-quarters of the professionals, was the AMEND program (74.1%), a program created to address battering issues in a community setting. The next most common response, reported by over one-fifth of the respondents, was the utilization of a counseling program

(22.2%). The remaining alternatives to criminal prosecution represented less than 10 percent of the responses: divorce/separation (7.4%), private complaint services (7.4%), a "women who resort to violence" program (7.4%), substance abuse/treatment (7.4%), mental health facilities (3.7%) and marriage (3.7%). One public defender noted that parties need to know that they have alternatives "like divorce." Another public defender reported in the interview, "Unless there is a track record of abuse, then I advise them to divorce." Suggesting that divorce is an "alternative" ignores the large majority of victims who were never married and/or who those who solely define their relationship as having a "child in common." For these abuse victims and other victims who believe marriage is sacred and to be maintained at all costs, seemingly divorce is not a viable alternative. Further, divorcing or leaving a batterer has been known to present a precarious situation for the victim (Mahoney 1991). As imprudent as marriage seems as a practical alternative to criminal prosecution for domestic dispute cases, numerous decision-makers jokingly recited the case where a common pleas judge (in the sample county) sentenced a batterer and his pregnant victim to matrimony in an attempt to end their quarreling. (Due to this incident as well as similar other incidents, this judge is no longer on the bench).

Although the sample size is too small to examine significant differences between the professional groups, it is clear from Table 22 that public defenders are likely the greatest supports of the AMEND program. This is likely because it helps keep their clients from convictions. However, one defender noted an important nuance:

> I think sending someone to AMEND for the first offense is a step. But if the family has a serious family problem, more issues need to be addressed in family counseling as well. I have a feeling that this program is mainly a massive cash cow where people that I represent can't really afford the services so they don't get the opportunity to attend the program. (Public Defender)

Cases Better Served Using Social Services/Civil Alternatives

Table 23 presents specific findings from the court professionals' identification of the *types* of cases better served using social services/civil alternatives identified in Table 22. The type of case most frequently reported by these professionals as best served by the social service/civil alternatives was a first offense case where there were only minor injuries (28.6%). The next most common response, reported by

one-quarter of the court professionals was threats or verbal abuse cases (25.7%). Cases where the defendant and victim are either siblings or parents (14.3%) was the subsequent most reported type of case better served using social services. If the current incident occurred while the parties were still in a continuing relationship (11.4%), just over ten percent of the respondents reported they would rather have these types of cases use means other than criminal prosecution. Also reported over 10 percent of the time, cases where there is no real violence (11.4%), the professionals indicated social services would be more beneficial than prosecution through the criminal system. The following responses were identified by the professionals less than 10 percent of the time: one-time problems (5.7%), corporal punishment (5.7%), arguments initiated over finances (5.7%), all, just not emphasize women's issues (5.7%), women just wants man out of the house (2.9%), and arguments over children' visitations (2.9%).

Again, although the sample size was not large enough to conduct meaningful bivariate (chi-square) analyses, it may be interesting to "eyeball" the differences within categories. Public defenders (42.1%) were far more likely to report that first time occurrences with events with only minor injuries were better served using civil and not criminal services than were the judges (14.3%) and the prosecutors (11.1%).

The survey findings suggest professional differences regarding the best options for abuse that involves verbal threats. Interestingly, the public defenders (5.3%) were less likely than the judges or prosecutors to report that if the case involved a sibling and/or parent they would recommend using social services. Although only one public defender (5.3%) reported that in cases where "the woman just wants the man out of the house" would be better served through social services, this was a recurring theme in the interviews. Numerous professionals (judges, prosecutors, and public defenders) suggested that the only reason the victim called the police was so she could have some "free" time to herself. Specifically, one public defender referred to this as a "weekend divorce." A weekend divorce was defined as:

> When the woman gets her boyfriend or husband arrested for domestic violence so that she can be with her new boyfriend for the weekend. (Public defender)

More specifically, another public defender reported that weekend divorces are used as a "convenient divorce that allows them to have a weekend off without the husband around. By Monday they want their

case dismissed." The concept of a "weekend divorce" seemed to verify for the professionals that these types of cases were not serious enough to warrant criminal prosecution. From the interviews there were varying opinions from the judges on whether a threat was to be considered serious or not. For example, one judge reported that: "If it was just a threat it is less serious," while another judge took a different approach:

> The more specific a threat the more dangerous I consider it for example, if he says 'I will kill you' I take it more serious--when it seems he has specifics about how he will kill her for example, 'I am gonna kill you with Uncle Bob's rifle, come into the bedroom and shoot you between the eyes.' (Judge)

Likert Scale Findings on Court Professionals' Attitudes

This section, the last section on findings from the current study, is a presentation and discussion of the Likert scale items on the professionals' surveys. It is likely that criminal justice decision-makers' attitudes and perceptions are both shaped by and shape their experiences and behavior. The purpose of this section, then, is to determine (1) court professionals' overall attitudes as measured by Likert scale items; (2) whether factor analysis can group various Likert items into subscales; (3) whether (and how) the court workers' Likert scale responses are related to their professional group identity (judges, prosecutors or public defenders); and finally (4) whether court workers' Likert scale items are related to their age and race. To date, little systematic research exists on how court professionals view domestic violence, and variations between the three groups of professionals is virtually non-existent.

Scale Development

In the initial orthogonal solution, a total of ten factors emerged from the Likert items, creating the existing "subscales" presented herein. "Subscale" is used as a descriptive term for labeling the groupings of items for the more comprehensive scales: the System, Victim, or Treatment/Counseling scales. From the initial orthogonal solution, 19 Likert items were left out of the models. Thus we attempted to determine if any of these nineteen items could be included within the 10 subscales without adversely affecting the Cronbach's alpha reliability score. Three out of the nineteen Likert items were analytically determined not only to meet the constraint of not adversely affecting the Cronbach score, but also to "fit" within an

existing subscale. Two items, "Diversion out of the system is a helpful approach to reducing domestic violence" and "Victim representative should be allowed to speak on behalf of the victims" were included in the Criminal Justice Techniques subscale. The last item analytically included into an existing subscale, "It is acceptable for defense attorneys to raise victim provocation questions in the hearings," was added to the Accountability subscale. Other than these three items, then, the orthogonal factor analysis "developed" the subscales.

In summary, then, the factor analysis resulted in 10 subscales, which we classified as follows: Criminal Justice Techniques, the Role of Extra-Legal Factors, Confidence in Legal Factors, the Effectiveness of Temporary Orders, Victim's Ability to Leave, Accountability, Procedures to Address Victim Reluctance, Victim Safety, and Counseling and Advocacy for Victims and Offenders.

The System Subscales

Criminal Justice Techniques. This seven-item summated scale reflects the extent to which the respondents reported there are certain policies/techniques that affect a domestic violence case in municipal court. Respondents were asked to estimate the chances that pro-arrest policies "take power away from domestic violence victims" or that these policies "have resulted in victims less likely to call the police" as suggested by previous research (Ford 1991). Moreover, this subscale addresses another issue debated in the research, whether "Prosecutors should not prosecute if the victim wants the case dismissed," effectively giving the victim the "power" to decide whether to process a case (Ford 1991). Finally, this subscale addressed the notion that there may be effective alternatives to the criminal processing of domestic violence defendants, specifically that "mediation between parties reduces woman battering" or that "diversion out of the system is a helpful approach to reducing domestic violence." Higher scores on the Criminal Justice Techniques subscale reflect greater faith that policies/techniques positively affect the processing of criminal justice techniques (Cronbach's alpha 0.72).

Role of Extra Legal Factors. A three-item summated scale was included to determine if the respondents reported extra-legal factors affect the processing of municipal domestic violence cases. For example, some research suggests that the decision to prosecute is often based upon characteristics of the victim-offender

relationship (Lerman 1984; Parnas 1971), such as, whether the respondent views battering as more serious when the couple is divorced or "broken up." Other extra-legal factors, included asking the respondents to determine if "they pursue battering cases more seriously when drinking or drugging occurred during the current incident." This subscale was coded so that higher scores represent stronger adherence to the role of extra-legal factors (Cronbach's alpha 0.78).

Confidence in Legal Factors. Various factors influence whether to bring formal charges against a suspect in criminal cases. A three-item summated scale reflects the respondents' "Confidence in Legal Factors," using "acquitting or dismissing when not sure what to do" and the use of "hospital records of injuries" and "police officer's testimony" in terms of their influence the respondents' processing of domestic violence cases. Higher scores reflect a greater confidence in legal-factors (Cronbach's alpha 0.71).

Deterrent Factor. There have been numerous projects attempting to determine if arrest is an effective deterrent in spouse assault cases (i.e., The Minneapolis Experiment and its many replications). Currently, however, there is a great deal of ambiguity surrounding the question of how arrest impacts future woman battering (Dunford 1990; Pate and Hamilton 1992; Sherman, Schmidt, Rogan, Smith, Gartin, Cohn, Collins and Bacich 1991; Sherman and Berk 1984). The two-item "Deterrent Factor" scale comprises the items whether respondents report "criminal prosecution of batterers will reduce repeat violence" and "arresting batterers has a deterrent effect." Higher scores reflect court workers' faith that arrest and court processing deter repeat woman battering (Cronbach's alpha 0.82).

Temporary Order. Under many contemporary state statutes, victims of domestic violence can file for temporary protection orders (TPOs) or temporary restraining orders (TROs) from their abusers. These orders are designed to protect the victim from imminent danger by ordering support, awarding custody or prohibiting offenders' contact with the victim and other family members (Lerman 1983). The higher the score on this subscale suggests respondents' belief that these temporary protective or restraining orders are "effective in providing safety to battered woman" (Cronbach's alpha 0.86).

The Victim Subscales

In addition to various aspects of the criminal justice system (measured in the "System Subscales just presented), another predominant factor in the processing of domestic violence municipal cases includes the victim. To adequately measure the respondents' attitudes towards various aspects of the victims' behavior, four subscales were developed to create The Victim Scales. These subscales include: (a) Victim's Ability to Leave, (b) Accountability, (c) the Processing the Reluctant Victims, and (d) Victim Safety (see Table 24).

Victim's Ability to Leave. Research suggests that judges and other professionals in the court system are too often under-informed about the nature of domestic violence and the characteristics of victims and offenders (Eaton and Hyman 1992; Ford, Rompf, Faragher and Weisenfluh 1995). An integral element to comprehending the psychology of battering and its effects on victims/survivors is to understand the dynamics or cyclical nature of abuse. This five-item summated subscale measures respondents' understanding of the victim's ability to leave an abusive relationship. The scale comprises information from the respondents regarding their reported assessment, for example, that "it is hard for most battered women to leave abusive men" and whether "battered women who remain in an abusive relationship must not be suffering." Higher scores reflect respondents' belief that it is "easier" (rather than "harder") for victims to leave abusive relationships (Cronbach's alpha 0.79).

Accountability. Many batterers deny or avoid accepting responsibility for their actions, thus the element of accountability is one of the main goals addressed in any reputable batterer intervention program. This four-item summated subscale assesses whether "both parties are responsible for the abuse" or whether "victims are sometimes responsible for the violence committed against them." Higher scores reflect respondents' belief that victims are at least partially accountable for the violence used against them (Cronbach's alpha 0.72).

Processing the Reluctant Victims. Research suggests that there are a number of reasons some women do not want their cases prosecuted, such as they are too afraid of their abusers, they nave not faith in the police or courts, or they blame themselves for the abuse. To circumvent the victim having the onus of arresting her batterer placed on her, some jurisdictions have established arrest polices whereby the power

to press charges is mandated, and thus taken out of the victim's hands. However, even though an arrest is mandated, prosecutors often decline to prosecute these cases based upon the assumption that victims will not cooperate, and that victim cooperation is necessary for effective prosecution (Cannavale and Falcon 1976; Parnas 1967; Sigler, Crowley and Johnson 1990; U.S. Commission for Civil Rights 1982). This two-item summated scale measures the extent to which the court professionals report battered women should be "subpoenaed or required to testify in trials" or that victims "who refuse to testify against their batterers should be held in contempt of court." Higher scores reflect respondents' belief that victims should be required to testify in these cases (Cronbach's alpha 0.75).

Victim Safety. This three-item summated scale reflects the extent to which respondents believed that the victim's safety may be affected by decisions made by court workers (e.g."acquitted batterers later kill victims" and "bail commissioners should contact victims about batterer's release"). Higher scores reflect a general belief that these victims' safety is not an issue or concern (Cronbach's alpha 0.76).

The Treatment/Counseling Subscale

Making use of victim advocates has been said to both assist in case preparation and to reduce the victim's anxiety during prosecution (Healey, Smith and O'Sullivin 1998). Moreover, counseling batterers' and offering programs to inhibit the batterers violent behavior can effectively reduce the risk of future violent episodes. The Treatment/Counseling Subscale was the final subscale developed, and The Counseling/Advocacy subscale was the sole concept arising for this subscale.

Counseling/Advocacy. This three-item scale measures respondents' attitudes toward the counseling/ advocacy aspects of domestic violence cases. The scale comprises information assessing whether "counseling batterers reduces woman battering" and whether "victim advocates are important in successful case prosecution." Higher scores reflect that respondents reported counseling/advocacy do have positive outcomes for woman battering cases (Cronbach's alpha 0.73).

The ten subscales reported above, then, were grouped into three general scales: System Scales, Victim Scales, and Treatment/Counseling Scale (see Table 24 for a clearer description of the scales and subscales). For each subscale, an overall multiple analysis of variance (MANOVA) and an individual item mean of variance analysis (ANOVA) by each professional group was calculated. The multivariate general linear models were estimated to determine if there were differences between the professionals on particular scaled items. Two-way multivariate analysis of variance (MANOVA), using Wilk's criterion, were followed by univariate F tests to examine group differences on the dependent variables (the Likert items). The "main effects" model was used in order to decrease Type II errors. The assumptions for the multivariate analysis of variance were met: (1) the observations on the dependent variable followed a multivariate normal distribution for each group, (2) the population covariance matrices for the dependant variables in each group were equal, and (3) the observations were independent.

Assessing Mean Level Differences across Court Professionals

As stated, the Likert scale items were divided into 3 areas: (1) System Scales (17 items); (2) Victim Scales (14 items); and (3) a Counseling/Advocacy Scale (3 items).[12] The first area, the measure of System Scales, is comprised of five subscales related to factors associated with the processing of domestic violence cases within municipal court. The subscales include: (a) Criminal Justice Techniques, (b) The Role of Extra Legal Factors, (c) Confidence in Legal Factors, (d) Deterrent Factor, and (e) Temporary Orders.

Table 24 displays the results of the overall and comparison data between the court professional groups on mean levels of agreement with Likert Scale Items. Table 24 reports important differences on

[12]Sixteen items were found to not "hang together" in the factor analyses and therefore were excluded from additional analyses.

measures related to the overall models within the System Scales, Victim Scales and the Treatment/Counseling Scale. Because this exploratory research is interested in determining whether there are statistically significant differences between court professional by role (i.e., judge, prosecutor, or public defender), this section will only report those subscales where the multiple analysis of variance (MANOVA) exhibited statistically significant differences between groups. When the MANOVAs reported a model (subscale) as significant, the one-way analysis of variance (ANOVA) for each item within the scale was explored in more detail. Under the System scale, only one subscale, the Criminal Justice Techniques subscale, reported statistically significant differences between the groups of professionals. Interestingly, the multiple analysis of variance did not find statistically significant differences between the court professionals regarding (a) the Role of Extra-Legal Factors (b) Confidence in Legal Factors, (c) the Deterrent Factor, or (d) the Temporary Orders subscales. Under the Victim Scales, however, all four of the subscales exhibited a statistically significant difference between the professional groups (Victim's Ability to Leave, Accountability, the Processing of Reluctant Victims and Victim Safety) as did the Treatment/Counseling Scale (Counseling/ Advocacy).

Criminal Justice Techniques. Overall, "Criminal Justice Techniques Subscale," under the System Scale s, was highly significant ($F=5.65$, $p\leq.001$). There was a statistically significant difference between the court professionals for four out of seven items in this subscales. Research suggests that the issue of victim cooperation is a primary factor in the processing of domestic violence cases. Historically, the policy was that if the victims did not want to prosecute, the case would be dismissed. With more recent awareness of the volatile and repetitive abusive behavior found in domestic violence, however, some courts are creating "no-drop" policies where the victim does not have a say in whether the case should be dismissed. The first item in Criminal Justice Techniques subscale addresses this issue. Specifically, the prosecutors ($\bar{x}=6.16$) and judges ($\bar{x}=5.33$) were more likely to agree that, prosecutors should not prosecute if the victim wants the case dismissed, than were the public defenders ($\bar{x}=3.25$) ($F=12.62$, $p\leq.001$).

In contrast to policies from the 1970s, contemporary policies are more likely to treat domestic violence as a criminal offense and less likely to divert these cases away from the criminal justice system.

Presumably the current policies are based upon past reservations that the mediation and diversion approach failed to hold the offender accountable for his (or her) actions (Lerman 1984). The second statistically significant item in the Criminal Justice Techniques subscales was that the judges ($\bar{x}$=5.00) and the prosecutors ($\bar{x}$=4.22) were more likely to endorse mediation between the parties reduces woman battering than were the public defenders ($\bar{x}$=3.52) (F=3.89, $p \leq .05$). Similar to this finding, an item where the professionals reported a general consensus (thus there was not a statistically significant difference between the professional groups), was that diversion out of the criminal system is a helpful approach to reducing domestic violence. Interestingly, although the judges were the most likely to agree that diversion (and mediation) may help reduce domestic violence ($\bar{x}$=5.25), the prosecutors ($\bar{x}$=4.77) and public defenders ($\bar{x}$=4.00) also supported this statement (but to a somewhat lesser extent). Seemingly, the judges, followed by the prosecutors, were most likely to report use of means other than criminal proceedings as effective in reducing domestic violence.

The next statistically significant difference between the professional groups within the Criminal Justice Techniques subscale was that victim representatives should be allowed to speak on behalf of the victims. The public defenders ($\bar{x}$=2.45) were the least likely to agree that victim representatives should be utilized, followed by the prosecutors ($\bar{x}$=4.66), and the judges were most likely to agree ($\bar{x}$=5.66)(F=15.46, $p \leq .001$). The pro-arrest policy has unnecessarily "clogged" the courtroom docket was the final statistically significant item reported in the Criminal Justice Techniques subscale. The judges were the most likely to agree ($\bar{x}$=6.00) followed by the prosecutors ($\bar{x}$=4.38) and the public defenders ($\bar{x}$=2.20), that the current pro-arrest policy has impeded the handling of courtroom dockets (F= 23.33, $p \leq .001$).

Notably, while not reporting a statistically significant difference between the court professional groups, overall the professionals reported limited support for the belief that pro-arrest policies (1) take power away from domestic violence victims ($\bar{x}$=4.46), and (2) the pro-arrest policies have resulted in victims being less likely to call the police ($\bar{x}$=4.50). The court professionals, overall, report that victims are less likely to call the police under a pro-arrest policy, presumably because the victim only wants the defendant to be taken away somewhere to "cool off" from the immediate situation, but not to be officially

arrested. Thus, under the pro-arrest policy where the victims know an arrest is mandated, according to these court professionals, the victim will not call the police for assistance to avoid having the defendant arrested. Perceived this way, the pro-arrest policy may be backfiring, possibly placing some victims in more vulnerable and dangerous situations.

When asked during interviews if they believe victims knew about the pro-arrest policy (e.g., that an arrest is mandated), however, these court professionals' responses were inconsistent. One of the public defenders reported that the "ghetto grapevine is quite effective in getting the word out," suggesting that the victims knew if they called the police, someone would get arrested. However, another public defender responded that the victims were not aware of this policy:

> The victims simply want the argument to stop and have the police help them to get the person to calm down. But the process triggers an arrest and gets the defendant into the system. I don't think most people comprehend the domestic violence policy. The defendant winds up getting caught in the red tape of the system. (Public defender)

Notably, there were no significant differences between the court professional groups regarding the remaining System Scales: the Role of Extra Legal Factors, Confidence in Legal Factors, the Deterrent Factor, and Temporary Orders. It is interesting that the Criminal Justice Techniques exhibit significant different responses between judges, prosecutors, and public defenders, and the remaining System Subscales do not.

Now turning to items measuring aspects about battering victims, each subscale will be addressed individually. The issue of victims' actions in domestic assault cases is quite complex. Research has reported that judges and other court professionals ask, "Why doesn't the victim just leave the abusive relationship?" (Eaton and Hyman 1992; Ford, Rompf, Faragher and Weisenfluh 1995). However, unlike violence between strangers, domestic violence by its very nature incorporates factors that contribute to the physical, psychological, and economic power and control that the defendant has over the victim (Asmus, Ritmeester and Pence 1991; Burris and Jaffe 1993). Regarding the subscales classified under "Victim Subscales" it is noteworthy that all of the subscales (Victim's Ability to Leave, Accountability, Processing Reluctant Victims, and Victim Safety) were significant. Indeed, under all of these significant 5 subscales,

only one individual Likert item was not related to professional identity (an item in Victim's Ability to Leave, stating that battered women could leave if they really wanted to).

Victim's Ability to Leave. Overall, the Multiple Analysis of Variance (MANOVA) reported the subscale Victim's Ability to Leave to be highly significant ($F=4.91$, $p\leq.001$). There was a statistically significant difference between the court professional groups for all of the items. (Notably, though, the professionals reported overall means below 4.0 for all of the items.) First, regarding the item "it is hard for most battered women to leave abusive men," although there was a slight general disagreement among the professionals for this item($\bar{x}=3.00$), the public defenders ($\bar{x}=3.79$) were most likely to agree, followed by the prosecutors ($\bar{x}=2.52$), and, finally, the judges ($\bar{x}=2.08$)($F=6.27$, $p\leq.01$). In the interviews, one judge reported:

> At one point the victim loved the defendant and if he is now coming to court and professing his remorse that it will never happen again, the victim is hard-pressed to accept that and may choose not to leave this time. (Judge)

Al though there was a statistically significant difference between the court professionals, overall, they were not likely to agree that "victims usually leave their abusive partner many times before leaving for good" ($\bar{x}=2.90$) ($F=6.28$, $p\leq.01$). Specifically, the public defenders ($\bar{x}=3.39$) and prosecutors ($\bar{x}=3.00$) were more likely than the judges ($\bar{x}=1.72$) to report that victims leave their abusive partner many times before leaving for good. The next significant Likert item was "battered women might stay with her husband because she feels dependent upon him" ($F=3.13$, $p\leq.01$). In this case, the public defenders ($\bar{x}=3.08$) were more likely than the prosecutors ($\bar{x}=1.64$) or judges ($\bar{x}=1.58$), to report that battered women might stay in an abusive situation because they feel dependent upon the abuser. It should be noted, however, that the overall mean ($\bar{x}=2.28$) indicates general disagreement with this statement. Moreover, the overall mean ($\bar{x}=2.16$) of the final significant item in this subscale, "battered women who remain in an abusive relationship must not be suffering," suggests the respondents do not agree with this statement ($F=12.12$, $p\leq.001$). In comparing the groups, the public defenders ($\bar{x}=3.00$) were the most likely to agree that battered women who stay in an abusive relationship must not be suffering, followed by the prosecutors ($\bar{x}=1.55$) and, finally, the judges ($\bar{x}=1.41$). There were no significant differences between the court

professional groups concerning the belief that "battered women could simply leave abusive husbands if they really wanted to."

Accountability. Overall, the subscale Accountability was highly significant ($F=7.78$, $p\leq.001$). Moreover, all of the items in the subscale were also statistically significant. However, all but one item reported an overall mean of less than 3, suggesting general disagreement with the particular items. This subscale addresses whether the court professionals hold the defendant or the defendant and the victim accountable for the abusive situation. The court professionals reported overall agreement ($\bar{x}=5.51$), that "it is acceptable for defense attorneys to raise victim provocation questions in hearings" ($F=22.99$, $p\leq.001$). Specifically, the public defenders ($\bar{x}=6.58$) were more likely to report agreement with this item than were the judges ($\bar{x}=5.66$) and the prosecutors ($\bar{x}=4.00$). The public defenders ($\bar{x}=3.20$) were more likely than the prosecutors ($\bar{x}=2.16$) and judges ($\bar{x}=2.00$) to agree that "victims are sometimes responsible for violence committed against them" (overall $\bar{x}=2.59$, ($F=3.75$, $p\leq.05$). Now turning to the item "both parties are responsible for the abuse," public defenders ($\bar{x}=3.48$) were more likely than the prosecutors ($\bar{x}=2.05$) or the judges ($\bar{x}=1.25$), to endorse this statement ($F=9.65$, $p\leq.01$). (Again, however, the overall mean suggests that the professionals largely disagree with this item ($\bar{x}=2.50$). Regarding the item, "family violence should be considered a criminal activity," the overall mean again suggests that the respondents did not agree with the item ($\bar{x}=2.25$). The public defenders ($\bar{x}=3.04$), however, were more likely than the prosecutors ($\bar{x}=1.83$) and judges ($\bar{x}=1.33$) to agree that family violence should be considered a criminal activity ($F=7.19$, $p\leq.01$).

Processing Reluctant Victims. The Processing Reluctant Victims subscale indicates that although the court professionals in general (across professional groups) believe that battering victims should be required to testify in these cases, there are significant differences between the groups ($F=4.13$, $p\leq.01$). Specifically, prosecutors ($\bar{x}=5.16$) were the most likely to endorse a requirement (including subpoena for) victim participation in domestic violence trials, followed by judges ($\bar{x}=4.33$), and lastly by public defenders ($\bar{x}=2.79$) ($F=8.25$, $p\leq.01$). The overall mean for the item "battered women who refuse to testify should be held in contempt of court" suggests that the respondents generally disagree with this item ($\bar{x}=2.31$).

Prosecutors ($\bar{x}$=3.11), however, were more likely than the judges ($\bar{x}$=2.16) or public defenders ($\bar{x}$=1.79) to agree that noncompliant victims should be held in contempt of court (F=3.71, p≤.05).

Victim Safety. A MANOVA reported that the Victim Safety subscale was highly significant (F=14.50, p≤.001). The public defenders ($\bar{x}$=6.58) were much more likely to report that "prosecutors often exaggerate the violence against battered women," than were the judges ($\bar{x}$=5.66) or prosecutors ($\bar{x}$=4.00) (F=22.99, p≤.001). Surprisingly, the public defenders ($\bar{x}$=5.56) were most likely to report that they "worry about acquitted batterers later killing victims", followed by the judges ($\bar{x}$=4.11), and more distantly, by the prosecutors ($\bar{x}$=2.66) (overall $\bar{x}$=3.50, F=23.45, p≤.001). Similarly, the public defenders ($\bar{x}$=4.58) were the most likely to report that "bail commissioners should contact victims about batterer's release," followed by much lower endorsements by the prosecutors ($\bar{x}$=2.66) and judges ($\bar{x}$=2.25) (F=9.18, p≤.01). Perhaps the prosecutors are invested in trying not to feel invested in their own responsibility of what happens to their clients later, and perhaps the public defenders feel "guilty" that some of the men they help acquit truly are dangerous and lethal.

Counseling/Advocacy. Making use of victim advocates has been reported to both assist in case preparation and to reduce the victim's anxiety during prosecution (Healey, Smith and O'Sullivin 1998). Higher scores in the counseling/advocacy subscale reflect that respondents reported beliefs that counseling or victim advocacy are effective in deterring woman battering. A MANOVA reported the scale to be highly significant (F=4.84, p≤.001).

The judges ($\bar{x}$=5.33) and public defenders ($\bar{x}$=5.08) reported stronger endorsements of counseling to deter woman battering than did the prosecutors ($\bar{x}$=3.83) (F=3.89, p≤.05). Moreover, the judges ($\bar{x}$=5.25) were much more likely to agree that "victim advocates are important in successful case prosecution," than were the prosecutors ($\bar{x}$=3.61) or the public defenders ($\bar{x}$=2.70) were (F=8.37, p≤.01). The final significant item in the Counseling/Advocacy subscale was whether the respondents were "confident that the AMEND program helps batterers stop the abusive behavior" (F=6.46, p≤.01). The judges ($\bar{x}$=4.66) were more likely than the public defenders ($\bar{x}$=2.95) and prosecutors ($\bar{x}$=2.61) to have

confidence that the AMEND program can help the batterers stop the battering. Notably, the judges were more likely to support counseling or advocacy than the other court professionals.

Multivariate Analysis of Covariance: The Effects of Age and Race

The purpose of this exploratory research is to develop measures, therefore multivariate analysis of covariance (MANCOVA) in contrast to general factorial were conducted to determine whether there were any extraneous effects (Hair, Anderson, Tatham and Black 1987). Because the sample size is limited and to avoid superficial inflation of the statistical tests, only two extraneous effects (or covariants) were considered, age and race. MANCOVAs were conducted for each subscale developed, however, none of the multivariate tests were found to exhibit an interaction effect upon the dependent variable.

CONCLUSION

The purpose of this exploratory study was to address court professionals' attitudes about and responses to woman battering cases. To do this, interviews and self-report survey data of court professionals, regarding their level of knowledge and attitudes toward domestic violence were designed, conducted, and analyzed. Specifically, 14 judges, 18 prosecutors, and 31 public defenders in a large urban court (in Cincinnati, OH) took part in this study.

The first research question asked, "What roles do legal and extra legal factors play in decision-makers self-reported behaviors and attitudes?" Variables within tables 2, 7, and 24 addressed this question. Legal factors where there was a statistically significant difference between the court professional groups included current offense seriousness, prior record of the defendant, legal sufficiency of evidence, and whether the victim was threatened with bodily harm. Notably, the judges were the *least* likely of the three groups to report that legal variables (such as the current offense seriousness and defendant's prior record) would influence case outcome. When there was a "legal sufficiency of evidence" present, however, the judges and prosecutors reported this influencing case outcome. Although all the professionals reported victim's being threatened with bodily harm as an influencing factor in case outcome, the judges reported this influence more strongly than the prosecutors and public defenders.

Extra-legal factors where there was a statistically significant relationship between the professional groups included the victim's and defendant's attitudes, the victim's wishes, and the couple's history of domestic violence. The prosecutors were most likely to report that the batterer's attitude (particularly if the defendant was belligerent towards them) would affect either case outcome or the decision to prosecute or convict a batterer. Moreover, the prosecutors and public defenders were most likely to report that a defendant's remorse affects the case outcome. Regarding the victim's attitude, the prosecutors were again the most likely of the court professionals to report that a belligerent victim would influence case outcome. Alternatively, the judges were the least likely of the professional groups to be influenced by the batterer's or victim's attitude. Similarly, while the judges were the least likely to endorse it, the public defenders and prosecutors reported that victim's wishes were likely to be a factor in determining whether a batterer should be prosecuted or convicted. The prosecutors, followed by the public defenders and judges, reported that the couple's history of domestic violence influenced case outcome. When assessing multivariate analysis of variance, neither subscale, The Role of Extra Legal Factors or Confidence in Legal Factors was statistically significant. Seemingly, from the findings reported herein, the judges were the least likely, with the prosecutors being the most likely, to report legal and extra legal factors as influencing the case outcome.

The second research question asked, "How do decision-makers rate victim advocate and batterer treatment programs?" Variables within tables 2, 3, 10, 11, and 24 examine this question. Overall, the respondents reported that the AMEND report and the opinion of the victim advocate had minimal influence in determining whether a batterer should be prosecuted or convicted or that the AMEND report or victim advocate testimony was even used in court. Moreover, in listing the primary benefits of the treatment programs, less than one-fifth of the professionals reported awareness, education and counseling as beneficial aspects of the treatment programs. Decisively, the public defenders reported the largest drawback of the treatment programs, including that they were cost prohibitive, while the judges' and prosecutors' most commonly reported drawback was that the programs were not effective.

The lack of confidence the respondents have in the treatment programs is further evidenced by the estimates of ineffectiveness of the programs in reducing woman battering. For example, although the judges reported probation with counseling or probation with AMEND as higher than the other respondents, the judges still ranked these dispositions as being ineffective. Within the Counseling/advocacy subscale, however, the judges were more likely than the other professionals to report that the AMEND program stops batterers, counseling reduces woman battering, and victim advocacy is important in successful case prosecution. In contrast, the prosecutors consistently were the least likely of the respondents to agree with the subscale measures.

The third research question asked, "How do court professionals view the victim's role in the court process?" Factors within tables 5, 7, and 24 examine this question. Overall, the prosecutors more than the other respondent groups place a heavy emphasis on the victim's behavior as affecting case outcome. The prosecutors were the most likely to report that the victims are not present in the courtroom, however, if they are present in the courtroom, they refuse to testify. Notably, though, the prosecutors were far more likely (over twice as much as the judges and close to four times more than the public defenders) to report that victims are often threatened by their abusers if they testify. Further, the prosecutors were most likely of the three groups to report that "victims testifying against the defendant" and "victims not testifying against the defendant" affects the case outcome. From these findings it appears, the prosecutors perceive the victims' behavior, whatever it may be, as more influential on the case outcome. Interestingly, the judges (following the prosecutors), reported that if the victim testified against the defendant this will affect the outcome of the case, presumably toward conviction. In contrast to the prosecutors, however, the judges were the least likely of the three groups to report that case outcome would *not* be affected if the victim did not testify against the defendant.

Within Processing the Reluctant Victim subscale, the prosecutors consistently rated victim behavior as more important than the did other court professionals. Specifically, the prosecutors were in favor of subpoenaing or requiring victims to testify in trials. Although the prosecutors were more likely than the others to advocate for holding the victims in contempt of court if they refuse to testify, all of the

respondents disagreed with this practice. Overwhelmingly, the prosecutors viewed the victims (whether they participate in the court process or not) as a central element to the outcome of the prosecution of domestic violence cases.

Variables within tables 3, 6, and 24 examine the fourth research question: "To what degree do court professionals report victim-blaming attitudes and experiences?" Although the sample size was too small to conduct bivariate analyses, it is interesting to note that of the fourteen reported obstacles leading to conviction in this open-ended question, five of them refer to "victim behavior" as obstacles leading to conviction (e.g., victim uncooperative, victim recants, victim reluctance to prosecute, victim fail to appear and victim wants case dismissed). Overall, the public defenders were more likely to report these victim behaviors as presenting obstacles to conviction. Further, the public defenders were more likely than the judges and prosecutors to report that impeachment of the prosecuting witness' testimony is utilized in court. While not necessarily a "blaming" technique, discrediting the victim seems to be a shrewd tactic at the victim's expense.

Viewing the Victim's Ability to Leave subscale and the Accountability subscale, it appears the court professionals did not report "victim blaming" attitudes. The public defenders, however, were more likely than the other respondents to report that battered women who remain in abusive relationships must not be suffering and that battered women could simply leave abusive husbands if they really wanted to. Further, while the public defenders were more likely to report that victims are sometimes responsible for violence committed against them and that both parties are responsible for the abuse, they still did not agree with the statement.

Table 3.1. Description of Professional Sample (N=63)[a]

	Total		Judges		Prosecutors		Public Defenders	
Variable	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**
Sex								
Male	45	71.4	10	71.4	11	61.1	24	77.4
Female	18	28.6	4	28.6	7	38.9	7	22.6
Race								
African-American	13	20.6	4	28.6	7	38.9	2	6.5
Asian	1	1.6	0	0.0	0	0.0	1	3.2
Caucasian	48	76.2	10	71.4	11	61.1	27	87.1
Hispanic	1	1.6	0	0.0	0	0.0	1	3.2
Marital Status								
Single	10	16.1	0	0.0	5	27.8	5	16.7
Married	50	80.6	13	92.9	13	72.2	24	80.0
Divorced	2	3.3	1	7.1	0	0.0	1	3.3
Age[b] ($\bar{x}$)	43.8		46.2		40.4		44.7	
Years in Office[c] ($\bar{x}$)	7.8		3.7		8.3		9.4	
Interview Length (in hours)[d] ($\bar{x}$)	1.8		2.1		1.8		1.7	

[a] The participation rate was 100% for both the judges and prosecutors. One public defender declined participation, thus the participation rate for the public defenders was 96.8%. The overall participation rate was 98.4%.
[b] Range is 25-65 years old.
[c] Range is 2 months to 24 years.
[d] Range was 45 minutes to 3.5 hours.

Table 3.2. Professionals' Estimates of Factors that Should be Considered in Determining Whether a Batter Should be Prosecuted or Convicted (1=low extent; 5= high extent) (df=2)

Variable	Total $\bar{x}$ N=51	Judge $\bar{x}$ n=11	Prosecutor $\bar{x}$ n=16	Public Defender $\bar{x}$ n=24	F Prob.
Current offense seriousness	4.6	3.8	4.9	4.7	3.84*
Severity of injury	4.5	4.1	4.9	4.5	2.68
Past record of batterer	3.9	2.1	4.9	3.9	17.49***
Fact that the behavior violated the law	3.7	4.6	3.5	3.4	3.92*
The batterer's attitude	3.2	2.8	4.1	2.7	2.82*
Victim's wishes	3.1	2.1	3.1	3.7	6.08**
Likelihood of conviction	2.7	1.0	2.8	2.8	2.79
AMEND reprot[1]	1.9	1.2	2.9	1.6	9.78***
Victim advocate opinion	1.6	1.2	2.3	1.3	11.80***

[1] Amend is the program for batterers run though the local YWCA.

*$p \leq .05$
**$p \leq .01$
***$p \leq .001$

Table 3.3. Degree Various Methods are Used in Court (1=very unlikely; 10=very likely) (df=2)

Variable	Total $\bar{x}$ N=54	Judge $\bar{x}$ n=12	Prosecutor $\bar{x}$ n=18	Public Defender $\bar{x}$ n=24	F Prob.
Eyewitness testimony	7.4	7.8	7.3	7.1	0.29
"Excited utterances" at the scene[1]	6.8	7.8	6.7	6.3	1.71
Impeachment of the prosecuting witness	6.8	6.5	5.6	7.8	4.44*
Use of photos of injuries	6.7	6.6	6.7	6.6	0.02
Use of signed affidavit/complaint	6.0	6.0	6.4	5.7	0.33
Police reports	5.9	5.6	6.6	5.7	0.63
Rule 29[2]	5.7	5.6	5.1	6.2	0.69
Use of medical records	4.5	3.4	5.4	4.3	2.87
Use of 911 tapes	4.4	4.6	4.6	4.1	0.32
AMEND report	2.7	3.9	2.2	2.3	3.00
Character testimony on behalf of defendant	2.7	3.5	2.4	2.5	1.40
Use of victim advocate testimony	1.6	1.3	1.6	1.8	0.62

[1] This rule, an exception to the general rule against hearsay, serves to admit into evidence any statements made by the victim while she was "under the stress or excitement caused" by the domestic violence. This rule is not limited to mere impeachment purposes, but can be used to proffer substantive evidence.

[2] The case went to trial, testimony was taken, however, "reasonable minds" concluded that the state could not prove their case (e.g., victim pleas the 5th Amendment or victim recanted their testimony).

*$p \leq .05$

Table 3.4. Level/Types of Evidence Needed to Adequately Pursue a Domestic Violence Case [1]

Variable	Total N=40		Prosecutor n=18		Public Defender n=22	
	%	(n)	%	(n)	%	(n)
Meets all elements (evidence)	25.0	10	22.2	4	27.3	6
Proof beyond reasonable doubt	15.0	6	16.7	3	13.6	3
Victim's statements/testimony	15.0	6	33.3	6	0.0	0
Probable cause	12.5	5	27.8	5	0.0	0
Credible witness	10.0	4	5.6	1	13.6	3
Presumption of innocence	10.0	4	0.0	0	18.1	4
Enough to defeat Rule 29[2]	2.5	1	5.6	1	0.0	0

[1] This table represents the written responses to the question: "What level of evidence do you feel you need in order for you to adequately pursue a defense in a domestic violence case?" This item was only on the prosecutors' and public defenders' surveys, not on the judges' surveys. Participants may have reported more than one response.

[2] The case went to trial, testimony was taken, however, "reasonable minds" concluded that the state could not prove their case (e.g., victim pleas the 5th Amendment or victim recanted their testimony).

Table 3.5. Professionals' Estimates of the Percent of Cases Regarding Aspects of Victims Courtroom Testimony (df=2)

Variable	Total $\bar{x}$ N=50	Judge $\bar{x}$ n=11	Prosecutor $\bar{x}$ n=17	Public Defender $\bar{x}$ n=22	F Prob.
Testify only if subpoenaed	56.2	57.0	57.2	55.0	0.02
Are present for plea	46.9	46.0	48.8	45.7	0.04
Are not present	44.8	42.3	55.5	38.7	3.23*
Testify against the defendant	38.1	30.0	36.5	43.9	1.15
Change their mind	31.8	21.4	30.6	38.1	2.03
Undermine the prosecutor's case	31.8	26.5	37.9	29.7	0.89
Testify for the defendant	20.2	16.1	14.9	26.7	1.40
Refuse to testify	18.2	10.1	27.1	15.8	3.48*
Been threatened by defendant if they testify	17.1	15.0	32.5	8.9	7.56**

*$p \leq .05$
**$p \leq .01$

Table 3.6. Professionals' Perceptions of Obstacles Leading to Conviction

Variable	Total N=54		Judge n=12		Prosecutor n=18		Public Defender n=24	
	%	(n)	%	(n)	%	(n)	%	(n)
Lack of evidence (no corroboration)	53.7	29	75.0	9	38.9	7	54.2	13
Victim uncooperative[1]	40.2	22	8.3	1	50.0	9	50.0	12
Failure to appear[1]	29.6	16	33.4	3	22.3	4	37.5	9
Victim recants/changes testimony[1]	27.8	15	28.8	4	27.8	5	25.0	6
Victim reluctance[1]	22.3	12	50.0	6	33.4	6	0.0	0
Decision-maker tactics[2]	20.4	11	16.6	2	27.8	5	16.6	4
Current laws	13.0	7	0.0	0	16.7	3	16.7	4
Victim want case dismissed[1]	11.2	6	8.3	1	0.0	0	20.8	5
Victim/defendant back together	7.5	4	16.6	2	5.6	2	0.0	0
Defendant not guilty	5.6	3	8.3	1	0.0	0	8.4	2
Mutual combat	3.8	2	0.0	0	11.2	2	0.0	0
U.S. Constitution	3.7	2	0.0	0	0.0	0	8.3	2
Victim afraid	1.9	1	8.3	1	0.0	0	0.0	0
Punishment not fit the crime	1.9	1	0.0	0	5.6	1	0.0	0

[1] When the variables (victim uncooperative; failure to appear; victim recants/changes testimony; victim reluctance; victim wants case dismissed) were combined into one variable, "Victim behavior" the respondent is coded as "yes"if s/he reported any (even one) as an obstacle, then 92.6% of the total, 100.0% of the judges, 100.0% of the prosecutors, 83.3% of the public defenders, noted "victim behavior" as an obstacle to conviction. Note that 11/12 (91.6%) of the judges and 15/18 (83.3%) of the prosecutors, and 17/24 (70.8%) of the public defenders reported "victim behavior" as their first choice.

[2] Tactics include professionals continuing the case in hopes of the prosecuting witness/victim not appearing and threatening prosecuting witness/victim that if they don't appear they will be arrested.

Table 3.7. Professionals' Estimates of Factors that Affect the Outcome Decisions (1=very minor; 10= very major) (df=2)

Variable	Total $\bar{x}$ N=53	Judge $\bar{x}$ n=12	Prosecutor $\bar{x}$ n=17	Public Defender $\bar{x}$ n=24	F Prob.
Legal sufficiency of evidence	8.7	9.8	9.6	7.5	9.20***
Victim suffered severe injury	8.4	7.6	8.8	8.6	2.71
Whether a weapon was involved	7.9	7.1	8.3	8.1	1.17
Offense occurred when the victim had TPO/ TRO out on defendant	7.5	8.3	7.6	7.1	0.87
Persons other than children witnessed abuse[1]	7.2	---	8.2	6.7	2.72*
Victim testified against the defendant	7.0	7.2	8.5	6.0	4.25*
Victim did not testify against the defendant	6.6	5.0	7.9	6.5	4.22*
Defendant was belligerent to you	6.5	4.1	7.8	6.6	7.05**
Defendant's prior record	6.3	4.0	7.9	6.3	5.50**
Couple's history of domestic violence	6.1	4.5	7.4	5.9	3.46*
Defendant verbally threatened the victim with serious bodily harm	6.0	7.1	6.4	5.4	3.72*
Victim suffered minor injury	5.7	4.9	6.4	5.7	1.52
Defendant on drugs/alcohol during assault	5.7	5.9	6.1	5.4	0.42
Couple's children witnessed abuse	5.7	6.2	6.1	5.3	0.64
Defendant's remorse for causing incident	5.6	3.6	6.1	6.3	4.10*
Defendant was belligerent to arresting officer	5.3	4.4	6.1	5.1	1.70
Victim was on drugs/alcohol during assault	5.3	4.5	5.7	5.4	0.92
Who provoked the incident	5.3	4.8	5.2	5.7	0.78
Victim/defendant still romantically involved	5.0	4.3	5.9	4.8	1.33
Victim still cohabitates with defendant	4.9	4.5	5.1	5.0	0.21
Victim was belligerent to you	4.9	2.9	5.9	5.1	4.77*
There was violence and property damage	4.2	4.7	4.3	3.9	0.49
Victim signed the arrest report	3.9	2.8	4.5	3.9	1.28
Victim and children need defendant's income	3.9	2.9	4.3	4.1	0.86
Defendant alleges victim provoked him	3.8	2.8	4.1	4.0	1.81
AMEND report	3.5	3.3	4.3	3.0	0.98
Offense occurred when couple was separated/ divorced	3.3	3.1	2.9	3.6	0.44
Whether defendant was employed	2.9	1.8	2.9	3.4	2.73

[1] This item was not included on the judges' questionnaire, therefore a t-test for 2 samples was conducted.
*p≤ .05 **p≤ .01 ***p≤ .001

Table 3.8. Professionals' Assessments of the Most Severe Sanction in Domestic Violence Cases[1]

Variable	Total N=41		Prosecutor n=17		Public Defender n=24	
	%	(n)	%	(n)	%	(n)
Jail	77.5	31	82.4	14	70.8	17
No contact/ TPO	14.6	6	5.9	1	20.8	5
Maximum sentence[2]	7.3	3	5.9	1	8.3	2
Probation	7.3	3	0.0	0	12.5	3
Castration	2.4	1	0.0	0	4.2	1
High bond	2.4	1	0.0	0	4.2	1
Fine	2.4	1	5.9	1	0.0	0
Counseling	2.4	1	0.0	0	4.2	1

[1] This table represents the written responses to the question: "In your opinion, what do you view as the most severe sanction in a domestic violence case?" This item was only on the prosecutors' and public defenders' surveys, not on the judges' surveys. Prosecutors provided one answer, while five public defenders recorded two or more responses.

[2] The maximum sentece for domestic violence crime is 6 months in jail and a $1,000 fine.

Table 3.9. What Judges Need to Impose Jail Time (versus Probation)[1] (N=12)

Variable	Total	
	%	(n)
Prior record	70.0	7
Injuries	30.0	3
Request of jail time	20.0	2
Children involved	10.0	1
Substance abuse	10.0	1
Denial of responsibility	10.0	1

[1] This question was only asked of the judges, thus there are no prosecutors or public defenders in this table. Judges may have reported more than one response.

Table 3.10. Benefits and Drawbacks of Treatment Programs[1]

Variable	Total N=46		Judge n=12		Prosecutor n=14		Public Defender n=20	
Benefits of Treatment Programs	%	(n)	%	(n)	%	(n)	%	(n)
Awareness	19.6	9	25.0	3	7.1	1	25.0	5
Education	19.6	9	33.3	4	14.3	2	15.0	3
Counseling	19.6	9	16.7	2	14.3	2	25.0	5
Don't Know/Cannot say	15.2	7	8.3	1	28.6	4	10.0	2
Anger Management	8.7	4	8.3	1	7.1	1	10.0	2
Responsibility	4.3	2	0.0	0	7.1	1	5.0	1
Keeping defendant out of jail	4.3	2	0.0	0	0.0	0	10.0	2
Money for program directors	4.3	2	0.0	0	0.0	0	10.0	2
Address substantive issues	4.3	2	0.0	0	14.3	2	0.0	0
Attitude change	2.2	1	0.0	0	7.1	1	0.0	0
Address underlying issues	2.2	1	8.3	1	0.0	0	0.0	0

Variable	Total N=45		Judge n=11		Prosecutor n=15		Public Defender n=19	
Drawbacks of Treatment Programs	%	(n)	%	(n)	%	(n)	%	(n)
Cost prohibitive	44.4	20	45.4	5	26.7	4	57.9	11
Not effective	28.9	13	45.5	5	33.3	5	15.8	3
Don't know	15.6	7	0.0	0	33.3	5	10.5	2
Too short	8.9	4	18.2	2	13.3	2	0.0	0
Too long	8.9	4	9.1	1	6.7	1	10.5	2
Benefits vary for each defendant	6.7	3	9.1	1	6.7	1	5.3	1
Not enough individual attention	2.2	1	0.0	0	0.0	0	5.3	1
Not coercive enough	2.2	1	0.0	0	6.7	1	0.0	0

[1] This table represents the written responses to the questions: "What are the benefits/drawbacks of treatment programs?" Participants may have reported more than one response.

Table 3.11. Professionals' Estimates of Effectiveness of Dispositions in Stopping Repeat Woman Battering (1= very ineffective; 10= very effective) (df=2)

Variable	Total $\bar{x}$ N=50	Judge $\bar{x}$ n=12	Prosecutor $\bar{x}$ n=15	Public Defender $\bar{x}$ n=23	F Prob.
Probation with counseling	3.6	3.8	3.7	3.5	0.36
Probation with AMEND	3.5	4.2	3.5	3.1	3.84*
Electronic monitoring	3.5	3.9	3.4	3.3	0.95
Jail or prison time	3.4	3.9	3.6	2.9	3.17
Suspended jail time and conditions	3.4	3.9	3.4	3.1	3.45*
Probation	3.1	3.1	3.3	3.0	0.27
Pretrial diversion and counseling	2.9	2.6	2.7	3.4	2.54
Fine	1.8	2.0	1.8	1.7	0.48

*$p \leq .05$

Table 3.12. Professionals' Estimates of Methods to Increase Future Safety of Victims[1]

Variable	Total N=48		Judge n=12		Prosecutor n=17		Public Defender n=19	
	%	(n)	%	(n)	%	(n)	%	(n)
Isn't my job to figure out/ I don't care	25.0	12	0.0	0	5.9	1	57.8	11
Conviction	18.8	9	16.7	2	41.2	7	0.0	0
Treatment/counseling	18.8	9	75.0	9	0.0	0	0.0	0
Treat seriously/batterer accountability	18.8	9	33.3	4	29.4	5	0.0	0
Jail	12.5	6	50.0	6	0.0	0	0.0	0
Prosecute all cases	12.5	6	0.0	0	35.3	6	0.0	0
Terminate/End relationship	12.5	6	0.0	0	11.8	2	21.2	4
TPO	12.5	6	33.3	4	5.9	1	5.3	1
Enlist batterers to stop	8.3	4	0.0	0	5.9	1	15.8	3
Probation	6.3	3	16.7	2	5.9	1	0.0	0
Address underlying problem	4.2	2	0.0	0	5.9	1	5.3	1
Probable cause	2.1	1	0.0	0	5.9	1	0.0	0

[1] Reported responses are only from those individuals who answered the question: "In your opinion, what are the best decisions or actions you can take to increase the future safety of domestic violence victims?" Respondents may have reported more than one response.

Table 3.13. Overall Findings From Professional Surveys[1]

Question/Item	Total		Judge		Prosecutor		Public Defender	
	N=54		n=12		n=18		n=24	
	%	(n)	%	(n)	%	(n)	%	(n)
Are there evidentiary requirements that hinder the effectiveness of the criminal justice system in domestic violence cases? (See Table 14 for more detail).	44.4	24	8.3	1	55.6	10	54.1	13
Is the handling of domestic violence cases affected by the availability of resources? (See Table 15 for more detail).	24.1	13	---	---	50.0	9	16.6	4
Do you assess the defendant's dangerousness in deciding whether and/or how you will defend a case? (See Table 16 for more detail).	35.2	19	----	---	94.4	17	8.3	2
Would you like to see changes made to the arrest policy? (See Table 17 for more detail).	68.5	37	58.3	7	38.8	7	95.8	23
Has the proportion of cases plea bargained changed since the preferred policy was implemented? (See Table 18 for more detail).	29.6	16	---	---	44.4	8	33.3	8
In reference to the pre-trial release of the domestic violence offender, do you think judges tend to set bail comparable to assault cases in which the victim and defendant are not related or in an intimate relationship? (See Table 19 for more detail).	62.9	34	50.0	6	61.1	11	70.8	17
Do judges typically attach bail conditions in domestic violence cases? (See Table 20 for more detail).	98.1	53	100.0	12	100.0	18	95.8	23
Putting all time restraints aside, do you think it would be helpful to the successful defense of the case to have met with the victim (for prosecutor) or the defendant (for public defender) to discuss the case prior to the day of trial? (See Table 21 for more detail).	53.7	29	---	---	66.6	12	70.8	17
Do you believe that there are effective social service and civil alternatives to criminal prosecution of domestic violence cases available within the community? (See Table 22 for more detail).	50.0	27	58.3	7	33.3	6	58.3	14
Do you believe that there are particular types of domestic violence cases that would be better served through any of these social service or civil alternatives [identified by the participants in the previous question]? (See Table 23 for more detail).	64.8	35	58.3	7	50.0	9	79.1	19

[1] The responses represent the percent who answered affirmatively to each question/item, excluding missing data. Most questions/items were asked of all three groups (judges, prosecutor, public defender), the ones asked solely of prosecutor's and public defender's are indicated by the blanks in the judge column. Chi-squares were not conducted due to the small cell size.

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Table 3.14. Professionals' Assessments of Evidentiary Requirements that Hinder Effectiveness [1]

Variable	Total N=24		Judge n=1		Prosecutor n=10		Public Defender n=13	
	%	(n)	%	(n)	%	(n)	%	(n)
Hearsay exception/excited utterance	33.3	8	0.0	0	0.0	0	61.5	8
Lack of evidence	25.0	6	0.0	0	40.0	4	15.4	2
Proof beyond reasonable doubt	20.8	5	0.0	0	20.0	2	23.1	3
Fifth amendment	12.5	3	100.0	1	10.0	1	7.7	1
Hearsay rule	4.2	1	100.0	1	0.0	0	0.0	0
Proof of domestic violence violation	4.2	1	0.0	0	10.0	1	0.0	0

[1] This table represents the written responses to the question: "Are there evidentiary requirements that hinder the effectiveness of the criminal justice system in domestic violence cases?" Participants may have reported more than one response.

Table 3.14. Professionals' Assessments of Evidentiary Requirements that Hinder Effectiveness [1]

Variable	Total N=24		Judge n=1		Prosecutor n=10		Public Defender n=13	
	%	(n)	%	(n)	%	(n)	%	(n)
Hearsay exception/excited utterance	33.3	8	0.0	0	0.0	0	61.5	8
Lack of evidence	25.0	6	0.0	0	40.0	4	15.4	2
Proof beyond reasonable doubt	20.8	5	0.0	0	20.0	2	23.1	3
Fifth amendment	12.5	3	100.0	1	10.0	1	7.7	1
Hearsay rule	4.2	1	100.0	1	0.0	0	0.0	0
Proof of domestic violence violation	4.2	1	0.0	0	10.0	1	0.0	0

[1] This table represents the written responses to the question: "Are there evidentiary requirements that hinder the effectiveness of the criminal justice system in domestic violence cases?" Participants may have reported more than one response.

Table 3.15. Professionals' Assessments of How Office Procedures Should be Altered if More Resources were Made Available[1]

Variable	Total		Prosecutor		Public Defender	
	N=13		n=9		n=4	
	%	(n)	%	(n)	%	(n)
More time to prepare a case (pre-trial)	38.5	5	44.4	4	25.0	1
Maintaining contact with victim	30.8	4	44.4	4	0.0	0
Hire more staff (investigators/attorneys)	23.1	3	0.0	0	75.0	3
More counseling	15.4	2	22.2	2	0.0	0
Have separate domestic violence court	7.7	1	11.1	1	0.0	0
Better victim notification letters	7.7	1	11.1	1	0.0	0
Better cameras	7.7	1	11.1	1	0.0	0
More phone calls	7.7	1	11.1	1	0.0	0

[1] This table represents the written responses to the question: "Is the handling of domestic violence cases affected by the availability of resources?" This item was only on the prosecutors' and public defenders' surveys, not on the judges' surveys. Participants may have reported more than one response.

Table 3.16. Professionals' Reported Factors Used to Assess Defendants' Dangerousness [1]

Variable	Total N=19		Prosecutor n=17		Public Defender n=2	
	%	(n)	%	(n)	%	(n)
Prior record	57.9	11	64.7	11	0.0	0
Severity of injury	26.3	5	29.4	5	0.0	0
Defendant's demeanor (lack of remorse)	26.3	5	17.6	3	100.0	2
Pattern of abuse	21.1	4	23.5	4	0.0	0
Victim's opinion	10.5	2	11.8	2	0.0	0
Evidence (photos, medical records)	10.5	2	5.9	1	50.0	1
Drugs involved in current incident	10.5	2	11.8	2	0.0	0
Victim's fear	10.5	2	11.8	2	0.0	0

[1] This table represents the written responses to the question: "Do you assess the defendant's dangerousness in deciding whether and/or how you will defend a case?" This item was only on the prosecutors' and public defenders' surveys, not on the judges' surveys. Participants may have reported more than one response.

Table 3.17. Professionals' Preferred (Pro) Arrest Policy Changes [1]

Variable	Total		Judge		Prosecutor		Public Defender	
	%	(n)	%	(n)	%	(n)	%	(n)
Yes, policy should be changed	**N=37**		**n=7**		**n=7**		**n=23**	
Mandatory arrest not always necessary	54.0	20	42.8	3	57.1	4	56.5	13
Allow police officer more discretion	45.9	17	28.5	2	28.5	2	56.5	13
Not arrest both parties	5.4	2	0.0	0	28.5	2	0.0	0
Offer additional training	5.4	2	0.0	0	14.3	1	4.3	1
Observe victim's wishes	2.7	1	0.0	0	0.0	0	4.3	1
Variable	**Total**		**Judge**		**Prosecutor**		**Public Defender**	
	%	(n)	%	(n)	%	(n)	%	(n)
No, policy should not be changed	**N=17**		**n=6**		**n=10**		**n=1**	
Separates victim and abuser	23.5	4	0.0	0	40.0	4	0.0	0
Helps remove negative police stigma	11.7	2	0.0	0	10.0	1	100.0	1
Responsibility taken away from victim	5.9	1	0.0	0	10.0	1	0.0	0

[1]The judges' survey provides "yes", "no" and explanations for "yes" space to write. The prosecutors' and public defenders' survey was the same except it also provided a question and space on if, "no", then "why?" Some respondents would answer the "yes" or "no," but not provide any explanations for the yes/no. Participants may have reported more than one response.

Table 3.18. Professionals' Assessments of How Cases Plea Bargained Have Changed Since the Pro- (Preferred) Arrest Initiative[1]

Variable	Total N=16		Prosecutor n=8		Public Defender n=8	
	%	(n)	%	(n)	%	(n)
More borderline cases	46.7	7	14.3	1	75.0	6
Less tolerance	6.7	1	14.3	1	0.0	0
Heightened awareness of domestic violence	6.7	1	14.3	1	0.0	0
Increased use of "C" section[2]	6.7	1	14.3	1	0.0	0
Political depth	6.7	1	0.0	0	12.5	1
Increased trials, decreased pleas	6.7	1	0.0	0	12.5	1

[1] This table represents the written responses to the question: "Has the proportion of cases plea bargained changed since the preferred policy was implemented? If there has been a change in plea bargaining, what do you think accounts for it?" This question was asked only of prosecutors' and public defenders' not judges. Respondents may have reported more than one response.

[2] Threat of force, cause belief of imminent physical harm. Usually charged as a M4.

Table 3.19. Professionals' Comparisons of Bail in Intimate vs. Non-Intimate Assault Cases [1]

Variable	Total N=34		Judge n=6		Prosecutor n=11		Public Defender n=17	
	%	(n)	%	(n)	%	(n)	%	(n)
DV bonds higher than assault cases	44.1	15	50.0	3	27.3	3	52.9	9
Political pressure (press)	23.5	8	0.0	0	0.0	0	47.1	8
Relationship must be considered	17.6	6	50.0	3	27.3	3	0.0	0
More dangerous cases	14.7	5	0.0	0	0.0	0	29.4	5
Assault cases not arrested	5.9	2	0.0	0	18.2	2	0.0	0
Not set higher, because risky for victim	2.9	1	0.0	0	9.1	1	0.0	0

[1] This table represents the written responses to the question: "In your opinion, in reference to the pre-trial release of the domestic violence offender, do you think judges tend to set bail comparable to assault cases in which the victim and defendant are not related or in an intimate relationship?" Participants may have reported more than one response.

Table 3.20. Professionals' Assessments of Conditions Attached in Domestic Violence Cases[1]

Variable	Total N=53		Judge n=12		Prosecutor n=18		Public Defender n=23	
	%	(n)	%	(n)	%	(n)	%	(n)
TPO/Stay away order	54.7	53	100.0	12	100.0	18	100.0	23
Electronic monitoring/Juris monitor	41.5	22	50.0	6	27.8	5	47.8	11
Visitation issues	1.9	1	8.3	1	0.0	0	0.0	0
No alcohol	1.9	1	8.3	1	0.0	0	0.0	0

[1] This table represents the written responses to the question: "Do judges typically attach bail conditions in domestic violence cases? If yes, please list an example of conditions." Participants may have reported more than one response.

Table 3.21. Would Outcome Differ, If You Met with Victim/Defendant Prior to Trial?[1]

Variable	Total N=29		Prosecutor n=12		Public Defender n=17	
	%	(n)	%	(n)	%	(n)
Not help or only marginally	58.6	17	41.7	5	70.6	12
Increase guilty outcomes	17.2	5	41.7	5	0.0	0
Don't know	10.3	3	0.0	0	17.6	3
Plea more	6.9	2	0.0	0	11.8	2
Increased victim cooperation	3.4	1	8.3	1	0.0	0

[1] This table represents the written responses to the question: "Putting all time restraints aside, do you think it would be helpful to the successful defense of the case to have met with the victim (for prosecutor)/ defendant (for public defender) to discuss the case prior to the day of trial?" This item was only on the prosecutors' and public defenders' surveys, not on the judges' surveys. Participants may have reported more than one response.

Table 3.22. Professionals' Identifications of Effective Alternatives to Criminal Prosecution Available Within the Community[1]

Variable	Total N=27		Judge n=7		Prosecutor n=6		Public Defender n=14	
	%	(n)	%	(n)	%	(n)	%	(n)
Amend	74.1	20	57.1	4	33.3	2	100.0	14
Counseling	22.2	6	28.6	2	66.7	4	0.0	0
Divorce/separation	7.4	2	0.0	0	0.0	0	14.3	2
Private complaint	7.4	2	14.3	1	16.7	1	0.0	0
Women who resort to violence	7.4	2	14.3	1	16.7	1	0.0	0
Substance abuse/treatment	7.4	2	14.3	1	16.7	1	0.0	0
Mental Health Facilities	3.7	1	14.3	1	0.0	0	0.0	0
Marriage	3.7	1	0.0	0	16.7	1	0.0	0

[1] This table represents the written responses to the question: "Do you believe that there are effective social service and civil alternatives to criminal prosecution of domestic violence cases available within the community? If yes, please list the services/alternatives available." Participants may have reported more than one response.

Table 3.23. Professionals' Identification of the Types of Cases Better Served Using Social Services/Civil Alternatives[1]

Variable	Total N=35		Judge n=7		Prosecutor n=9		Public Defender n=19	
	%	(n)	%	(n)	%	(n)	%	(n)
First time/minor injuries	28.6	10	14.3	1	11.1	1	42.1	8
Threats/verbal abuse	25.7	9	14.3	1	33.3	3	26.3	5
Sibling/parent/child cases	14.3	5	28.6	2	22.2	2	5.3	1
Continuing relationship	11.4	4	14.3	1	0.0	0	15.8	3
Yes, if there's no real violence	11.4	4	28.6	2	0.0	0	10.5	2
One-time problem (e.g., family death)	5.7	2	0.0	0	22.2	2	0.0	0
Corporal punishment	5.7	2	14.3	1	0.0	0	5.3	1
Arguments initiated over finances	5.7	2	0.0	0	22.2	2	0.0	0
All, just not emphasize women's issues	5.7	2	0.0	0	0.0	0	10.5	2
Woman just wants man out of house	2.9	1	0.0	0	0.0	0	5.3	1
Arguments over children's visitations	2.9	1	0.0	0	0.0	0	5.3	1

[1] This table represents the written responses to the question: "In your opinion, are there any particular types of domestic violence cases that would be better served through any of these social service or civil alternatives? [identified by the participants in the previous question]. If yes, please list the types of cases." Participants may have reported more than one response.

Table 3.24. GLM of Court Officials' Self-Reported Processing of Battering Cases in Response to Likert Scale Items (N=54) [a, b]

Scale Concept / Item	Wilks' Lambda	F	df	Overall Mean	Judge Mean[a]	Prosecutor Mean[a]	Public Defender Mean[a]
I. System Subscales							
Criminal Justice Techniques (α=.72)	0.26	5.65***	14				
Prosecutors should not prosecute if the victim wants the case dismissed [b]		12.62***		4.68	5.33	6.16	3.25
Diversion out of the system is a helpful approach to reducing domestic violence [b]		1.81		4.54	5.25	4.77	4.00
Pro-arrest policy has resulted in victims less likely to call police [b]		1.33		4.50	5.00	4.52	4.25
Pro-arrest policies take power away from domestic violence victims [b]		2.99		4.46	5.00	5.11	3.69
Mediation between parties reduces woman battering [b]		3.89*		4.09	5.00	4.22	3.52
Victim representatives should be allowed to speak on behalf of the victims		15.46***		3.90	5.66	4.66	2.45
Pro-arrest policy has unnecessarily "clogged" courtrooms docket [b]		23.33***		3.77	6.00	4.38	2.20
Role of Extra Legal Factors (α=.78)	0.80	1.91	6				
Pursue battering case more seriously when *offender* was drinking/drugging		2.87		3.05	4.00	3.11	2.54
Battering more serious when the couple has broken up		0.43		2.50	2.66	2.72	2.25
Battering more serious when the couple is divorced		.12		2.14	2.00	2.11	2.25
Confidence in Legal Factors (α=.71)	0.53	5.99	6				
Police officer's testimony influences decisions		3.86*		4.77	6.00	4.38	4.48
Hospital records of injuries influence decisions		2.66		4.22	5.08	3.44	4.37
When unsure of what to do in domestic violence cases, I acquit or dismiss the charges		19.70***		2.29	4.66	1.277	1.87
Deterrent Factor (α=.82)	0.83	2.38	4				
Arresting batterers has a deterrent effect		3.23*		4.53	5.75	4.33	4.08
Criminal prosecution of batterers will reduce repeat violence		3.77*		4.48	5.50	4.66	3.83
Temporary Orders (α=.86)	0.85	2.12	4				
TPOs are effective in providing safety to battered women		4.37*		4.07	5.16	3.66	3.83
TROs are effective in providing safety to battered women		2.19		3.81	4.58	3.44	3.70
II. Victim Subscales							

Victim's Ability to Leave (α=.79)	0.41	4.91*** 10				
Battered women could simply leave abusive husbands if really wanted to		2.40	3.27	2.33	3.38	3.66
It is hard for most battered women to leave abusive men [b]		6.27**	3.00	2.08	2.52	3.79
Victims usually leave abusive partner many times before leaving for good [b]		6.28**	2.90	1.72	3.00	3.39
Battered woman might stay with husband because she feels dependent [b]		3.13**	2.28	1.58	1.64	3.08
Battered woman who remain in abusive relationship must not be suffering		12.12***	2.16	1.41	1.55	3.00
Accountability (α=.72)	0.36	7.78*** 8				
It is acceptable for defense attorneys to raise victim provocation questions in hearings		22.99***	5.51	5.66	4.00	6.58
Victims are sometimes responsible for violence committed against them		3.75*	2.59	2.00	2.16	3.20
Both parties are responsible for the abuse		9.65**	2.50	1.25	2.05	3.48
Family violence should be considered a criminal activity [b]		7.19**	2.25	1.33	1.83	3.04
Processing Reluctant Victims (α=.75)	0.73	4.13** 4				
Battered women should be subpoenaed or required to testify in trials		8.25**	3.92	4.33	5.16	2.79
Battered women who refuse to testify against batterers should be held in contempt		3.71*	2.31	2.16	3.11	1.79
Victim Safety (α=.76)	0.27	14.50*** 6				
Prosecutors often exaggerate the violence against battered women		22.99***	5.51	5.66	4.00	6.58
Worry about acquitted batterers later killing victims [b]		23.45***	4.11	3.50	2.66	5.56
Bail commissioners should contact victims about batterer's release [b]		9.18**	3.42	2.25	2.66	4.58
III. Treatment/Counseling Subcale						
Counseling/Advocacy (α=.73)	0.59	4.84*** 6				
Counseling batterers reduces woman battering		3.89*	4.72	5.33	3.83	5.08
Victim advocates are important in successful case prosecution		8.37**	3.57	5.25	3.61	2.70
Confident that AMEND program helps batterers stop		6.46**	3.22	4.66	2.61	2.95

[a] The Likert scale items were 7 points, with 1 representing "strongly disagree" and 7 representing "strongly agree."

[b] This item was "reverse coded" to be consistent with the direction of the scale, but only for the composite measures. The means presented for each individual item are with the scales not reversed, thus 1 still represents "strongly disagree" and 7 "strongly agree."

*p≤ .05; **p≤ .01; ***p≤ .001

CHAPTER 4: CONTENT ANALYSIS OF COURT TRANSCRIPTS

Joanne Belknap, Ph.D.
Jennifer L. Sutherland, B.A.

INTRODUCTION

Thus far, this Final Report has documented the findings from the first two data sets: Pre-trial data and interviews and surveys of judges, prosecutors and public defenders. This chapter of the Final Report is a presentation of the method and findings for the data set that involved a detailed content analysis of the court transcripts from 127 misdemeanor domestic violence cases. Given the lack of data on the court processing of domestic violence cases, the content analysis of court transcripts is ideal on a number of accounts. The research questions we hoped to answer with this data set revolved mostly around who "speaks" and how in court? What is considered relevant by the different court "players"?

First, the court professionals (judges, prosecutors, and public defenders) manage to operate in a fairly protected sphere and their behaviors are rarely monitored, particularly in any kind of public manner. Although many jurisdictions have implemented some form of court watch, an advantage of the court transcripts is the court professionals did not know that their actions were to be watched. (Certainly a few of the judges and prosecutors who came to the DVCC meetings knew of this aspect of the study, but it is hard to imagine that they were thinking of it while overseeing their cases in court. No public defenders came to the DVCC meetings.) In these ways, the court transcripts are an ideal tool. The major drawback of using court transcripts, particularly over a court watch, is that it is impossible to capture the tone of voice, and in many senses, the demeanor of the various speakers. Also, it is not always clear from the court transcripts who is present in the room (e.g., supporters of the victim, supporters of the defendant, police, and so on). At any rate, to our knowledge no one has utilized court transcripts in a systematic manner to address the court processing of domestic violence cases. It should be remembered, however, that these findings are a preliminary step in understanding the court processing of domestic violence.

METHOD

Research Design

The proposed design for this part of the study was that 100 court cases would be randomly sampled and a detailed content analysis would be conducted on these transcripts. This portion of data collection, acquiring the court transcripts, was the last of the four sets of data collected (the other three being the pre-trial data, the professionals' interviews and surveys, and the victims' interviews and surveys). This was in part due to the fact that we wanted to have a range of cases over time (over the course of 1997) with varied outcomes. After conducting the professional interviews and surveys, however, the first author recognized that in addition to capturing a variation in cases based on the verdicts, it was important to make sure that the different judges were adequately represented in the court transcripts. Thus, we stratified by judge identity and case outcome in the random sampling plan. That way, we increased the likelihood that we would obtain a variety of types of cases and allow for judicial differences.[1]

Moreover, in the original proposal we intended to focus almost exclusively on the domestic violence cases where the defendants charged with misdemeanor domestic violence were *males* and the victims were *females*. However, for two reasons we chose to include a small sample (n=15) of cases where women were charged with abusing their male partners. First, over the course of analyzing the pre-trial data findings (presented in a previous chapter), the issue of females charged with domestic violence, appeared to be important. The pre-trial data in Cincinnati's reports and nation-wide suggest that since the implementation of pro-arrest policies, a significant number of women are being charged with domestic violence along with or instead of their male partners. Second, research published since we wrote the proposal suggests the significance of examining domestic violence cases where females are charged either as co-defendants (i.e., viewed by the arresting officer as "mutually combative" couples) or as sole

[1]Eight of our cases were not randomly chosen and those were ones that the Co-Principal Investigator, Dr. Dee Graham, requested given her victim interviews. Thus, we "worked" these into the otherwise stratified sampling scheme.

defendants (i.e., the females are viewed as the sole offenders and their male intimates as victims) (see, for example, Martin, 1997).

To our knowledge, there is no research to date using court transcript (qualitative) data to examine the court processing of domestic violence cases. Thus, in some sense, the research presented in this chapter is exploratory in nature. The code book we developed was informed by three venues: (1) what the existing literature on the court processing of domestic violence cases reported; (2) what we learned in the process of conducting the other aspects of data collection in this research site (the victim interviews/surveys, the professional interviews/surveys, and the pre-trial data); and (3) from reading through the first twenty-five court transcripts we acquired. (Occasionally, in later transcripts the second author identified a new issue or theme, and then the code book was modified and earlier cases were re-coded for these new variables.) In its final form, the code book was 11 pages long with categories including the different actors (the defendant, the victim, the prosecutor, the defense, the judge, the police, and other witnesses), the types of evidence, and the case outcomes.

Different court jurisdictions have varied methods by which court transcripts are obtained. In Cincinnati, for the most part, there is one court reporter assigned to each of the 14 judges (for the misdemeanor court). We state "for the most part" because there are temporary and substitute court reporters who work part-time to fill in for vacations and sick-leaves, but the reporters also occasionally fill in for each other in another judge's courtroom (other than the judge for whom they are assigned to record). Only a handful of the cases we randomly sampled had been appealed or for some other reason had already been transcribed from audio-tapes to paper. Thus, we were dependent on these court recorders to transcribe the vast majority of the cases. During the design of the study, we assumed that acquiring court transcripts would be straightforward. For most of the cases we knew that we would be required to pay the court recorder $2.00 per page transcribed. (Some of the recorders charged us either a reduced fee or no fee for those few cases already transcribed.) It had not occurred to us that any of the court recorders may not have the time nor desire to transcribe the tapes, particularly given the pay. It became evident early on in the period of requesting the transcripts that some of the recorders were reluctant to transcribe the cases we had

selected. Thus, we made the decision to over-sample in hopes that we would get the 100 cases we had committed to analyzing. In hindsight, had we known the information that Edelson (July 1998) presented at an NIJ grantees meeting on VAWA funding, we would have spent time early on meeting with the recorders to get them invested in the study. What we found was that, once they were invested in the study, most of them Arose to the occasion@ and started completing the transcripts. Thus, while we randomly sampled (using a stratified random sample sampling plan) 140 cases (ten per judge) in hopes of reaching the 100 mark, we ultimately ended up with 127 cases.[2]

SAMPLING

As stated earlier, the transcripts from 140 misdemeanor domestic violence cases were selected from Hamilton County, Ohio's 1997 domestic violence caseload, through a stratified, two-stage selection design. First, we stratified by judge identity. There were 14 judges in the misdemeanor court hearing the cases that fit our requirements (domestic violence misdemeanor cases). Second, from a court-generated printout of each judge's caseload, and each case's corresponding disposition, a certain percentage of each judge's guilty verdicts, not guilty verdicts, and dismissed cases were selected.

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[2] In terms of the relevance of Edleson's (1998) presentation, the Principal Investigator Joanne Belknap, had left contacting the court recorders to another graduate student working on the grant. When that graduate student was on vacation for a week, the principle investigator took over contacting the recorders and found that a number of them were disgruntled about the style the graduate student used to contact them (complaining about terse orders over the phone). The principle investigator, then, made an effort to meet with each recorder individually, sent thank you notes for each transcript, and developed a working relationship with the receptionist in charge of the recorders. At this point, data collection improved drastically. The receptionist would call the principle investigator to whisper when a particularly difficult to get hold of recorder was sitting at her desk. Although this receptionist could not be paid for her work on the project, we routinely sent her flowers.

Coding the Transcripts

Three graduate students were hired to code the transcripts. The second author of this chapter, one of the coders, was also the supervisor for the coding.[3] The three coders were responsible for reading and coding each of the 127 interviews. Each coder conducted her or his coding independently, without looking at how others had coded a particular case. The second author worked with one of these coders to compare the three code books completed for each transcript, and from that, developed the final data input for each case. Primarily, when comparing the three completed code books for a particular court case, if there was a discrepancy in the coded response, the two coders comparing the answers would re-examine the court case to determine and record the correct answer.

Notably, a few of the items were deleted from the final analysis. It was determined that these items required too much coder subjectivity, and thus the codes were unreliable. Specifically, the items that were not used for this reason were those that asked coders: "How would you rate the victim's testimony, as supporting the victim's side or the defendant's side?," "Was the victim credible?," and "Was the defendant credible?" This is unfortunate given that these were some of the most important questions we were asking about these cases, those having to do with victim/witness cooperation and reluctance. On the one hand, it is important to acknowledge that these are not always clear cut from reading court transcripts. On the other hand, our detailed content analysis suggests some important factors about victim participation that will be highlighted in more detail in the findings section. Specifically, court transcripts are useful for examining a number of characteristics about court cases, but may not be the best tool for a valid measure of victim reluctance. On the other hand, the court transcript analysis suggests that examining victim/witness reluctance/cooperation is more complicated than presented by researchers or the public thus far. An important theme we identified that is not addressed in existing literature is that, for the most part, the

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[3] The second author was also responsible for retrieving the completed court transcripts from the recorders' office. The authors thank Tony Flores, a doctoral student at the University of Cincinnati, and Dawn Wilson, a graduate student and employee in student housing at the University of Cincinnati, for their careful work in coding the court transcripts.

victims in these cases were unfailingly cooperative with and polite to everybody who asked them questions: the prosecutor, the public defender, and the judge. At the same time, it was difficult to tell from the court transcripts how much a victim might be lying due to fear of her (or his) batterer or any other reasons she (or he) did not want the person charged to be convicted.

Data Analysis

A fourth graduate student was hired to input the finalized code book data on the court transcripts into an SPSS data file.[4] That is, once the conversion of the qualitative (actual court transcripts) to quantitative (code book numbers) data process was complete, the quantitative data were entered into SPSS. The first author of this chapter conducted the SPSS analysis of the quantitative data, and both authors of this chapter highlighted some general themes, not immediately or easily captured in the quantitative reports. The next section reports the findings, incorporating the frequency of occurrences, themes, and actual quotes from the transcripts.

The frequency tables not only report the total frequencies, but also distinguish the frequencies between those cases where a male was charged as the defendant with a female victim (n=112 cases) and those cases where a female defendant was charged with a male victim (n=15 cases). Although the sample size was relatively small (127 cases), and the sub-sample within this sample of cases where those charged were females with male victims was quite small, we report the detailed frequency analysis because this type of research using court transcripts is exploratory.[5]

It is clear that with the very small sample (n=15) of cases where the defendants were female and the victims were male, we must use caution in stating gender differences that might be found. However, given the dearth of research comparing these cases, particularly in the courts, it is worth reporting and

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[4] The authors thank Elaine Gunnison, a doctoral student at the University of Cincinnati for her timely and careful entry of the data into the SPSS file.

[5] The number of same-sex couples where one was charged with domestic violence was extremely rare (see the pre-trial findings, fewer than 1.5% of the sample) and none of those cases were selected into our sample.

examining. We hope that these findings not only suggest the utility of using court transcripts as a means of examining the court processing of domestic violence, but also highlight the need for a more extensive examination comparing domestic violence cases where male- versus female-defendants were charged. In hindsight, we wish we had over-sampled the female defendant-male victim cases in order to more rigorously examine gender differences in these cases based on the victim-offender sex make-up.

FINDINGS

The findings presented in this section consist of two components. First, the quantitative analysis from the data recorded in the codebooks by the coders is presented. Next, some over-riding themes that the authors noted will be presented. The theme aspect of the findings is presented using actual quotes from the transcripts. There is considerable overlapping in all of the reported findings.

The Frequency of Occurrences in the Court Transcripts

Examining the length of these court hearings based on the number of pages transcribed per hearing indicates the amazingly fast nature of processing these cases. Although the number of pages ranged from 3 to 489 pages, and the mean number was 23.1 pages, the median was 8 pages, the modal number of pages was 3. Indeed, the 489 page transcript was an outlier, hiking up the average number of pages. Thus, the modal number of pages, 8 pages, best represents the typical misdemeanor domestic violence case in this jurisdiction. Table 4.1 summarizes some of the characteristics of the trial. About 97 percent of the cases were bench trials and about 8 percent involved defendants representing themselves. Notably, it appeared that the female defendants were about twice as likely as the male defendants to represent themselves. It was clear in 12 percent of the transcripts that the cases had been continued. There were never any victim advocates noted to be present in cases where females were defendants and males were victims, and the presence of victim advocates was only noted in less than 3 percent of the cases with male defendants and female victims.

Table 4.1 also includes information on the sexes of the judges, prosecutors, and defense attorneys. Five out of six defendants in these domestic violence cases encountered a male judge, three-quarters

encountered a male defense attorney, and three-fifths encountered a male prosecutor. For some unknown reason, in these cases the female domestic violence defendants were over three times as likely as male domestic violence defendants to encounter a female judge and over twice as likely to encounter female defense attorneys.[6]

The pre-trial data reported in an earlier chapter more consistently assessed the victim-offender-relationship (V-O-R). However, we believe it is useful to see how often the nature of the victim's and offender's relationship came up during these court cases (see Table 4.2). In 71 percent (n=90) of the court cases, the V-O-R was mentioned. The most common V-O-R mentioned was cohabitating/common law (36%), followed by spouses (30%), and having a child in common (20 %). Less than 10 percent of the cases where V-O-R was mentioned involved former spouses (6%), legally separated/divorcing spouses (4.4%), boyfriend/girlfriend (3%), or former boyfriend/girlfriend (2%). The child-in-common category was often blurred with the former boyfriend/girlfriend category. That is, those two percent of cases which were former boyfriend/girlfriend may have been child-in-common, but the child did not come up in these typically very quickly heard cases. Additionally, it was difficult to determine in the child-in-common cases whether the couple were still intimately involved or had broken up. Whether the couple had children together was raised in 43 percent of the court transcripts. Obviously, whether there were children was probably more likely to come up in cases where they had children together. At any rate, in those cases where it was raised in court whether there were children, 78 percent (n=42) had children in common.

Given the issue of *separation assault* identified by (Mahoney, 1991) and additional researchers confirming the phenomenon of battered women often being at the greatest risk of abuse, particularly lethal abuse, when they leave their batterers (e.g., Campbell, 1992; Mahoney, 1991), it is worth noting that in a significant number of the cases involved in this study, there was at least some indication that the couple had broken up or was in the process of breaking up. In 24 (almost one-third) of the 75 cases where the status of whether the victim and defendant lived together at the time of the incident came up in court, that the couple

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[6]It is worth noting that all of the court recorders were women. The symbolism of the only female-dominated job in these courtrooms as silent recorders with no input into the case is powerful.

was not living together. And as stated previously, of the 90 cases where the victim-offender-relationship at the time was reported during court, 12% (n=11) involved broken up or breaking up couples.

Given the small number of cases with female defendants, it is impossible to make sweeping statements about gender differences in the male defendant versus female defendant cases. However, it is worth mentioning that the cases with female defendants were far more likely than the cases with male defendants to report the V-O-R as spouses and the V-O-R as legally separating or divorcing. Moreover, the cases with female defendants were more likely to have the degree of contact at the time of the incident listed as "no contact." Thus, these court transcripts support that a number of domestic violence cases involve couples who are breaking up or broken up, and this appears particularly true in cases where the *females* were charged as the defendants.

The characteristics of the charges are reported in Table 4.3. Most cases involved one charge filed (70%), followed by two charges filed (24%). Less than 5 percent of the cases involved 3 charges filed (4%) or 4 charges filed (2%). The mean number of charges filed was 1.4 , while both the median and mode were 1.0. The most common charge, understandably given the nature of the sample selection, was domestic violence (95% of the cases), followed by a temporary protection order violation charge (12.6% of the cases). In over one-quarter of the cases (29%) the charge was amended, typically to a less serious charge. The gender differences between the male and female defendants did not appear very pronounced.

Table 4.4 is a tally of the evidence that was entered during the court cases. The most frequently entered evidence by the prosecutor was the victim testimony, involving one-third of the cases. The next most common evidence, involving one-fifth of the cases, was police testimony. About 11 percent of the cases included photographs of injuries (and sometimes property damage) as evidence, and about 6 percent of the cases included witnesses other than the police or the victim and about 6 percent included a victim statement or affidavit. Fewer than 5 percent of the cases had 911 tapes (4%), TPO/TRO documents (3%), or medical reports (2%). Notably, photographs were twice as likely to be entered as evidence in cases with female, rather than male, defendants.

Turning to evidence entered by the defense, this was far less common than evidence entered by the prosecution. Predictably, the most commonly entered evidence by the defense was the defendant's testimony, in over one-fifth of the cases. Other witnesses testified in 12 percent of the cases and about 3 percent of the cases involved the defense entering photographs as evidence. The cases with female defendants were far more likely than those with male defendants to include the defendant's testimony and the testimony of other witnesses.

Table 4.5 presents various victim and offender behaviors and characteristics which were raised during the course of the court hearing. The victim's drinking came up in 14 percent of the cases and the victim's drugging came up in 5 percent of the cases. The defendant's drinking was raised in one-fifth of the cases and the defendant's drugging raised in 7 percent of the cases. Four percent of the victims and 3 percent of the offenders were questioned about their sexual relationship with each other. Although this sample of female-defendant cases is too small to make conclusive statements, it appears that the defendant's sexual relationship with the victim is more commonly raised for female than male defendants. The defendant's and victim's whereabouts and "cheating" were raised as relevant in about 3 or fewer percent of the cases. The victim's SES was raised in 4 percent of the cases, and this rate was identical regarding her employment. The defendant's SES was raised in ten percent of the cases and the defendant's employment was raised in two-fifths of the cases. In forty percent of the court cases an informal abuse history (one that was not documented by the police or courts) was raised in two-fifths of the cases, and a formal abuse history (involving domestic violence arrests and/or convictions for other incidents) was raised in over one-quarter of the cases. Regarding gender differences between the male defendant and female defendant cases, in the male defendant cases the victims were more likely to have their drinking and employment raised during the court case, and the defendants were more likely to have their SES and employment raised. Notably, in the cases where the informal or formal abuse history was raised, for cases with female defendants, this prior abuse was typically how the person viewed as the *victim* in the current case had been the *abuser* in prior violent incidences.

Table 4.6 outlines the victims' accusations of abuse. This could be information raised by anyone (including the victim) or any document (e.g., an affidavit or a police report). What is probably most remarkable about this table is the infrequency of the various accusations. This is because details about the abuse incident were actually quite uncommon in the court hearings. The most commonly reported abuse was a slap or a push, and this came up in only 17 percent of the cases. In about ten percent of the cases, verbal abuse, hitting or punching, throwing something, or lethal threats were raised by the victims or from the police reports or police testimony. Turning to where injuries occurred, injuries to the body were most commonly reported (one-fifth), with the most common specific place being the face (15% of the cases) (Table 4.6). The only really notable gender differences here were that in the female-defendant cases, hitting/punching was never accused by the victim (and 12% of the male defendant cases involved this abuse of the victim). Although not reported in the tables, it is worth noting that in almost half of the cases (44.9%, n=57) it came up in the court case what the argument leading to the abuse was about. It seems interesting that there is even this level of information on the source of the abuse (what the argument was about), given the quite limited information on abusive behaviors and injuries. Notably, the most common source of arguments was about children (n=10), with 60 percent (n=6) of these about child custody, child visitation, or child support. The next most commonly brought up source of an argument was over jealousy (n=8) which is likely related to one of the other categories brought up in three of the transcripts, specifically, breaking-up. In six of the 127 cases the defendant coming to the victim's home (implying stalking or restraining order violations) was the source of the argument, and another 6 the argument was over money or finances.

Table 4.7 is an overview of victims' self-admitted abusive behaviors. That is, a documentation of the victim's statements about harming the defendant, and if so, where on the body this abuse occurred. In some sense this is related to the idea of victim/witness cooperation/reluctance, given that victims who are perceived as non-cooperative may lie about the abuse they both received and inflicted. In this study, 16 percent of the court cases involved a victim mentioning some harm she or he conducted against the defendant. Male defendants were over twice as likely as female defendants to admit to such harm. Likely,

male defendants were more likely to have committed such harm. The most common type of harm mentioned was slap or push, stated by about one in twenty of the cases.

Table 4.8 is a presentation of defendants' accusations regarding abuse they reported receiving from the victims in these cases. The most common abuse was dealing with the victims' lying. This was reported as an abuse in 10 percent of the cases. (Lying never came up with the victims' accusations presented in Table 4.6.) Seven percent of the defendants claimed to have been slapped and 6 percent claimed verbal abuse. It was highly unusual to learn where on the body any of these rare events of bodily assaults occurred.

Table 4.9 summarizes the types of abuses that defendants admitted during the course of the court hearing. Surprisingly, almost half testified that they committed some type of abuse. Notably, half of the male defendants and one-third of the female defendants admitted committing some type of abusive behavior. The most commonly self-admitted abuse was slapping, reported by almost one-fifth of the sample, and 13 percent admitted hitting or punching. Again, the most common body part identified as being abused was the face (9%).

Table 4.10 presents the documentation that came up during the court cases regarding victims' injuries. In about 9 percent of the cases it came up during the hearing that the victim sought medical attention, about 4 percent of the cases reported a trip to the hospital. About one-fifth of the cases reported a witness other than the police to the injury, and in one-fifth of the cases it was reported that a police officer witnessed the injury. In about 16% of the cases a witness testified about the injury. Thus, for about four-fifths of the cases where the cases mentioned that a police officer witnessed the abuse, an officer testified about the abuse. Regarding gender differences in the defendants' sex, the cases with female defendants were more likely to have witnesses testify about the injuries. Table 4.10 also reports defendants' documented or attempts at documenting injuries. Fewer than 3 percent of the cases involved such documentation.

Table 4.11 is a documentation of the ways and frequency in which *fear* came up in the court cases. Victims' fear of harm arose in 11 percent of the cases, and victims' fear for their lives arose in 8 percent of

the cases. Fear for children's safety arose in only two case. Defendants reported fears of harm or life or their children's well-being in about two percent of the cases. Notably, defendants who reported fears for their children's safety were always female defendants.

A major component of victim evaluation, as noted throughout this Final Report, is that of the victims' role in advocating for herself versus defending her assailant with the police or the courts. Thus, we hoped with these court transcripts to examine victims' reluctance/cooperation. As noted earlier, this was not as straightforward as we had imagined. Indeed, it was often difficult to tell from reading the transcripts exactly how the victims' cooperated. It appeared they were trying to cooperate with everyone, for the most part.

Table 4.12 presents some aspects that indicate victims' reluctance/cooperation. In 34% of the cases it came up that the victim had filed a report. This speaks to a substantial portion of the victims taking an initiative against their abusers at some point in the process. In almost three-quarters of the cases the victims were present in court. Of course, their mere presence does not tell us everything, such as whether they were testifying for themselves or the defendant. Additionally, when it was raised in court as to why they were not present, the prosecutors very frequently made statements such as "The address we have is no good for her," or "she no longer has a phone, I can't call her." Indeed, of the 34 cases where victims were not present in court, the prosecutor made references in 16 of the cases that she had moved or relocated, or most likely, they simply could not locate her. (Including through subpoenas where the police could not find her.) Moreover, of the 91 victims present in court, only half of them were sworn in to testify. Notably, however, another 46 percent of victims who were present (but not sworn in) were queried by the judge during the course of the case. Thus, from our analysis of the court transcripts, only 4 of the 91 victims who were present never answered any questions during the court hearing. As noted already, over nine-tenths of the victims "cooperated" with the prosecutors, and the same percentage cooperated with the defense. That is, the victims appear from these court transcripts to want to cooperate with *everybody*. In about one-fifth of the cases the coders evaluated the victims' testimonies as "reluctant," and they coded only one of the 127 cases as having victims who appeared to be "uncooperative." Regarding gender differences, cases with

female defendants were more likely than cases with male defendants to have the victims present in court and to have victims evaluated as "reluctant." The cases with males identified as the victims were less likely than those cases with females identified as the victims to both cooperate with the prosecutor and cooperate with the defense.

In almost two-fifths of the cases (n=49) the victim reported in some manner who initiated the abuse. In 71 percent of these cases she stated that the defendant initiated the abuse, and in one-fifth she claimed there was no abuse or nothing happened. Of these cases where the victim gave some account of who initiated the abuse, the victim claimed that she/he her/himself had started it. In slightly over one-quarter (n=34) of the cases the defendant reported who initiated the abusive incident. Forty-four percent reported that there was no abuse or nothing happened, and another 44% reported that the *victim* started the abusive incident. About 9 percent of the defendants who reported about abuse initiation claimed that they had started the abuse, and about 3 percent reported that the abuse initiation was mutual. Notably, in the cases with female defendants, the defendants appeared more likely to state that they started it and were less likely to say there had been no abuse. As stated, the court transcripts are not a failsafe manner of detecting with 100 percent accuracy the level of victim cooperation or reluctance. The findings reported here, however, are useful in many respects.

Table 4.13 present information about the police that came up during the court hearings. Only about one-third (n=43) of the 127 cases noted who had called the police. In about three-fifths of the cases victims called, 14 percent of cases a neighbor had called, 9 percent a non-child relative called, and in 7 percent of the cases a child of the victim and/or defendant had called the police. In one-third of the cases a police officer was present for testifying. It is possible that this number was higher, but that it was not noted in the transcripts. In 4 percent of the cases it was clear that there was more than one police officer present during court. In slightly over one-fifth of the cases one or more police officers actually testified in court. However, only in three-fifths of the cases where a police officer was present, did one actually testify. It seems odd that in two-fifths of the cases the officers appeared to show up unnecessarily. Certainly, many officers complain about having to show up in court when they are off duty. To show up and then not be

called to testify, seems like a frustrating experience and a waste of officers' and court actors' time. This is likely a source of frustration for victims, when police officers show up but do not testify on their behalf. Moreover, when victims do not show up, it seems it would be additionally important to have police testimony, but what appeared to happen was if the victim did not show up, then the police did not testify.

A closer examination using cross-tabulation[7] suggests that if police are present in the courtroom: (1) they are almost three times as likely to testify in cases where the victim is also present than in cases where the victim is not present, and (2) they are almost 4.5 times as likely to testify if the victim testifies than if the victim does not testify. More specifically, if police were present in the court, they testified in 25.0 percent of the cases where the victim was not present, and in 69.4 percent of the cases where the victim was also present in the courtroom. Moreover, if the police were present in court, they testified in 23.1 percent of the cases where the victim did not testify, but in 92.3 percent of the cases where the victim did testify. Again, given the number of times it had come up that the victim was not present because they could not find her (or him), it seems necessary to include police testimony whether the victim is present or not.

The coders for this study also evaluated the consistency between the victims' and police officers' accounts of what happened. About half of the cases were coded as the police officers' and victims' accounts being overall consistent. Slightly over one-third of the cases were coded as the police and victim having inconsistent accounts, and only 13% were coded as victims and police officers having the same accounts of the incident. Regarding gender differences, children appear more likely to call in cases with a female defendant than in cases with a male defendant. Reading these court cases it certainly appeared that they called out of concern for their mothers' well-being (implying that these were the real victims). Police were twice as likely to be present in court for female than male defendant cases and were twice as likely to testify in female than male defendant cases. The police officers' testimonies were more often viewed by the coders as consistent with the victims' accounts in the male defendant (female victim) cases. In fact, they were never seen as consistent in the female defendant (male victim) cases.

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[7]These cross-tabulations are not reported in the tables.

The coders also assessed whose side the police officer appeared to take. In about one-third of the cases the officer appeared to be neutral (between the victim and offender), in slightly over half of the cases the officer took the victims' side, and in 11 percent of the cases the officer was coded as taking the defendants' side. Officers were almost twice as likely to take the victim's side in cases where the victim was a female than in cases where the victim was male, and more than twice as likely to be evaluated as neutral in cases with a male victim than in cases with a female victim.

Table 4.14 presents accounts of prosecutorial actions. In four-fifths of the cases the prosecutors never requested that text be stricken. (The average number of prosecutorial requests for stricken texts in cases was 1.6 times, with medians and modes both equaling zero.) When prosecutors requested that text be stricken, the judges complied in most cases. Prosecutors objected to defendants' testimony in only 12 percent of the cases overall. But given that the defendants testified in 28 of the cases, this means that prosecutors objected to the defendants' testimonies in about half of the cases where they testified. The judge typically ruled on behalf of the prosecutor when she or he objected to the defendant's testimony. The prosecutors' opening statements ranged from zero to 305 lines, with a mean of 3.4 lines and a median and mode of 0 lines. Prosecutors' closing statements ranged from 0 to 531 lines, with an average of 13 lines and a median and mode of 0 lines. The coders' evaluations regarding the prosecutors' preparation for the case reported that over four-fifths appeared "prepared," with another 15 percent "somewhat prepared," and fewer than 2 percent as "unprepared."

The gender differences in prosecutorial actions indicate that prosecutors are more likely to request text stricken in female defendant (than male defendant) cases, and less likely to have an opening statement. The prosecutors also appeared to be better prepared for the male than the female victims.

Table 4.15 presents defense attorney actions in these cases. The defense had about the same average number of times requesting that text be stricken (1.7) as the prosecution (1.6 reported in Table 4.14). The range of lines for the defense opening statement was 0 to 29 lines (with both the medians and modes equaling 0). The rates of requests for stricken testimony by the defense were quite similar to those of the prosecution. The defense's objection to victims' testimonies (81%) was slightly lower than the

prosecution's objections to defendants' testimonies (88% in Table 4.14). However, comparing Tables 15 and 16, it appears that judges are more likely to respond positively to prosecution's than the defense's requests for stricken testimony. Rule 29, as described in the previous chapter, involves cases where testimony was taken, however, reasonable minds concluded that the state could not prove their case (e.g., the victim pled the 5th Amendment or the victim recanted testimony). In the analysis of the transcripts, Rule 29 was raised in 34 (27%) of the cases. In six cases it was raised twice and in two cases it was raised three times. Of the 34 cases where the defense raised Rule 29, the judge approved it in 11 (32%) of the cases.

In 14 percent of the cases the defense raised the defense that "nothing had happened," there was no abuse, thus no case. In six percent of the cases the defense accused the victim of lying. Similarly, in six percent of the cases the defense stated that the victim was trying to "get back" at the defendant. In terms of gender differences regarding the defense actions and behaviors, the defense was more likely to request that text be stricken in the female than the male defendant cases. Moreover, the judge was more likely to rule on the defendants' side for female than male defendants when the defender had objected to the victim's testimony. Rule 29 was raised more often in male- than female-defendant cases.

Table 4.16 summarizes the case outcomes. As mentioned earlier, many of these cases involved multiple charges. From the court transcripts we were able to determine the number of charges for 111 of the 127 cases, and these cases totaled 153 charges. From the court transcripts we could determine the verdicts of 151 of the charges. Slightly over half of the defendants were found guilty, about one-fifth were found not-guilty, and slightly over one-quarter of the charges were dismissed. The guilty verdicts were often in terms of defendants who agreed to completing AMEND or some other type of program and to stay clear of domestic violations for a year. Thus, most of these guilty verdicts resulted nothing in the manner of a serious judicial response to the assailants. The most frequent sentence included a sentence to AMEND (the batterers' counseling program), which occurred in 22 percent of the cases overall. None of the female defendants were referred to AMEND, but that is because it is a male-only program. Slightly over one-quarter of the male defendants had AMEND as one aspect of their sentence. Almost 12 percent of the defendants had some other type of counseling, and this was twice as likely for females. Female defendants

were four times as likely as male defendants to have drug or alcohol treatment as part of their sentence. After AMEND, the next most common aspect of sentencing was a rule of "no contact" or to "stay away." One-fifth of the cases carried this order. This appeared slightly more common for the male defendants. No females were given restitution, community service or electronic monitoring as part of their sentence. Only 1 male defendant had the electric monitoring unit as part of a sentence, and only 1 male had restitution as an aspect of his sentence. Two males were required to perform community service.

Themes in the Court Transcripts

In addition to the numeric coding from the court transcripts, the authors also noted themes that came up from perusing these cases. In many senses, these themes strongly coincide with the numeric coding. This latter section of the findings reports on these themes, using some quotes from the court cases. The themes are divided into seven sections: Judicial Themes, Prosecutorial Themes, Defense Themes, Policing Themes, Defense Attorney Themes, Defender Themes, and Victim Themes.

Judicial Themes

Victim-blaming versus holding batterers accountable. A notable theme in these court transcripts was the variation in whom the judges held accountable for the abuse. Some judges blamed the victims, others blamed the batterers, and others seemed to take a removed stance. The following is verbatim from a case involving a judge's lecture to a victim whose batterer had followed her into a drug store and started abusing her there. There was no evidence in the trial that she had contacted the batterer.

JUDGE: Ma'am, just to let you know, the only way this is going to work is if it's over and you avoid also going anywhere that you know he would regularly be at or anything of that sort. Okay. That's the only way this is going to work. It's over now between both of you. Let it be over. Okay. Absolutely no contact. (Case 097, p. 44)

Here are some (rare) examples of a judge holding a batterer accountable:

THE COURT: One last thing.....So why don't you start thinking about compassion, which probably is a word you have never heard or never used in your vocabulary in the last ten years. Compassion. Think about it. If you don't know what it means, look it up in the dictionary. Start having compassion for the people that may not have as much physical abilities as you. Because if you don't you're going to have some major problems form me and some other judges in the future. Thank you. (Case 098)

JUDGE TO DEFENDANT: If you violate the conditions of your probation by getting in touch with Ms. [Victim] or going around her or having anyone to go around her and there's a charge of probation violation filed, you'll be back in front of me. If you are found guilty, I'm going to make you serve 90 days. There's not going to be any excuses offered; understand?

DEFENDANT: Yes, I do.

JUDGE: Don't come tell me she asked you to come back. I don't want to hear about it. If you come back and you're found guilty, you're going to do 90 days. Now, if, indeed, the two of you get back together, let the probation officer know that; and I'll suspend that condition. Clear?

DEFENDANT: Understood. (Case 128)

Ignoring victims fears. Another theme in the transcripts was judges ignoring or minimizing victims' fears.

THE COURT: Okay, Why do I have a probation violation on him?

DEFENSE: It was an error.

THE COURT: It was not on the docket. We have failure to stay away from the prosecuting witness.

PROSECUTOR: Shall we address the prosecuting witness on this?

THE COURT: It is printed on the docket.

PROSECUTOR: Shall we address the prosecuting witness on the record with regard to her fear? [It appears as though the judge ignores prosecutor who then brings it up again 4 pages later, asking whether the victim's fear should be a routine part of the sentencing process]

THE COURT: So what is your suggestion at this point?

THE PROSECUTOR: My suggestion is that we ask Ms._____ if she has any fear at this particular time of Mr.-- [Prosecutor is interrupted by judge]. (Case 069)

Allowing victim input. Another theme was how often women are silenced in the court process. This is consistent with Carol Smart's (1989) work on how it is difficult to imagine feminist jurisprudence in a system that is so patriarchal. The most common manner of silencing women is simply never to inquire why she isn't testifying and not to ask her what happened. However, there was a tendency at times to go out of one's way to silence women, for example, the quote just listed where the prosecutor tries to enter the victim's account of her fear and the judge does not want to hear it. Here is an example of a time a woman was silenced by the judge:

PROSECUTOR: Could you tell us what happened?

VICTIM: Well, before I get to that, I wanted to tell you what happened before that led to--

Defense: Object

COURT: Objection sustained. (Case 034)

And another:

VICTIM: Judge, Your Honor, yesterday there was an incident the police told me to address.

THE COURT: Ma'am this case is over. [After cutting her off the judge proceeds to discuss the verdict and sentencing.] (Case 039)

Ignorance about the dynamics of battering. Another theme regarding judges' responses was evidence that they are unaware of the dynamics behind a battering relationship, or perhaps they do not care. This is seen most commonly in judges' ignorance about stalking as a way that batterers attempt to scare women from leaving them and the pressure many battered women face at the hands of their abusive partners to drop charges. Here is a prime example of a judge's ignorance about battering dynamics, blaming the victim instead of the batterer:

JUDGE TO VICTIM: Ms. _____, I show there was a charge of domestic violence back in November of last year. Were you the prosecuting witness in that case as well?
VICTIM: Yes.
COURT: Are you learning something here? This isn't a good situation. (Case 076)

There also seemed to be a lack of awareness among some of the judges regarding what might keep a battered woman from attending court, and an inability to think about proceeding in cases where victims were not present.

Ignoring circumstances regarding children. The issue of children was important. Consistent with prior research, many battered women worry about the well-being of their children, but also, how they can stay away from their batterers if they have a child or more in common and the batterer has visitation or custody rights. It was almost unheard of in these sentencing decisions for the issue of the children to be considered. Here is an example of a judge unwilling to examine the children in terms of the battering situation, which is particularly troubling given how difficult it is for many victims to get to *any* court in the first place, much less be told they need to get time off work, schedule child care, and so on in order to make yet another court appearance:

JUDGE: Let me explain something to you, Mr. [Defendant]. I don't know what the exact marital status of your relationship is, but there is an appropriate place for you and Ms. [Victim] to handle this and that is in domestic court, all right? There's orders to be made with the three children. You should go to domestic court and let the court that has jurisdiction make those orders and both of you abide by them. The way that you're doing it, trying to handle it, straighten it out, is not the way to do it. (Case 052)

Addressing injuries. The quantitative findings highlighted the extreme rarity of the court hearings actually asking about the abuse. There is very little detail about the abuse raised in these hearings. The judges, overall, did not seem concerned about hearing about it. Or when they did, there was a tendency to try to minimize the injury or abuse.

Bonding between the judge and the batterer. A final theme noted among judicial behaviors was a tendency in some cases for the judge to appear friendly and hopeful to batterers at the end of the cases, while having no comment for the victims. One of the coders, referred to a judge as the "Good-luck-to- you-Sir!" judge. He routinely ended cases with this camaraderie toward the batterers and no similar camaraderie toward the victims.

Prosecutorial Themes

The themes identified regarding the prosecution were: (1) silencing victims; (2) sanitizing victims' injuries (accounts of victims' injuries); (3) not preparing victims; and (4) proceeding without victims' cooperation. Examples of these are presented in this section. What is probably most disturbing about these accounts, in comparison to the judges and defense attorneys, is keeping in mind that the prosecutors are supposed to be advocating for their clients. While there were many incidents where they did so, and indeed those cases where they proceeded despite the victim's presence or cooperation if she were present, these were somewhat rare.

Silencing victims. One theme in the prosecutorial behavior was that in addition to the judges and defense attorneys, even the prosecutors sometimes had a short fuse in dealing with victims. Their efforts to allow and encourage victims to state what happened seemed rare. Here is an example of a prosecutor's "short fuse" with a victim:

PROSECUTION: Did something happen between you and Mr. [Defendant] on or about [date] that caused you to call the police and file charges?
VICTIM: Do you want that specific incident or everything that led up to it?
PROSECUTION: I want you to answer the question if something happened [date]. (Case 039)

Sanitizing victims' injuries. In the transcripts it often appeared that the prosecution did little to highlight how the abuse occurred and what it consisted of. There was a tendency not to hold the batterer

accountable, with frequent phrasing suggesting that the abuse sort of "happened," rather than it was the batterer's actions, him *causing* the abuse. This portrayal reinforces the idea that the victim is partially at fault for the abuse against her. Here is an example of a prosecutor restricting a victim's ability to make an account in court of what actually happened in the abusive situation:

PROSECUTION to VICTIM: Okay. Without going into the profanity. What kind of things was he telling you? What was he saying to you? (Case 097)

Here are examples of prosecutors speaking about the abuse in a passive manner:

PROSECUTION: They got in an argument, and she was pushed to the floor, slapped in the face with his hand. (Case 099)

PROSECUTION: Judge, basically, the officer ran a call to a Kroger's, and basically what happened is she got punched, Ms.[victim] got punched in the mouth by Mr. [defendant]. (Case 037)

PROSECUTION: On that date the defendant knowingly by force or threat of force caused the prosecuting witness to believe he would cause imminent physical harm. She was also a person living as spouse. They got in an altercation, she was thrown around. (Case 064)

It seems that the case against the batterer would be more effective and accurate (and certainly less victim-blaming) to say "he pushed her to the floor," "he slapped her face," "he threw her around," or "he punched her in the mouth." This is consistent with some of the victims' accounts presented at the end of this chapter.

Not preparing victims for court. In reading through the transcripts there were a number of times it appeared that the victim had no idea what to expect. From the interviews with prosecutors presented in the previous chapter, this is likely due to the fact that in most cases the prosecutors do not talk with the victims at all before trials, or if they do, it is just for a few moments before the trial starts.

Proceeding without victims' cooperation. There were five examples where the prosecutor proceeded with trying to obtain a guilty verdict against the defendant although the victim was not present. This showed that it can be done, if the prosecutor is willing to go forward and has done some of the necessary work to obtain some evidence.

Defense Attorney Themes

Now we will turn to examining some of the themes that came up in reviewing the court transcripts regarding defense attorneys' (usually public defenders') behaviors: (1) victim-blaming; (2) minimizing and normalizing battering; (3) ignorance of the dynamics of battering; and (4) focusing on the victims' sexuality.

Victim-blaming. Although there is significant evidence of some judicial victim-blaming in these cases, as expected, the worst victim-blaming was by the defense attorneys. The blame took numerous forms: blaming her for the violence against her, blaming her for making a Abig deal@ out of Anothing,@ or simply making the whole thing up.

What follows is another example of defense attorney victim-blaming:

DEFENSE TO COURT: I think the situation is that she has learned a lesson with regard to staying around him. He's agreed that it's a mutual combat situation, that he flees the house to avoid being the one who was charged essentially. (Case 055)

The following pertains to a case where the defendant had a prior domestic violence conviction from this victim, and she had a TPO on him. He had been driving by and harassing and threatening her and this court case was in part a charge of the TPO violation. This is part of the defense's closing statement:

DEFENSE: She [the victim] sees him with another white woman in the car. She testifies that she called 911. She said there is nothing you can do until he does something to you. So what she does, he comes back up the street and fabricates the story. She puts my client in jail for 26 days and she's trying to harass and harangue him because he's got a new girlfriend. I would submit that my client's testimony is totally credible. (Case 040)

Minimizing and normalizing battering. Another tendency by the defense was to minimize the abuse, or even, to normalize it.

DEFENSE TO COURT: Judge, there was an argument over puppies where he said he told his wife she couldn't keep the puppies. She said she was going to leave him, and so she started taking stuff out. He decided he'll take her stuff out. She's taking stuff out. He's taking stuff out. The Police get called.

Basically, this was a push in response to something she did; and the officer come up. I think, as you know, the person that retaliates when the NFL gets the flag or a personal flag; and it was that kind of thing. (Case 127)

Many times the defense attempts to portray this as "every day life," with things just getting a little out of hand. The minimizing/normalizing spin is clearly related to the victim-blaming perpetuated by the defense:

DEFENSE TO COURT: What happened on this particular day, they had been out late that night at a bar, both of them were drinking. They left. He indicates to me that it was about 4 o'clock in the morning; he

didn't want her to go home alone, but he wanted her to get a taxi. She refused. I'm not saying what, but she apparently made allegations that rather than have him pay a taxi and everything, she would rather go hitchhiking and be picked up. I think that made him so angry that he pusher her. It's the type of a situation that's followed by many apologies to her for having created the situation. They have one child together. (Case 057)

Here is another example:

DEFENSE TO COURT: Well, Your Honor, you heard most of it. My client was drinking and celebrating his brother's birthday. Maybe they shouldn't have been too strong with it. But you heard the story. These two have been battling for a while.

I'm not arguing with the officers. He did run. I told him he must have been drunk or ready for the fifth floor up here in probate court, throwing that over him. He starts to kick out their windows when he's inside the police car; I don't think that's very intelligent.

However, Your Honor, on the good side, he does work for a friend of mine, who will hire him back. I've shown that to the officers. He does have an opportunity. He is working, Your Honor. Mr. [the defendant's employer] and I have been friends for many years, and he's the one that called me, got me initially involved in this.

And I think that he ran; there's no doubt about that. And he was under the influence. I think part of his problem is his drinking, and I've talked to a couple other people, that he must have some--some--well, he can't stand that fire water, Your Honor. He shouldn't be drinking. Goes on the warpath. (Case 051).

Finally, one more example of the defense's attempt to minimize the abuse:

DEFENSE TO COURT: In mitigation, Judge, this is a situation, there was two people who should never probably have been together, a situation which apparently the victim had worked with him at one time. She had lost her apartment, or something to this effect, Judge. They had only lived together for 30 days. He let her move into his apartment. In return, he apparently indicates what happened on this particular day, Judge, was that she got emotional, upset over some matters, was damaging some of the furniture At which point he tried to grab her in the process. He indicates that--he admits that there was--probably it got a little out of hand.. (Case 099)

Ignorance of the dynamics behind battering. Perhaps we are mistaken to identify this behavior of defense attorneys' ignorance of the dynamics of battering, similarly as we did for judges. More specifically, it is likely that some of the defense attorneys understand the dynamics behind battering, but know how to use the myths of battering to get their clients' acquittals or cases dismissed.

DEFENSE TO VICTIM: Why didn't you go to the police right away?

VICTIM: Well, I have two kids at home and I was six-months pregnant at the time. I don't have a car. District (number) is all the way, far from where I am. It's kind of hard getting places. (Case 124)

Later in the defense's closing statement for this same case, he stated:

DEFENSE: She said she didn't report it because the police station was too far and she didn't have anybody to watch her children. Well, she said her grandmother and aunt were there ready to watch the children, and there is a thing called the phone. You pick it up and you dial 911. That's all she had to

do. There is no excuse for not calling right away.....Let's review the testimony. Ms. [victim], first of all, she never looked you [the jury] in the eye. You can use your common experience, when people are lying to you, that's what they usually do. (Case 124)

Focusing on the victims' sexuality. Similar to rape trials, the court transcripts had instances where the defense was seemingly obsessed with the victims' sexuality. It appeared to be a classic maneuver to treat her as a "slut," not worthy of important judicial time. In one case about a man and woman who were involved over ten years, the defense kept coming back to asking the victim about how often they had sex and where they had sex. The relevance of these questions never surfaced, and the prosecutor never objected to this line of questioning the victim (Case 097). In another case where the victim was charging sexual abuse as well as "regular" domestic violence, the defense portrayed her as a ridiculously naïve:

Defense Q: Now, the next morning, (Day of the Week), (Date), I believe it was your testimony that Defendant came in and woke you up?
A: Yes.
A: And asked you to come to bed with him?
Q: YES
Q: And you did?
A: Yes.
Q: Okay. Was it your expectation when he came and woke you up, that (Defendant) wanted to have sex?
A: Not at that point, no.
Q: What did you think he wanted you to come.to bed for?
A: When he woke me up he said "come in the bed and lay down with me," is what he said.
Q: And it's your testimony now that based on those words, he was not indicating or expressing a desire to have sex with you at that point?
A: No. (Case 013)

Policing Themes

The major themes surrounding the police testimony were (1) the I-don't-recall syndrome, and (2) the collection of evidence. As reported in the quantitative coding of these cases, there is a substantial problem of police present for court who, for whatever reason (frequently because the case is not heard because the victim is not present), do not testify. On the other hand, review of these transcripts found a significant problem with some of the police testimony. In particular, they seemed to have extremely limited memories, appeared not to be at all invested, and, indeed, disinterested in these cases, and they were often

unprepared to collect evidence. It appeared that they frequently failed to ask relevant questions of either the defendant or the victim. To some extent, perhaps some of the burden falls on the prosecutors who do not seem to spend any time preparing the police (or the victims) for their testimonies.

DEFENSE TO POLICE: Okay. Describe what she (victim) had on that day?
POLICE: I have no idea, ma'am. (Case 004)

Other examples of the A"-can't-recall" syndrome:

DEFENSE [to police]: Okay. Did you yourself fill out some paperwork with regard to your response to the house, DV311?
POLICE OFFICER: No, I was with her, but when he filled it out I think, but I don't recall. I don't recall filling, really filling out anything. I probably did a report, but I don't remember. (Case 010)

and

PROSECUTION: Did you see any physical signs of injury to Mrs. [victim]?
POLICE OFFICER: She had red marks on her right ear. I didn't really observe, per se, as far as inspecting. Life squad came shortly afterwards.(Case 031)

Here are some examples of inadequate evidence collection:

POLICE: This photo is a copy of the one I took. But to answer your question, no, it does not show the extent (of the injuries). I was forced to take this under a street light on a dark street with the only camera I had available to me which was an inexpensive low quality instamatic, so I had to kind of do the best I could. My own pocket, twice as cheap.
PROSECUTION: So what you are saying is that it doesn't fairly and accurately depict?
POLICE: No, sir. (Case 093)

and

PROSECUTION TO POLICE: Did you take a picture of that injury that night?
POLICE: No, I did not. The routine is to ask the person if they have any injuries. And if you have them, you show what you have. And after waiting and seeing the quality of the photo of the face that my camera was able to produce, I decided not to photograph any further. (Case 133)

Themes about Defendants

Themes about the defendant were (1) deflecting blame, (2) victims' accounts of threats by the defendants; (3) accounts of jealousy, and (4) the symbolism of using phones to silence women. This section will give examples of these themes.

Deflecting blame. One aspect that came up regarding the defendants' testimonies was their tendency to deflect blame for their abusive behaviors, or similar to the defense attorneys, to normalize these behaviors.

THE COURT: Okay, so go ahead, why did you do this?
DEFENDANT: It was the holiday, and we both--we both had been drinking a little bit, and we got into a heated conversation, and I was--she got--we was in the van, and she started hollering and moving around, and I was grabbing her and telling, you know, quiet down, and it got like that. (Case 014)

In a no-contest case, the prosecutor had just read a report about how the defendant had ripped off the victim's clothes, pushed her down, hit her and pulled her hair. The judge stated:

THE COURT TO DEFENDANT: Finding is guilty. What do you want to tell me about this?
DEFENDANT: That's been going on for awhile. And I was drinking. (Case 083)

Use of threats. The defendants' use of threats were often lethal and difficult to verify. That is, injuries were more straightforward than documenting threats, unless the defendant left the threat on an answering machine or wrote it in a letter. The following is from a case that where the woman was the defendant and the man the supposed victim. Reading through this case, it seemed apparent that they had charged the wrong person as a domestic violence perpetrator:

THE DEFENDANT [but seemed to actually be the victim]: I don't recall talking to ["victim's" name] that day and I haven't said anything about killing him. And second of all, ["victim"] had came to my house. I can't remember what date it was in [the month of the year], he tried to get in the house and I told["victim"] before he even came--it was over he messed up my door trying to kick it in and was threatening to kill me. Me and him just went to court last week for me pressing charges against him and he told me that if I presses charges against him he was going to press charges against me.
I got scars on my body from [the "victim"] and he told me he was going to do an O.J. on me if he got locked up and he will get out. And we was going to be married until death do us part regardless if we get a divorce or not.

Jealousy. The theme of jealousy is a strong one among batterers and their sense that their girlfriends or wives are their property and the notion that their female "property" is always sneaking around having sex with someone else behind their backs. Occasionally, this came up in court:

VICTIM: Well, he was working at like a Minute Man Labor World thing, and I didn't haveB I was B I don't have a good income. So the people from the Welfare was bringing me stuff for my son before he was born. And he come home, and I had a living room full of stuff. I'm trying to tell him that the Welfare worker brought it to me, right? Well, he's not going to believe me. He says it's the baby's father who brought the stuff to me.
And he was in the bedroom, I was in the living room, and he just come darting from the bedroom into the living room with that little pocket knife that my mother and father bought him for Christmas. He told me if I didn't tell him the truth, was he the father or not, he was going to kill me right then. (Case 013)

Later in this transcript the victim spoke of an incident where they were at a party where she was not "allowed" to talk to anyone. "I'm not ever allowed to talk to any one." No one, including the prosecutor questioned this.

Phones as weapons. Given how little detail was offered overall in these court transcripts on the abuse that occurred, the form it took and the devastation involved, it is remarkable how frequently telephones came up as a form of abuse (14 times (11%) of the 127 cases). This is symbolic. The phones are some battered women's "lifeline" out of their dangerous homes, necessary to call 911 and others for help. There were cases where the victims had kicked the batterers out of their lives, but they left harassing and threatening messages on their answering machines or voice mail. There were also instances of the phones being pulled out of the wall and taken. In five of the 127 court cases it was reported that the phone had been taken (usually after being ripped out of the wall) or the phone cords had been taken, or the phone was broken by the defendant. In another case the defendant had the phone turned off by the phone company. And finally there were a couple of instances of the telephones being used as weapons, to hit and strangle victims. In one of the cases where the woman was charged as the defendant, the male "victim" had reportedly pulled the phone out of the wall and then used the cord to strangle her (Case 131). Notably, only one of the 14 cases where the phone arose as an issue (e.g., as a weapon, was damaged, or stolen or used to harass the victim), did the victim not come to court. One cannot help but wonder how many of the other victims who were not present at court were ones who had their phones damaged or stolen and the prosecutor was unable to contact them, or the defendants used the phone to harass the victims, and they were afraid to come to court. These data cannot answer these questions.

Victim Themes

Finally, the themes concerning the victims were (1) degrees of victims' reluctance and cooperation; (2) self-blame and sense of responsibility for violence used against them; and (3) the differences between male and female victims. This section highlights these themes.

Degrees of victim-reluctance/cooperation. As stated throughout this document, victim/witness reluctance/cooperation has been a major focus on police and court responses to domestic violence. There is

often the assumption that *all* battered women are reluctant to testify, even to the degree of being uncooperative. Although these court transcripts indicate some instances of this (such as women who said they couldn't remember what happened), they also indicate many battered women trying to cooperate to get their batterers' convicted. In the case of one victim whose batterer had strangled her, pushed in her eyes, and sexually assaulted her, she testified:

VICTIM TO COURT: The only thing I can say, Your Honor, this had happened before and I hadn't pressed charges. There is other things that had happened prior to this, not only to me, but the young lady who wishes not to come forward. Yes, he does have a bad record of this type and of the charges--I do not wish to continue being with him. I am still scared. I do still have problems sleeping. I want to put this matter behind and I still do have problem with my left eye because of this incident, and I do wish to take it as far as I can. (Case 094)

Another example of a victim who seemed anything but reluctant stated:

VICTIM: I told officers 1, 2 and 3 I wanted him charged because he beat me up. If anything, to put him through the embarrassment and humiliation for what he caused me. This man beat me up. He took away my self-dignity, my self-pride, my self-confidence. He stripped me of everything that day when he laid his hands on me; everything. (Case 071)

And finally:

VICTIM TO JUDGE AT SENTENCING: Before and since that time he has threatened to kill me to try to keep me from going to court, and he said he would get me no matter what. I want him to stay away. I'm very afraid for my safety. I want him to go to jail.....But he has been arrested before, and he was dishonorably discharged from the military for going AWOL. He spent six weeks in jail. He's lying to you. I'm sure the record is available. (Case 126)

Given the victim-blaming and other unpleasant aspects of court many battered women face in their attempts to gain justice, it is surprising that some are cooperative. In addition, it is important to reiterate that many women are not present because they are not contacted about the case. In one trial the prosecution chastised the victim for not being present at the arraignment of her batterer and she replied "No, I was not in court on Saturday. I didn't know anything about that."

Victims' holding themselves accountable for the violence against them. In addition to the judges, the prosecutors, and the batterers blaming women for their victimizations, the women themselves often take responsibility for what happened. Related to this is the issue of how honest the women appeared in their accounts of their own behaviors such as drinking, drugging, or fighting back. And these were not just in terms of the women who did not want their batterers convicted, but even in cases where the women seemed

to be pushing for convictions: they were very honest about their actions. Here is an example of a defense attorney's questioning of a victim and her responses:

DEFENSE: How intoxicated were you at that time?
VICTIM: I'd say I had about four beers at that party
DEFENSE: Anything after you got back home?
VICTIM: Yeah.
DEFENSE: What?
VICTIM: I was home getting high.
DEFENSE: Please?
VICTIM: I was at home getting high.
DEFENSE: Getting high on what?
VICTIM: Weed, crack. (Case 056)

Regarding victims' honest testimony about fighting back, like the following woman, they rarely beat around the bush in responding to questions about their drug use or own use of force:

VICTIM: No. He grabbed my dress off of me, and I stumbled from the pressure of him pulling my dress off, and that's how I hit my ankle.
DEFENSE: But you did testify that you did hit him, correct?
VICTIM: Yes. after he struck me. (Case 049)

Many of the victims who discussed their victimizations would say "we were fighting" or "we argued" to describe incidents that seemed clearly abuse perpetrated at them.

Male versus female domestic violence victims. As stated, 15 of the 127 transcripts were for cases where women were charged as domestic violence defendants with male victims. Reading through these 15 cases, it was clear three of them were cross-complaints (dual arrests) where the police arrested both in what was perceived as a mutual combat incident. None of the coders or the first author believed it was clear that any of these were truly "equally combative" couples, nor did we perceive the cases where women were the only ones arrested as cases where she was clearly a batterer. Indeed, given that many of the cases were so vague, it was hard to tell much about the violence in many of them. In others, it seemed very clear that the wrong person had been arrested. In still others, it appeared that the woman may have been mentally ill and mis-identified as a batterer (e.g., Cases 028 and 067). In both of these cases, the husbands wanted these cases dismissed and in both the women had voluntarily pursued counseling (something unheard of among males charged with domestic violence).

In both the female-on-male and male-on-female cases there was a certain element of "he-said-she-said," concerning items that were difficult to prove. In the vast majority of the 15 female-on-male domestic violence cases, it appeared that the woman was the victim and the man was the defendant, thus a serious injustice had been done by the arrest and the subsequent court case (although they were typically dismissed or found not guilty). One case where a woman was the only one charged with domestic violence involved a case where the male "victim" said that she had given him a sexually transmitted disease and the woman said she had been treated for a bladder infection and yeast infection and he was turning it into her "cheating" on him. This was a case where he pulled out the phone and used it to strangle her. She admitted biting his ear when he was strangling her. Reading this case it seemed odd that no one entered evidence about the medical records (regarding whether he had gonorrhea). She also discussed how she just wanted to divorce him and have it over, implying he was mentally ill (which he seemed to be), and then he called the police on her. She tried to file charges against him once she was arrested, but they did not stick. (Case 131).

Another female-defendant case involved a woman who called the police for the first time in her four year relationship with the man. Consistent with some of the research on separation assault, this man had never been violent toward her until she told him she was leaving him. This man had two domestic violence convictions, and as the woman said, when the police came he started "talking fast" about what happened. The woman's adolescent daughter had hit him in the head with a glass object when he was holding the "defendant" down, and he told the police that the woman had done this. They hand-cuffed her in front of her daughter and led her away. (Case 130)

In one case where a woman was charged as the defendant her mother testified about how threatening this male "victim" had been to both her daughter and grand-daughter (the "defendant's" daughter). The mother testified that the male "victim" had called her and wanted her to talk to the "defendant" about taking him back. The mother then testified, "George, you done already molested my granddaughter. I do not want you around. And he said, 'I am going there and if I can't go there [where the "defendant" lived] or if she won't be there, I'll get her F'd up." (Case 105). Even the police testimony

hinted that this man had an axe to grind with this woman and that he did not appear afraid (but that did not stop them from arresting him).

A final case that appeared to be a clear case of arresting the wrong person involved a woman who had a restraining order against her husband. He called the police claiming that she had left messages at his mother's that she was getting her brothers to "kick his ass." (Another case where these phone messages were not entered as evidence.) She claimed all her phone messages were to get her clothes back from him; he had stolen all of her clothes and she needed them for work. After three weeks of him ignoring her phone requests for her clothes (he was living with his mother), she went to private complaint and they referred her to a women's victims advocacy group (Women Helping Women). This agency helped her fill out a complaint and told her how to get a restraining order, which she did that day. She testified that she was afraid for herself and her children. (Case 118). It seems bizarre that these cases resulted in arrests and then went on to court. Although all of these women were found not guilty, this study makes one wonder how likely these women would be to use the criminal processing system in the future if they are victimized by these or other men.

CONCLUSIONS

This chapter suggests that court transcripts are a useful tool for analyzing court responses to domestic violence. Overall, the findings note that these victims appear to have little voice in these cases, even when they are present, but that a much better system is needed for contacting victims to inform them when their cases are going to court. The findings also suggest that all of the court professionals and the police could use some training on the dynamics of domestic violence. The role of the police also appears to be, as expected, crucial. However, the police often seemed ill-prepared to testify, and were not even asked to testify in most cases that the victim was not there. It appears that the prosecutors not only need more time per case so that they can prepare their victims, but it also seems this time would allow better communication between the police and the prosecutors. In short, the best remedy seems to be, again, implementing some type of victim advocacy agency within the prosecutor's office.

TABLE 4.1

CHARACTERISTICS OF TRIAL[a]

Variable	N	Male Defendant % (n)	Female Defendant % (n)	Total % (n)
Type of Trial	124			
Jury		2.7 (3)	0.0 (0)	2.4 (3)
Bench		97.3 (107)	100.0 (14)	97.6 (121)
Defendant Represented Self	127			
Yes		7.1 (8)	13.3 (2)	7.9 (10)
No		92.9 (104)	86.7 (13)	92.1 (117)
Evidence this Case Was Previously Continued	126			
Yes		12.5 (14)	7.1 (1)	11.9 (15)
No		87.5 (98)	92.9 (13)	88.1 (111)
Victim Advocate Present	127			
Yes		2.7 (3)	0.0 (0)	2.4 (3)
No		97.3 (109)	100.0 (15)	97.6 (124)
Judges' Sex				
Male	126	87.4 (97)	53.3 (8)	83.3 (105)
Female		12.6 (14)	46.7 (7)	16.7 (21)
Prosecutors' Sex	120			
Male		59.0 (62)	60.0 (9)	59.2 (71)
Female		41.0 (43)	40.0 (6)	40.8 (49)
Defense Attorneys' Sex	116			
Male		80.6 (83)	46.2 (6)	76.7 (89)
Female		19.4 (20)	53.8 (7)	23.3 (27)
Number of Pages[b]	127			
<5		23.2 (26)	20.0 (3)	2.9 (29)
5-9		35.7 (40)	20.0 (3)	33.9 (43)
10-19		17.0 (19)	33.3 (5)	18.9 (24)
20-29		9.2 (11)	6.7 (1)	9.4 (12)
30+		14.3 (16)	20.0 (3)	15.0 (19)

[a]Percentages may not add up to 100.0 percent due to rounding.

[b] The range of page length was 3 to 489 pages. The mean number of pages was 23.1, the median was 8.00, and the mode was 3 pages.

TABLE 4.2

VICTIM-OFFENDER RELATIONSHIP (V-O-R)[a]

Variable	N	Male Defendant % (n)	Female Defendant % (n)	Total % (n)
Victim Sex	127			
Female		100.0 (112)	0.0 (0)	88.2 (112)
Male		0.0 (0)	100.0 (15)	11.8 (15)
V-O-R at Time of Incident	90			
Spouses		26.9 (21)	41.7 (5)	28.9 (26)
Cohabitating/Common Law		35.9 (28)	33.3 (4)	35.6 (32)
Child in common		21.8 (17)	0 (0)	20.0 (18)
Boyfriend/girlfriend		3.8 (3)	0 (0)	3.3 (3)
Ex-spouses		6.4 (5)	0 (0)	5.6 (5)
Ex-boyfriend/girlfriend		2.6 (2)	0 (0)	2.2 (2)
Legally separated/divorcing		2.6 (2)	16.7 (27)	4.4 (4)
Living Together at Time of Incident	75			
Yes		65.2 (43)	88.9 (8)	68.0 (51)
No		34.8 (23)	11.1 (1)	32.0 (24)
Degree of Contact at Time Of Incident	57			
Not in contact		11.5 (6)	40.0 (2)	14.0 (8)
Still in contact		15.4 (8)	0.0 (0)	14.0 (8)
Still involved		73.1 (38)	60.0 (3)	71.9 (41)
Indication of Time in Relationship	127			
Yes		33.0 (37)	46.7 (7)	34.6 (44)
No		67.0 (75)	53.3 (8)	65.4 (83)
Degree of Contact at Time of Court Case	44			
Not in contact		46.3 (19)	66.7 (2)	7.7 (21)
Still in contact		26.8 (11)	0.0 (0)	25.0 (11)
Still involved		26.8 (11)	33.0 (1)	27.3 (12)
Living Together at Time of Court Case	55			
Yes		17.6 (9)	0.0 (0)	16.4 (9)
No		82.4 (42)	100.0 (4)	83.6 (46)
Have Children Together	54			
Yes		81.6 (40)	40.0 (2)	77.8 (42)
No		18.4 (9)	60.0 (3)	22.2 (12)

[a]Percentages may not add up to 100.0 percent due to rounding.

TABLE 4.3

CHARACTERISTICS OF CHARGES[a]

Variable	N	Male Defendant % (n)	Female Defendant % (n)	Total % (n)
Number of Charges Filed[b]	111			
1		69.1 (67)	76.9 (10)	70.3 (78)
2		24.7 (24)	15.4 (2)	23.4 (26)
3		4.1 (4)	7.7 (1)	4.5 (5)
4		2.1 (2)	0.0 (0)	1.8 (2)
Type of Charge[c]	112			
Domestic Violence		93.9 (92)	100.0 (14)	94.6 (106)
TPO Violation		12.2 (12)	14.3 (2)	12.6 (14)
Was Charge Amended?	125			
No		72.1 (80)	60.0 (9)	70.6 (89)
Yes		27.9 (31)	40.0 (6)	29.4 (37)

[a]Percentages may not add up to 100.0 percent due to rounding.

[b] The mean number of charges was 1.4, the median was 1.0, and the mode was 1.0.

[c] Defendants could be charged with multiple charges (see footnote a). Domestic violence and TPO violations were the 2 most common charges. Many defendants were charged with both of these violations.

TABLE 4.4

EVIDENCE ENTERED[a]

(N=127)

Variable	Male Defendant % (n)	Female Defendant % (n)	Total % (n)
By Prosecutor			
Police Report	5.4 (6)	0.0 (0)	4.7 (6)
Police Testimony	17.9 (20)	40.0 (6)	20.5 (26)
Medical Reports	2.7 (3)	0.0 (0)	2.4 (3)
911 Tapes	3.6 (4)	6.7 (1)	3.9 (5)
Photos	9.8 (11)	20.3 (3)	11.0 (14)
Victim Testimony	33.9 (38)	40.0 (5)	34.6 (44)
Other Witnesses	7.1 (8)	0.0 (0)	6.3 (8)
TPO/TRO	3.6 (4)	0.0 (0)	3.1 (4)
Victim Statement/Affidavit	4.5 (5)	13.3 (2)	5.5 (7)
By Defense			
Photos	3.6 (4)	0.0 (0)	3.1 (4)
Defendant's Testimony	20.5 (23)	33.3 (5)	22.0 (28)
Other Witnesses	8.9 (10)	33.3 (5)	11.8 (15)
Police Testimony	0.9 (1)	0.0 (0)	0.8 (1)
Was Available, but Prosecutor Didn't Enter			
Police Reports	0.0 (0)	2.7 (3)	2.4 (3)
Police Testimony	6.3 (7)	0.0 (0)	5.5 (7)
Medical Reports	1.8 (2)	0.0 (0)	1.6 (2)
911 Tapes	4.5 (5)	6.7 (1)	4.7 (6)
Photos	0.9 (1)	0.0 (0)	0.8 (1)
Other Witnesses	15.2 (17)	6.7 (1)	14.2 (18)
TPO/TRO	0.9 (1)	0.0 (0)	0.8 (1)
Was Available, but Defense Didn't Enter			
Police Reports	1.8 (2)	0.0 (0)	1.6 (2)
Police Testimony	2.7 (3)	0.0 (0)	2.4 (3)
911 Tapes	2.7 (3)	6.7 (1)	3.1 (4)

[a]Prosecutors and defense attorneys could enter more than one piece of evidence per trial, so columns do not total a set number

TABLE 4.5

VICTIM & OFFENDER CHARACTERISTICS AND BEHAVIORS RAISED IN COURT[a]

(N = 127)

Variable	Male Defendant % (n)	Female Defendant % (n)	Total % (n)
Victim Characteristics & Behavior			
Victim drinking	15.2 (17)	6.7 (1)	14.2 (18)
Victim drugging	5.4 (6)	6.7 (1)	5.5 (7)
Sexual relationship	3.6 (4)	6.7 (1)	3.9 (5)
Victim's SES	4.5 (5)	0.0 (0)	3.9 (5)
Victim's employment	17.0 (19)	6.7 (1)	15.7 (20)
Victim was pregnant	2.7 (3)	0.0 (0)	2.4 (3)
Defendant Characteristics & Behavior			
Defendant drinking	19.6 (22)	26.7 (4)	20.5 (26)
Defendant drugging	6.2 (7)	13.3 (2)	7.1 (9)
Sexual relationship	2.7 (3)	6.7 (1)	3.1 (4)
Defendant's SES	11.6 (13)	0.0 (0)	10.2 (13)
Defendant's employment	43.8 (49)	20.0 (3)	40.9 (52)
Abuse History Raised			
Informal abuse history	40.2 (45)	33.3 (2)	39.4 (50)
Formal abuse history	26.8 (30)	20.0 (3)	26.0 (33)
Incident Reported as Related to			
Defendant's whereabouts	3.6 (4)	0.0 (0)	3.1 (4)
Defendant's "cheating"	1.8 (2)	6.7 (1)	2.4 (3)
Victim's whereabouts	2.7 (3)	0.0 (0)	2.4 (3)
Victim's "cheating"	1.8 (2)	0.0 (0)	1.6 (2)

[a]More than one characteristic or behavior of an individual could be raised during court, so columns do not total a certain percent or number.

TABLE 4.6

ACCUSATIONS BY VICTIM[a]

(N=127)

Variable	Male Defendant % (n)	Female Defendant % (n)	Total % (n)
Type of Abuse			
Verbal abuse	11.6 (13)	6.7 (1)	11.0 (14)
Slap, Push	18.7 (21)	6.7 (1)	17.3 (22)
Hit, Punch	11.6 (13)	0.0 (0)	10.2 (13)
Spit	0.9 (1)	0.0 (0)	0.8 (1)
Property Damage	4.5 (5)	0.0 (0)	3.9 (5)
Lethal Threats	9.8 (11)	13.3 (2)	10.2 (13)
Threaten Kids	0.9 (1)	0.0 (0)	0.8 (1)
Harm Kids	0.0 (0)	0.0 (0)	0.0 (0)
Throw Something	2.7 (3)	0.0 (0)	10.2 (3)
Threaten with Weapon	0.9 (1)	0.0 (0)	0.0 (0)
Use of Weapon	1.8 (2)	0.0 (0)	0.0 (0)
Rape	1.8 (2)	0.0 (0)	0.0 (0)
Lying	0.0 (0)	0.0 (0)	0.0 (0)
Name-calling	0.9 (1)	0.0 (0)	0.0 (0)
Where Injured			
Head	1.8 (2)	6.7 (1)	2.4 (3)
Face	16.1 (18)	6.7 (1)	15.0 (19)
Neck	6.2 (7)	6.7 (1)	6.3 (8)
Stomach	1.8 (2)	0.0 (0)	1.6 (2)
Arms	6.2 (7)	6.7 (1)	6.3 (8)
Feet/Leg	3.6 (4)	6.7 (1)	3.9 (5)
Breast/Chest	2.7 (3)	0.0 (0)	2.4 (3)
Back	6.2 (7)	0.0 (0)	5.5 (7)
Buttocks	0.0 (0)	6.7 (1)	0.8 (1)
Genitals	1.8 (2)	0.0 (0)	1.6 (2)

[a]A victim could report more than one type of abuse and more than one body part injured.

TABLE 4.7

VICTIMS' SELF-ADMITTED ABUSIVE BEHAVIORS[a]

(N=127)

Variable	Male Defendant % (n)	Female Defendant % (n)	Total % (n)
Type of Abuse			
Verbal abuse	3.6 (4)	0.0 (0)	3.1 (4)
Slap, Push	6.2 (7)	0.0 (0)	5.5 (7)
Hit, Punch	4.5 (5)	0.0 (0)	3.9 (5)
Spit	0.0 (0)	0.0 (0)	0.0 (0)
Property Damage	0.0 (0)	0.0 (0)	0.0 (0)
Lethal Threats	0.0 (0)	0.0 (0)	0.0 (0)
Threaten Kids	0.0 (0)	0.0 (0)	0.0 (0)
Harm Kids	0.0 (0)	0.0 (0)	0.0 (0)
Throw Something	0.9 (1)	0.0 (0)	0.8 (1)
Threaten with Weapon	0.0 (0)	0.0 (0)	0.0 (0)
Use of Weapon	0.0 (0)	0.0 (0)	0.0 (0)
Rape	0.0 (0)	0.0 (0)	0.0 (0)
Name-calling	0.0 (0)	0.0 (0)	0.0 (0)
Where Injured			
Head	0.0 (0)	0.0 (0)	0.0 (0)
Face	3.6 (4)	0.0 (0)	3.1 (4)
Neck	0.9 (1)	0.0 (0)	0.8 (1)
Stomach	0.0 (0)	0.0 (0)	0.0 (0)
Arms	0.9 (1)	0.0 (0)	0.8 (1)
Feet/Leg	0.0 (0)	0.0 (0)	0.0 (0)
Breast/Chest	0.9 (1)	0.0 (0)	0.8 (1)
Back	0.9 (1)	0.0 (0)	0.8 (1)
Buttocks	0.0 (0)	0.0 (0)	0.0 (0)
Genitals	0.0 (0)	0.0 (0)	0.0 (0)

[a] A victim could report more than one type of abuse and more than one body part injured.

TABLE 4.8

ACCUSATIONS BY DEFENDANT[a]

(N=127)

Variable	Male Defendant % (n)	Female Defendant % (n)	Total % (n)
Type of Abuse			
Verbal	6.2 (7)	6.7 (1)	6.3 (8)
Slapping	6.2 (7)	13.3 (2)	7.1 (9)
Hitting	1.8 (2)	0.0 (0)	1.6 (2)
Spitting	0.0 (0)	0.0 (0)	0.0 (0)
Property Damage	1.8 (2)	6.7 (1)	2.4 (3)
Threats to Victim	0.0 (0)	6.7 (1)	0.8 (1)
Threats to Kids	0.0 (0)	0.0 (0)	0.0 (0)
Harmed Kids	0.0 (0)	0.0 (0)	0.0 (0)
Throwing	3.6 (4)	0.0 (0)	0.0 (0)
Threaten with Weapon	0.0 (1)	0.0 (0)	0.0 (0)
Use of Weapon	0.0 (0)	0.0 (0)	0.0 (0)
Rape	0.0 (0)	0.0 (0)	0.0 (0)
Lying	9.8 (11)	13.3 (2)	10.2 (13)
Name-calling	0.0 (0)	0.0 (0)	0.0 (0)
Where Injured			
Head	0.0 (0)	0.0 (0)	0.0 (0)
Face	0.9 (1)	6.7 (1)	1.6 (2)
Neck	0.0 (0)	0.0 (0)	0.0 (0)
Stomach	0.0 (0)	0.0 (0)	0.0 (0)
Arms	1.8 (2)	0.0 (0)	1.6 (2)
Feet/Leg	0.9 (1)	0.0 (0)	0.8 (1)
Breast/Chest	0.9 (1)	0.0 (0)	0.8 (1)
Back	0.0 (0)	0.0 (0)	0.0 (0)
Buttocks	0.0 (0)	0.0 (0)	0.0 (0)
Genitals	0.0 (0)	0.0 (0)	0.0 (0)

[a]Defendants could accuse more than one type of offense and on more than one part of the body.

TABLE 4.9

DEFENDANTS' SELF-ADMITTED ABUSIVE BEHAVIORS

(N=127)

Variable	Male Defendant % (n)	Female Defendant % (n)	Total % (n)
Type of Abuse			
Verbal	0.9 (1)	0.0 (0)	0.8 (1)
Slapping	19.6 (22)	0.0 (0)	17.3 (22)
Hitting	11.6 (13)	26.7 (4)	13.4 (17)
Spitting	0.0 (0)	6.7 (1)	0.8 (1)
Property Damage	5.4 (6)	0.0 (0)	4.7(6)
Lethal Threats	5.4 (6)	6.7 (1)	5.5 (7)
Threats to Kids	5.4 (0)	0.0 (0)	0.0 (0)
Harmed Kids	0.0 (0)	0.0 (0)	0.0 (0)
Throw Something	1.8 (2)	13.3 (2)	3.1 (4)
Threaten with Weapon	1.8 (2)	0.0 (0)	1.6 (2)
Use of Weapon	0.9 (1)	13.3 (2)	2.4 (3)
Rape	0.0 (0)	0.0 (0)	0.0 (0)
Lying	0.0 (0)	0.0 (0)	0.0 (0)
Name-calling	0.0 (0)	0.0 (0)	0.0 (0)
Type of Abuse			
Head	0.9 (1)	0.0 (0)	0.8 (1)
Face	7.1 (8)	13.3 (2)	8.9 (10)
Neck	1.8 (2)	0.0 (0)	1.6 (2)
Stomach	0.9 (1)	0.0 (0)	0.8 (1)
Arms	3.6 (4)	0.0 (0)	3.1 (4)
Feet/Leg	0.0 (0)	0.0 (0)	0.0 (0)
Breast/Chest	3.6 (4)	0.0 (0)	3.1 (4)
Back	0.9 (1)	6.7 (1)	1.6 (2)
Buttocks	0.0 (0)	0.0 (0)	0.0 (0)
Genitals	0.0 (0)	0.0 (0)	0.0 (0)

[a]Defendants could admit more than one type of abuse, and abuse on more than one body part.

TABLE 4.10

DOCUMENTATION OF INJURIES[a]

(N=127)

	Victims			Defendants		
Variable	Male Defendant % (n)	Female Defendant % (n)	Total % (n)	Male Defendant % (n)	Female Defendant % (n)	Total % (n)
Sought Med'l Attn.	8.9 (10)	6.7 (1)	8.7 (11)	2.7 (3)	0.0 (0)	2.4 (3)
Went to Hospital	3.6 (4)	6.7 (1)	3.9 (5)	1.8 (2)	0.0 (0)	1.6 (2)
Went to Regular Dr.	0.9 (1)	0.0 (0)	0.8 (1)	0.0 (0)	0.0 (0)	0.0 (0)
Witness to Injury	19.6 (22)	26.7 (4)	20.5 (26)	1.8 (1)	6.7 (1)	1.6 (2)
Police Saw Injury	17.9 (20)	26.7 (4)	18.9 (24)	0.0 (0)	0.0 (0)	0.0 (0)
Mother Saw Injury	1.8 (2)	0.0 (0)	1.6 (2)	0.0 (0)	6.7 (1)	0.9 (1)
Witness Testified to Injury[b]	15.2 (17)	26.7 (4)	16.5 (21)	1.8 (2)	6.7 (1)	2.4 (3)

[a]The victim and defendant could attempt to document or treat injuries in more than one manner.
[b]The witnesses were mostly police officers.

TABLE 4.11

REPORTS OF FEAR[a]

(N=127)

	Victims			Defendants		
Variable	Male Defendant % (n)	Female Defendant % (n)	Total % (n)	Male Defendant % (n)	Female Defendant % (n)	Total % (n)
Fear of Harm	10.7 (12)	13.3 (2)	11.0 (14)	0.9 (1)	13.2 (2)	2.4 (3)
Fear for Life	7.1 (8)	13.3 (2)	7.9 (10)	0.9 (1)	6.7 (1)	1.6 (2)
Fear for Children	1.8 (2)	0.0 (0)	1.6 (2)	0.9 (1)	6.7 (1)	1.6 (2)

[a]Victims and defendants could report more than one type of fear.

TABLE 4.12

VICTIM/WITNESS COOPERATION/RELUCTANCE[a]

Variable	N	Male Defendant % (n)	Female Defendant % (n)	Total % (n)
Victim Filed A Report	127			
Yes		33.9 (38)	33.3 (5)	33.9 (43)
No or DK		66.1 (74)	66.7 (10)	66.1 (84)
Victim Present in Court	125			
Yes		71.2 (79)	85.7 (12)	72.8 (91)
No		28.8 (32)	14.3 (2)	27.2 (34)
Participation of Present Victims	91			
Sworn testimony		49.4 (39)	50.0 (6)	49.5 (45)
Not sworn in, but queried by judge		45.6 (36)	50.0 (6)	46.2 (42)
Present but did not speak		5.1 (4)	0.0 (0)	4.4 (4)
If Testified, Cooperate with Prosecutor	45	92.3 (36)	66.7 (4)	88.9 (40)
If Testified, Cooperate with Defense	45	94.9 (37)	66.7 (4)	91.1 (41)
If Spoke, Victim was Reluctant	87	18.7 (14)	25.0 (3)	19.5 (17)
If Spoke, Victim was Uncooperative	87	1.3 (1)	0.0 (0)	1.1 (1)
Abuse Initiation-Victim's Acct.	49			
Def. started it		71.4 (30)	71.4 (5)	71.4 (3)
started it		7.1 (3)	0.0 (0)	6.1 (3)
Nothing happened		21.4 (9)	28.6 (2)	22.4 (11)
Abuse Initiation-Defendant's Acct.	34			
Victim started it		42.9 (12)	50.0 (3)	44.1 (15)
Def. started it		7.1 (2)	16.7 (1)	8.8 (3)
Nothing happened		46.4 (13)	33.3 (2)	44.1 (15)
Both started it		3.6 (1)	0.0 (0)	2.9 (1)

[a]Percentages may not add up to 100.0 percent due to rounding.

Victim

TABLE 4.13

POLICE INFORMATION[a]

Variable	N	Male Defendant %(n)	Female Defendant % (n)	Total % (n)
Was Defendant at the Scene?	36			
Yes		53.1 (17)	50.0 (2)	52.8 (19)
No		46.9 (15)	50.0 (2)	47.2 (17)
Who Called Police	43			
Victim		55.9 (24)	60.0 (3)	62. 8 (27)
Defendant		2.6 (1)	0.0 (0)	2.3 (1)
Relative		7.9 (3)	20.0 (1)	9.3 (4)
Neighbor		15.8 (6)	0.0 (0)	14.0 (6)
Child of V or D		5.2 (2)	20.0 (1)	7.0 (3)
Other		5.2 (2)	0.0 (0)	4.7 (2)
Police Officer Present for Testimony	127	31.2 (35)	60.0 (9)	34.6 (44)
More Than One Police Officer Present	127	4.5 (5)	0.0 (0)	3.9 (5)
Police Officer Testified				
% of all cases	127	18.8 (21)	40.0 (6)	21.3 (27)
% where present	44	60.0 (21)	66.7 (6)	61.4 (27)
P.O.'s Story Consistent With Victim?	23			
No		33.3 (6)	40.0 (2)	34.8 (8)
Sort of		50.0 (9)	60.0 (3)	52.2 (12)
Yes		16.7 (3)	0.0 (0)	13.0 (3)
Whose Side Did P.O. Take?	18			
Victim's		60.0 (9)	33.3 (1)	55.6 (10)
Defendant's		13.3 (2)	0.0 (0)	11.1 (2)
Neutral		26.7 (4)	66.7 (2)	33.3 (6)

[a]Percentages may not add up to 100.0% due to rounding.

TABLE 4.14
PROSECUTORIAL ACTIONS

Variable	N	Male Defendant % (n)	Female Defendant %(n)	Total % (n)
Number of Times Prosecutor Requested Text Stricken[a]	127			
0		82.1 (92)	73.3 (11)	81.1 (103)
1-5		9.8 (11)	13.3 (2)	10.2 (13)
6-10		4.5 (5)	0.0 (0)	3.9 (5)
11+		3.6 (4)	13.3 (2)	4.7 (6)
Of Cases Where Prosecutor Requested Text Stricken, Number of Times Judge Ruled on Prosecutor's Side[b]	24			
0		15.0 (3)	0.0 (0)	12.5 (3)
1-5		60.0 (12)	50.0 (2)	58.3 (14)
6-10		25.0 (4)	50.0 (2)	25.0 (6)
11+		5.0 (1)	0.0 (0)	4.2 (1)
Number of Times Prosecutor Objected to Defendant's Testimony[c]	127			
0		88.4 (99)	86.7 (13)	88.2 (112)
1-3		9.8 (11)	6.7 (1)	9.4 (12)
4+		1.8 (2)	6.7 (1)	2.3 (3)
Of Cases Prosecutor Objected to Defendant's Testimony, Number Times Judge Ruled on Pros. Side[d]	15			
0		7.7 (1)	0.0 (0)	6.7 (1)
1-3		84.6 (11)	50.0 (1)	80.0 (12)
4+		7.7 (1)	50.0 (1)	13.3 (2)
No. Lines: Prosecutor's Opening Statement[e]	127			
0		95.5 (107)	100.0 (15)	96.1 (122)
1-20		0.9 (1)	0.0 (0)	0.8 (1)
21-50		1.8 (2)	0.0 (0)	1.6 (2)
51+		1.8 (2)	0.0 (0)	1.6 (2)
Number of Lines Prosecutor's Closing Statement[f]	127			
<5		78.6 (88)	86.7 (13)	79.5 (101)
5-9		0.9 (1)	0.0 (0)	0.8 (1)
10-19		8.0 (9)	0.0 (0)	7.1 (9)
20-29		3.6 (4)	6.7 (1)	3.9 (5)
30+		8.9 (10)	6.7 (1)	8.7 (11)
Was Prosecutor Prepared?	125			
Yes		82.0 (91)	92.9 (13)	83.2 (104)
Medium (sort of)		16.2 (18)	7.1 (1)	15.2 (19)
No		1.8 (2)	0.0 (0)	1.6 (2)

[a] Range is from 0 to 51 times, mean=1.6, median=0.0, and mode=0.0
[b] Range is from 0 to 43, mean=5.0, median=3.0, and mode=1.0
[c] Range was 0 to 13, mean=0.4, median=0.0, and mode=1.0
[d] Range was 0 to 11, mean=2.1, median=1.0, and mode=1.0
[e] Range was 0 to 305 lines, mean = 3.4 lines, median=0.0 lines, and mode= 0 lines.
[f] Range was 0 to 531, mean=12.9, median=0.0, mode=0.0.

TABLE 4.15

DEFENSE ATTORNEY ACTIONS

Variable	N	Male Defendant % (n)	Female Defendant %(n)	Total % (n)
Requested Text Stricken[a]	127			
0		76.8 (86)	66.7 (10)	75.6 (96)
1-5		11.6 (13)	20.0 (3)	12.6 (16)
6-10		7.1 (8)	6.7 (1)	7.1 (9)
11+		4.5 (5)	6.7 (1)	4.7 (6)
Of Cases Defense. Requested Text Stricken, Number Times Judge Ruled on Defense's Side[b]	31			
0		15.4 (4)	0.0 (0)	12.9 (4)
1-5		65.4 (17)	80.0 (4)	67.8 (21)
6-10		9.7 (3)	20.0 (1)	12.9 (4)
11+		6.5 (2)	0.0 (0)	6.5 (2)
Number of Times Defense Objected to Victim's Testimony[c]	127			
0		82.1 (92)	73.3 (11)	81.1 (103)
1-4		14.3 (16)	26.7 (4)	15.7 (20)
5+		3.6 (4)	0.0 (0)	3.1 (4)
Of Cases Where Defense Objected to Victim's Testimony, Number Times Judge Ruled on P.D. Side[d]	24			
0		30.0 (6)	0.0 (0)	25.0 (6)
1-4		65.0 (13)	100.0 (4)	70.8 (17)
5+		5.0 (1)	0.0 (0)	4.2 (1)
Number Times Rule 29 Mentioned[e]	127			
0		75.0 (84)	60.0 (9)	73.2 (93)
1		18.8 (21)	33.3 (5)	20.5 (26)
2		4.5 (5)	6.7 (1)	4.7 (6)
3		1.8 (2)	0.0 (0)	1.6 (2)
Of Cases Rule 29 Mentioned, Number Times Judge Approved It[f]	34			
0		67.9 (19)	66.7 (4)	67.6 (23)
1		32.1 (9)	33.3 (2)	32.4 (11)
No.Times Defense Claimed "Nothing Happened"[g]	127			
0		84.8 (9.5)	93.3 (14)	85.8 (109)
1-2		11.6 (13)	0.0 (0)	10.2 (13)
3+		3.6 (4)	6.7 (1)	3.9 (5)

TABLE 4.16

COURT OUTCOMES

Variable	N	Male Defendant % (n)	Female Defendant % (n)	Total % (n)
Verdict on Charges Filed[a]	151			
Guilty		54.4 (74)	40.0 (6)	53.0 (80)
Not Guilty		18.4 (25)	26.7 (4)	19.2 (29)
Dismissed		27.2 (37)	33.3 (5)	27.8 (42)
Sentence Included[b]	127			
Amend/Batterers' Treatment		25.9 (29)	0.0 (0)	22.8 (29)
Other Counseling		10.7 (12)	20.0 (3)	11.8 (15)
Drug/Alcohol Treatment		5.4 (6)	20.0 (3)	7.1 (9)
No Contact/Stay Away		21.4 (24)	13.3 (2)	20.5 (26)
Restitution		0.9 (1)	0.0 (0)	0.8 (1)
Community Service		1.8 (2)	0.0 (0)	1.6 (2)
E.M.U/Juris Monitoring		0.9 (1)	0.0 (0)	0.8 (1)

[a]For 111 of the cases we could determine the number of charges, which totaled 153. Of the 153 charges, we were able to determine the verdicts for 151 of the charges.

[b]More than one of the items listed under "sentence included" could be part of one individual defendant's sentence.

CHAPTER 5: VICTIM INTERVIEWS AND SURVEYS

Dee L. R. Graham, Ph.D.
P. Gail Allen, Ph.D.

Introduction

As stated previously, this Final Report consists of four data sets: (1) interviews with and surveys of battered women; (2) interviews with criminal processing decision-makers (judges, prosecutors, and public defenders, (3) pre-trail data collected by the police and court staff; and (4) content analysis of domestic violence court transcripts. The purpose of this portion of the data collection, the victim interviews and surveys, is to identify from *victims' perspectives*, battered women's experiences in both their personal lives and the criminal processing system. In order to conduct the victim-reported experiences, two measurement instruments were designed and employed: a self-administered written survey and a face-to-face interview.

The research questions answered in this chapter are best represented on page 3 of this document under number 5:

> How do victim/witnesses perceive their role in the prosecution of their abusers? What factors inhibit them from pursuing prosecution? What factors might help them pursue prosecution? How consistent are the victims'/witnesses' demographic and psychological profiles with existing research in this area?

METHOD

Design

The design of this study might be termed short-term, longitudinal. The cases of victims were followed from time of arraignment until some time after case closure. On the day of arraignment or shortly thereafter, 118 participants completed a lengthy survey. Upon case closure, three things occurred. One, case disposition was noted. Two, court transcriptions were obtained for cases that went to trial. And three, victims were asked to participate in an interview as soon as they could be located and an interview scheduled. Those who consented (n=100) were interviewed.

Procedure

From January 1 to December 31 of 1997, domestic violence victims attending arraignment that morning were approached at the Hamilton County Justice Center and asked if they would participate in the current study. Victims were told the study was designed to identify concerns victims had about testifying against their partners and to evaluate the effectiveness of the court system in dealing with domestic violence cases. The names and case numbers of all defendants charged with a (spousal abuse-related) felony were identified from the arraignment dockets, and their names and case numbers recorded by a research team member. Despite the difficulties inherent in this process, in cases involving cross complaints, investigators attempted to ascertain who the real victim in the case was and to request participation of only that individual.

Victims were told that participation involved completing both a survey and an interview for which they would be paid $10 and $40, respectively. The survey contained all of the measures identified above, in the Instruments and Measures sections, and in the order the measures are listed there, plus questions regarding demographics (e.g., marital status, income, education, race, sex). It took approximately 90 minutes to complete.

Victims were also told that their identities would be kept confidential, and that they could withdraw from the study at any time. Those agreeing to participate were then given a copy of the survey which they could complete there at the Justice Center or were given a survey and a business reply envelop by which they could return their completed surveys.

The disposition of each case was subsequently determined by a research team member's examination of defendants' case files and/or court computer files. Upon case closure victims who had both completed a survey and indicated a willingness to be interviewed were contacted by any combination of means necessary to locate them (phone, letter, home visit) and to ask them if they would be willing to now participate in an interview. One of five interviewers then conducted the interview during a time and at a location convenient for victims. Interviews typically took place in victims' homes and were approximately two hours long. Eighty-five percent of survey participants were located and interviewed.

Interviews were structured in format and designed to identify concerns of victims about testifying against their partners and to elicit victims' views regarding how the criminal justice system handled their cases. They generally took a minimum of two hours to conduct. Victims' responses to questions were recorded by hand and typed up within a few days of the interview. No audio recording devices were used. Although interviewers attempted to record victims' language as stated, descriptions of victims' statements--including those written using the first person pronoun--represent only interviewers' "best efforts" at recording that language by hand during the interview.

One hundred interviews were completed. All interviewed subjects had previously completed a survey. Victims of all 12 cases that went to trial (and all ten that were still misdemeanors at the time of trial) were interviewed. Trial transcripts were obtained of all 12 cases. Four cases were still pending at the time this report was being written.

The Measurement Instruments

The measurement instrument used for this study was designed by the authors of this chapter, largely building on their previous work. The survey was comprised of a large number of measures, included to assess constructs thought to possibly impact victims' decisions to testify. An effort was also made to assess extent of violence using both direct and indirect measures. All measures were self-report. In general, the survey began with Concerns about Testifying, them moved to mediating variables (e.g., support system, SS, PTSD), and then to abuse-related measurement instruments (e.g., helpseeking behaviors, history of abuse). These scales were included in the survey in the order in which they are described below.

Religiousness (RELIGIOU). Victims' "religiousness" was assessed using a 2-item scale. The items were: "Using a scale, with 0 being 'Not at all Religious' [scored as 1] and 4 being 'Very Religious' [scored as 5], how religious would you say you are?" and "Using a scale, with 0 being 'Strongly disagree' [scored as 1] and 4 being 'Strongly agree' [scored as 5], indicate how strongly you agree or disagree with the statement, 'My whole approach to life is based upon my religion or spirituality."

The latter item is a modification of that found by Gorsuch and Venable (1983) to correlate (r=.83) with a longer version of their Intrinsic Religious Orientation Scale, which was based on Allport and Ross's

(1967) Religious Orientation Scale. The construct of intrinsic religious orientation was developed by Allport and Ross (1967) and contrasted with an extrinsic religious orientation. The single item used here was modified to include "spirituality."

The internal consistency of this 2-item scale was .79. Herein, RELIGIOU correlated significantly and positively with both Impression Management (r=.27, p=.004, n=113) and Self-Deception (r=.39, p=.0001, n=.113), suggesting that high religiousness was associated both with greater attempts to manage the impression one is making on others and with greater self-deception.

Concerns About Testifying and Not Testifying. Two types of questions were created by the current authors to solicit information regarding witnesses' concerns about testifying. One type was a list of 32 possible concerns about testifying, created by the authors. Issues addressed by the items included fear of reprisal, concern that the defendant might not be found guilty should she[1] testify, and concern about testifying against someone she loves. Victims were asked to indicate how concerned they were about each issue using a scale from 1 ("Not at all concerned") to 5 ("Extremely concerned"). An exemplary item is, "The defendant will physically harm me, or some one I love, if I testify against him."[2]

Case Preference Outcome. Victims were asked what they would like to have happen to the case against the defendant. Using the scale, "Very much like" (scored 5) to "Very much dislike" (scored 1), victims indicated how much they liked that (a) the defendant be convicted and serve time in jail (CONV), (b) the defendant be placed on probation instead of going to jail (PROB), and (c) the charge be dismissed (DISM). Victims could also write-in any other outcome that they would like.

A variable called Preference (PREFER) was created by comparing victims' responses to CONV, PROB, and DISM. Only those indicating a clear preference for one option over the other two were assigned a PREFER score.

In addition to these four measures, victims were asked, "If you testified against the defendant, how likely do you think it would be that he would be found guilty in this case?" Victims answered by circling one of eleven response options (0%, 10%, 20%, and so on to 100%). Using the same response options, victims were next asked, "If you testified against the defendant, how likely do you think it would be that he

would spend time in jail for this incident?" Victims were then asked to indicate in years, months, and days, how long they would have him stay in jail if they could determine the length of time he was there. These three measures were called TGUILTY, TJAIL, and TIMEJAIL, respectively.[3]

Sentiments About the Defendant, Court System, and Abuse. Twenty-four statements identifying sentiments thought to possibly impact victims' concerns about testifying were listed, and respondents were asked to indicate the extent to which they agreed or disagreed with each. The scale was anchored by the phrases, "Strongly disagree" (scored as 1) and "Strongly agree" (scored as 5). Exemplary statements were, "I want the defendant to be punished for the way he as treated me" and "The criminal justice system can't or won't help me."

Stages of Unbonding Scale (SUS). The SUS scale is a 32-item scale developed by Allen (1997) for the purpose of measuring the stages of unbonding from their partners that victims of domestic violence go through. The scale was developed on shelter residents. Respondents are asked to indicate "whether each issue is one that you feel you need to deal with in the near future" and "then decide what priority you place on that issue at this time." Response options are: (A) "I would like to deal with this issue and place the highest priority on it" (scored as 5); (B) "I would like to deal with this issue, but it is not as important as the issues I would place in Category A" (scored as 4); (C) "I recognize that this is an issue for me, but it has low priority for me now" (scored as 3), (D) "I have already dealt with this issue" (scored as 2), and (E) "This issue has never been a problem for me so I do not need to deal with it" (scored as 1). The scale has four subscales. The subscales are listed here in the order of Allen's theorized stages of victims' unbonding to their partners: Immersion with Partner (IMMERSE), which assesses respondents' enmeshment with their partner's thoughts and feelings; Questioning Affectional Attachment (QUESTION), which addresses victims' recognition of the paradoxes inherent in loving their abusive partner; Imagining Oneself without One's Partner (APART), which assess victims' contemplation of, and concerns about, living apart from their partners; and Reclaiming the Self (RECLAIM), which deal with reparation of damage suffered as a result of being in an abusive relationship. The scales were found by Allen to correlate in expected directions with a variety of measures of attachment and sense of self. The scales correlated .14 or less with Self Deception

and not at all with Impression Management of the Balanced Inventory of Desirable Responding (BIDR; Paulhus, 1984). In the current study, the scales had Cronbach alphas of .82 (IMMERSE and RECLAIM), .86 (QUESTION), and .61 (APART).

Fifteen additional items were included in the current survey, using the response options of the SUS. These items addressed, for example, issues around children, living the partner, and involvement in a court case. Ten of the 15 items had been included in an earlier version of SUS (Allen, 1991).

Stockholm Syndrome. Stockholm Syndrome (SS) refers to the mutual bonding that frequently develops between captors and captors, abusers and victims (Graham et al., 1994; Graham & Rawlings, 1991; Graham, Rawlings, Ihms, et al., 1995; Graham, Rawlings, & Rimini, 1988; Rawlings, Allen, Graham, & Peters, 1995). The SS scale is a 49-item self-report scale designed to measure SS (or "traumatic bonding" or "terror bonding") in victims of intimate violence. The 49 statements address issues of both feeling and doing. Examples of the 49 statements are, "My partner's love and protection are more important than any hurt he or she might cause me" and "I get angry at people who point out ways in which my partner is not good to me." The scale's instructions were to indicate "how you currently feel about your partner (the defendant)" and "the extent to which you do the following." Feeling statements had the response options, "I always feel this way" (scored as 4), "I often feel this way" (scored as 3), "I feel this way as often as not" (scored as 2), "I seldom feel this way" (scored as 1), and "I never or almost never feel this way; this does not apply to me" (scored as 0). Doing statements utilized the response options: "Always or almost always" (scored as 4), "Often" (scored as 3), "As often as not" (scored as 2), "Seldom" (scored as 1), and "Almost never or never" (scored as 0).

The scale is comprised of three subscales: Core Stockholm Syndrome (CORE), which measures cognitive distortions and other strategies for coping with and reducing abuse; Psychological Damage (DAMAGE), which assesses depression, loss of self, and low self-esteem; and Love-Dependence (LOVE), which measures victims' belief that they must have their abuser's love to survive. With a sample of young dating women, Graham, Rawlings, Ihms, et al., 1995 found the internal consistency of the three scales

ranged from .89 to .94. Among females, two week test-retest reliabilities were .84 for the overall scale, .85 for Core, .81 for Damage, and .78 for Love.

All three scales and the overall scale correlated negatively with social desirability as measured by the Marlowe-Crowne Social Desirability Scale (Crowne & Marlowe, 1960), indicating that respondents underreported the extent of their SS (Graham, Rawlings, Ihms, et al., 1995). Allen (1997) found Love and Core to correlate -.13 and -.11 with Impression Management of the BIDR. Only Core correlated significantly with Self Deception of the BIDR (-.37).

Graham, Rawlings, Ihms et al (1995) found all the subscales and the overall scale correlated positively and significantly with post-trauma symptoms, 1979), verbal aggression and physical violence, and passionate love. Graham, Rawlings, Chin, Vanoli, & Fabian (1995) found the factors' internal consistency ranged from .78 to .94 among college men.

Social Support. The six-item short form of the Social Support Questionnaire (SOCSUP) was used to assess perceived available social support. Used with college students, Sarason, Sarason, Shearin, and Pierce (1987) found the short form to have good internal consistency (Coefficient alpha = .90) and to correlate highly with the original 27-item scale (r = .95; Sarason, Levine, Basham, & Sarason, 1983). Further, this short form correlated positively and significantly with social desirability, social skill, size of social network, and perceived social support, while correlating negatively and significantly with anxiety, loneliness, depression, and social anxiety. Instructions to respondents were modified to read, "List all the people you know, excluding yourself and the defendant, whom you can count on for help or support in the manner described" in the items. Consistent with Sarason et al. (1983), perceived available social support was operationally defined as the number of persons listed, divided by the number of items.

Functional Social Support. A Functional Support Scale (FUNCSUP) was created by the current authors that paralleled in form the SOCSUP and that measured perceived functional social support. In nine questions, each addressing a different type of functional support thought to be needed by spousal abuse victims, witnesses were asked, "Which, if any, of the following types of help would be available to you if you needed it? List all the people you know, excluding yourself and the defendant, who would provide you

this type of help if you needed it." The types of functional support addressed were to: loan money, drive places or loan use of car, provide a temporary place to live, help obtain a job, help with childcare or babysitting, help obtain needed information (e.g., about your legal rights, about how the courts work, about shelters), protect from physical assault or intervene if assaulted, help hide from the defendant, and provide gifts of food, clothing, and/or furniture. The number of people reported providing such support were summed and divided by 9. Responses not involving specific people--such as "police," "shelter," and "God"--were excluded from the count. The internal consistency for this scale was herein found to be .86. FUNCSUP correlated non-significantly with both Impression Management and Self-Deception. It related significantly and in expected directions with both Hopelessness (r=-.208, p=.027, n=113) and Social Support (r=.491, p<.0001, n=112), lending support for the measure's validity.

Number of Health Problems (PSYSOMAT). A list of health problems, found by Follingstad, Brennan, Hause, Polek, and Rutledge (1991) to be associated with spousal abuse of women, was used and expanded. Fourteen health problems were listed, along with the response option, "other," in which respondents wrote in unlisted health problems they had experienced. Victim/witnesses were asked to identify those health problems they had experienced during the last three months. PSYSOMAT was operationally defined as the number of health problems identified by the victim. Herein, PSYSOMAT correlated non-significantly with both Impression Management and Self-Deception.

Pain. PAIN was a one-item variable created by the authors, which read "How much bodily pain have you had during the past 3 months?" Response options (and their associated scores) were none (1), very mild (2), mild (3), moderate (4), and severe (5). In the current study PAIN correlated non-significantly with Impression Management and significantly and negatively with Self-Deception (r=-.187, p=.048, n=112), suggesting that the more bodily pain reported, the less the victim's self-deception.

Hopelessness. The Hopelessness scale (Beck & Weissman, 1974), a 20-item, self-report measure, was employed to assess victims' expectancies about their future. Respondents were asked to indicate whether each of the 20 items was true or false for them. For nine items a response of "false" indicates hopelessness; for 11 items "true" reflects hopelessness. Hopeless responses were scored as 2, hopeful

responses as 1. Item scores were summed. The scale has three subscales--Affect, Motivation, and Cognition--comprised of 5, 8, and 5 items, respectively. "Affect" assesses feelings about the future, such as hope and enthusiasm. "Motivation" assesses loss of motivation, particularly giving up. "Cognition" addresses negative anticipations regarding what life will be like in the future. The three scales had possible scores ranging from 0 to 10 for Affect and Cognition and 0 to 16 for Motivation.

Two of the 20 scale items were omitted from scale definitions in the current study because they were found to lower the internal reliability of the subscales. These items were: "When things are going badly, I am helped by knowing they can't stay that way forever" from Motivation, and "I expect to get more of the good things in life than the average person" from Cognition. These two items were also omitted in computing participants' overall Hopelessness scale scores.

Lending support for the validity of the scale, Beck and Weissman found that clinicians' ratings of patients' hopelessness correlated highly with patients' scale scores for two separate samples. One sample was comprised of patients having made recent suicide attempts. The authors also found scale scores to change in response to situational changes in respondents' lives, suggesting that a state, not a trait, was being measured by the scale.

Alcohol Use. Two measures of alcohol drinking behavior were used, found by Maisto, Sobell and Sobell (1979) to yield highly correlated estimates from alcoholics' themselves and from collaterals (typically a spouse). The two measures and their correlations were: days abstinent (.81) and days drunk (.82) during the last 180 days. In addition, days of limited drinking were measured, but not used, due to a low correlation (.49) between subject and collaterals' reports. Victims were asked to provide days abstinent, engaged in limited drinking, and drunk for both the defendant and themselves.

Maisto et al. found that agreement between subjects' and collaterals' estimates were not affected by the number of days the two were in contact. Fewer days drunk were reported for self than by a collateral.

Anger-General (ANGER-G). Spielberger, Jacobs, Russell, and Crane's (1983) State Anger scale was adapted for use in the current study. The scale is a 10-item self-report measure of respondent's state of anger. Items are a list of ten synonyms and idioms for describing feelings of anger (e.g., "I am furious" and

"I feel like yelling"). The scale was modified to assess anger at a target, namely the defendant. Using the response options (and weights), "Not at all" (1), "Somewhat" (2), "Moderately so" (3), and "Very much so" (4), victims were asked to indicate the "intensity of [their] feelings toward the defendant right now, that is, at this moment." ANGER-G was operationally defined as a participant's average score for the 10 items. Higher scores indicate more anger. Spielberger et al. obtained high alpha coefficients for the scale for four different groups.

Marital Alternatives Scale. The Marital Alternatives scale (Udry, 1981), herein referred to as FUTURE, is an 11-item scale which measures respondents' perceptions of how much better or worse off they would be if their spouse left them this year and how easily their spouse could be replaced with one of better or comparable quality. The scale has two subscales, Spouse Replacement (herein called SPOUSE) and Economic, each comprised of 3 items. Beginning with the stem, "How likely is it that...," respondents are asked, for example, "You could get another man better than he is?" and "You would be better off economically?" Response options are: "impossible" (scored as 1), "possible, but unlikely" (scored as 2), "probable" (scored as 3), and "certain" (scored as 4). Scale and subscale scores are the mean score of the items comprising them.

The overall scale was found by Udry to have a split-half reliability of .70. Scale and subscale validity were supported by several findings by Udry. For wives, the spouse replacement subscale predicted marital disruption (divorce or separation) two years later and related positively to her IQ. The higher her income relative to her husband's, the greater she perceived her marital alternatives to be. Marital alternatives was a better predictor of marital disruption than was marital satisfaction.

In the current study, Cronbach alphas for the scale and its two subscales were: FUTURE, .70; SPOUSE, .65; and ECONOMIC, .60.

Helpseeking. Victims were asked to identify what they did "immediately after abusive incidents," by checking all the helpseeking behaviors they had engaged in from a list of 27 possible responses. Eleven of the 27 behaviors were also used by Gondolf, with Fisher (1988).

Herein behaviors were differentially weighted in calculating an overall Helpseeking score, with the following formula being used in calculating participants' HELPSEEK scores:

HELPSEEK=(j58*0)+(j59*1)+(j60*2)+(j61*3)+(j62*4),

where j58 = the number of behaviors out of the following five which a participant utilized immediately following an abusive incident: "Slept a lot," "Covered up for the defendant regarding his violence against me," "Attended religious services and/or prayed," "Used alcohol or drugs," and "Attempted Suicide."

j59 = the number of behaviors out of the following list of seven that the participant exhibited immediately following abuse: "Contacted family members," "Contacted a friend," "Contacted a clergy person," "Contacted a social service agency," "Contacted a shelter," "Contacted a counselor," and "Contacted an attorney;"

j60 = the number of behaviors out of the following list of nine that were engaged in by a participant after abuse: "Called police," "Sought medical attention," "Visited a social service agency," "Attended a support group for battered women," "Obtained counseling," "Visited an attorney," "Engaged in safety planning for self and/or others in the event violence reoccurred," "Confronted abuser," and "Threatened defendant with consequences for having abused me;"

j61 = the number of behaviors out of the following four which a subject employed following abuse: "Gone to a shelter," "Taken legal action," "Left home," and "Made the defendant move out;" and

j62 = whether the participant had "separated or divorced the defendant," (scored as 1), or not (scored as 0).

Higher weights represented more active helpseeking, that is more active more disengagement from the defendant. HELPSEEK scores had a possible range of 0 to 41, and higher scores reflected more helpseeking behavior.

Variables j58 to j62 provided five additional measures of helpseeking, with each variable providing a measure of the number of helpseeking behaviors engaged in at different levels of disengagement. The number of behaviors examined by a variable determined the maximum possible score a participant could have. Thus, possible scores for j58 were 0 to 5; for j59, 0 to 7; for j60, 0 to 9; for j61, 0 to 4; and for j62, 0 or 1.

Use of Religion to Cope with Abuse (RELCOPE). Survey participants were asked to indicate "the degree to which [they] use[d] religion to cope with the defendant's violence." The item was adapted from Park, Cohen, & Herb (1990), who used it to evaluate the extent to which students used religion to cope with negative life events. Response options were "Not at all" (scored 1), "Somewhat" (scored 2), "Very much" (scored 3), and "Not applicable; the defendant is not violent" (scored 1).

Batterer's Response. Using Gondolf, with Fisher's, (1988) measure, victims were asked to identify what the defendant had done immediately following abusive incidents. KIND was the number of kind behaviors in which the defendant engaged, out of a total of two possible. UNKIND was a sum of the weighted unkind behaviors checked by a victim. Unkind behaviors were weighted as follows: "Denied or said he or she didn't hurt me" and "Said I deserved it," weighted 1; "Made sexual demands" and "Threatened to do it again," weighted 2.

Expansiveness of Violence (EXPAND). This variable is a modification of Gondolf's (1988) "General Violence" measure in which participants are asked to identify the number of targets toward whom the abuser has been violent. In the current study the targets were differentially weighted as follows: "objects," scored 1; "your personal belongings," scored 2; "himself (or herself)" and "people outside the home," each scored 3; "pets or other animals," scored 4; and "you when you were pregnant," scored 5. EXPAND was operationally defined as the sum of the weights of all response options checked by a participant.

Threats. This variable is a modification of Gondolf's Verbal Abuse measure. Victims were asked to check which of the following the defendant had said to them: "personal insults," scored 1; "threatened physical harm" and "threatened sexual abuse," scored 2; "threatened to use weapons," "threatened to kill,"

and "threatened to seriously harm your child(ren)," scored 3; and "threatened to kill you and told you in detail how he would do it," scored 4. The sum of the weights of all checked responses constituted a victim's THREAT score.

Injuries. Gondolf, with Fisher's, (1988) injury measure was used but expanded to include "Passed out" as a possible injury. Injuries were weighted as to severity. Bruises and cuts were scored as 1 each; "sprains, dislocation" and "teeth knocked out or broken" as 2; "serious burns," "passed out," "head injury or concussion," and "broken bones" as 3; and "miscarriage" and "permanent injury" as 4. Participants put a check next to each of the different types of injuries they had received as a result of abusive behavior by the defendant. A participant's Injury score was the sum of the weights of checked injuries. Scores ranging from 0 to 26 were possible.

Children See the Violence (CHILDSEE). Reviewing research on the effects of marital conflict on children's adjustment, Grych and Fincham (1990) concluded that children's behavior is impacted only by the conflict of which they are aware. For this reason, CHILDSEE and the next measure were created. Participants were asked if the defendant had ever been violent toward them in front of the children, so that the children saw the violence. "No" was assigned a score of 1, "not sure" a 2, and "yes" a 3.

Children Hear the Violence (CHILDHEA). Victims indicated whether they thought the defendant has ever been violent toward them within hearing range of the children. Responses were scored the same as for CHILDSEE.

Child Abuse (CHILDABU). As in Gondolf, with Fisher, (1988), respondents were asked to indicate the different types of child abuse to which the defendant subjected their children, namely, physical abuse, neglect, verbal or emotional abuse, and sexual abuse. "None" was scored as 1. One (1) was added to this figure (1) for each type of abuse the child(ren) had suffered. Thus, a victim with a child exposed only to physical abuse had a score of 2. Scores potentially ranged from 1 to 5.

Frequency of Child Abuse (FREQCHLD). This was Gondolf, with Fisher's, (1988) "Frequency of Child Abuse" measure. The frequency with which the defendant had physically abused one or more of the

victim's children with the past six months was solicited. Scores ranged from zero ("none") to 5 ("twice a week to daily").

System Noncooperation (SYSNONCO). Eight items were created by the current authors to assess each participant's experience of legal-system-noncooperation. Three of these eight were filler items. Respondents were asked to "Write in the number of times in your lifetime that each of the following has occurred in response to someone having threatened, punched, slapped, pushed, shoved, or otherwise abused, threatened, or mistreated you." Respondents who had experienced the event too many times to count were instructed to write in "TM," which was assigned a frequency of 9. The items were listed in an order of, and scored to reflect, decreasing severity of system noncooperation. For example, the first item was, "The police were called, but they never came" (weighted as 5), and the last item was, "The police were called and that person was arrested and found guilty but did not serve any time in jail" (weighted as 1). Weighted item scores--which equalled the frequency with which the event had occurred for the victim, multiplied times the weight of that item--were summed for all 5 items, yielding a single System Noncooperation score. In the current study SYSNONCO had an internal consistency of .70 and did not relate to either Impression Management or Self-Deception. In support of its validity, the scale was herein found to correlate significantly with scales with which one would expect association, and was found to correlate in expected directions. For example, SYSNONCO increased as did victim's Injuries (r=.317, p=.0007, n=110) and victim's being Afraid for her or his life (r=.345, p=.002, n=111).

Psychological Maltreatment of Women Scale. The 10 items Tolman (1989) found loading most strongly on each of two subscales comprising the Psychological Maltreatment of Women scale were used. The subscales were Dominance/Isolation (DOMINANC) and Emotional/Verbal Abuse (EMOTABUS). Items comprising the Dominance/Isolation subscale address issues of isolation (e.g., kept from seeing family) and control (e.g., monitored time) as well as a demand for subservience ("acted like I was his personal servant"). Items comprising the Emotional/Verbal subscale pertain to verbal abuse, behavior demeaning to women, and withholding emotional resources. Respondents were asked to indicate how often each of the behaviors described in the 20 statements occurred in the past 6 months, using a continuum

ranging from "Never" (scored as 1) to "Very frequency" (scored as 5). Participants' subscale scores were defined as the average of their subscale item scores. Intracouple reliability was found by Tolman for the Dominance/Isolation subscale, but not for the Emotional/Verbal subscale.

Physical Violence. Two subscales from Straus, Gelles, and Steinmetz (1980) Conflict Tactics Scale (CTS)--titled Violence (VIOL) and "Serious" Violence (SERVIOL)--were employed for the purpose of measuring received, or defendant-to-victim, violence. These two subscales were comprised of six (6) and two (2) items, respectively. The items are a list of different acts of violence. Respondents are asked, "How often did this happen during the past year...when you ha[d] differences?" Response options ranged from "Never" (scored as 1) to "More than once a month." However, both of the last two response options used by Straus et al.--"About once a month" and "More than once a month"--were scored as 5.[4] A victim's subscale score was the mean of the scores for the items comprising that subscale. The CTS is the most frequently utilized measure of violence in studies of domestic violence.

Defendant's Risk-Taking (DEFRISK). Defendant's degree of risk-taking in expressing violence was ascertained by asking respondents to use a check to indicate whether violence had occurred in any of the three following places: "on my property but outside my home, when the defendant was not invited to be there;" "inside my home, when the defendant was not invited to be there;" and "at my place of employment, when the defendant was not invited to be there." The absence of violence in these locations was scored 1. The number of these locations in which violence had occurred (1-3) was added to one (1) in calculating a respondent's score. Scores potentially ranged from 1 to 4, with higher scores reflective of more risk-taking.

Fright. Using a single item created by the current authors, victims were asked "how often do you feel frightened of the defendant?" "Never" was scored as 1, "sometimes" as 2, "often" as 3, and "almost always" as 4.

Afraid for My Life scale (AFRAID). Victims were asked to use a scale from 1 ("Not at all afraid for my life") to 5 ("Extremely afraid for my life") to respond to 11 items indicative of the extent to which they were, or would be, afraid for their lives during those times. The items were created by the current authors, and were, for example, when victims disagreed with the defendant, during an assault, after the

police had come following an assault, and while the defendant was in jail. Scale scores were calculated by summing item scores, and thus potentially ranged from 55 to 110. The Cronbach alpha for the scale was .96, revealing a high level of internal consistency. Herein, neither Impression Management nor Self-Deception correlated significantly with AFRAID. Lending support for its validity, AFRAID related significantly and in the expected direction with abuse-related scales such as DOMINANC (r=.705, p<.0001, n=113), EMOTABUS (r=.612, p<.0001, n=113), and VIOL (r=.540, p=.0001, n=112).

Anger-Specific Situations (Anger-S). With this author-created scale, victims were asked to indicate the extent to which they had, were currently, or would be angry at the defendant in 13 different situations using a scale from 1 ("not at all angry at defendant") to 5 ("extremely angry at defendant"). The 13 situations were specific abuse- and court-related situations, for example, "the first time he slapped, hit, pushed, or otherwise abused me" and "while I was in court testifying against him in his presence." Scale scores were the mean of the 13 items', or situations', scores. The Cronbach alpha for the 13 items was herein found to be .92. The scale correlated with neither Impression Management nor Self-Deception. ANGER-S correlated significantly and positively with abuse-related measures such as EMOTABUS (r=.526, p<.0001, n=113), THREATS (r=.538, p<.0001, n=111), and victims' seeking to punish the defendant in an effort to stop the violence (r=.654, p<.0001, n=113). These associations lend support for the validity of the measure.

Impact of Events Scale (IES). The 15-item IES scale assesses psychological responses to trauma. This scale is comprised of both 7-item Intrusion and 8-item Avoidance subscales with Cronbach's alphas of .86 and .88, respectively. The overall IES scale has a Cronbach's alpha of .89. Respondents are asked to identify the frequency with which they have experienced 15 different stress responses during the past 7 days, using the four-point scale, often, sometimes, rarely, and not at all. These response options are weighted 5, 3, 1, and 0, respectively. Higher scores reflect greater posttraumatic stress (Zilber, Weiss, & Horowitz, 1982.

Horowitz, Wilner, and Alvarez (1979) reported the split-half reliability of the total IES scale to be .86. Test-retest reliability was .87 for the total scale. Cronbach alphas for the subscales were .78 for Intrusion and .80 for Avoidance.

The subscales are sensitive to improvement in psychological functioning that occurs as time-since-trauma increases and with therapy (Zilber et al., 1982). Consistency in endorsement of the items has been found for a wide range of traumatized groups, suggesting the scale taps a "universal pattern of responses" to stressful life events.

Silencing the Self (STS). The STS (Jack & Dill, 1992) is a 31-item measure. It assesses beliefs in culturally-dictated imperatives which, when used to guide behavior, contribute to depression, lower self-esteem, and increased feelings of "loss of self." The imperatives are: Externalized self-perception (EXTSELF), or judging one's self by external standards; Care as self-sacrifice (CARE), or putting other's needs before one's own to secure attachment; Silencing the self (SILENCE), the in inhibition of self-expression and action to avoid conflict and loss of relationship; and Divided self (DIVIDED), or conforming outwardly to prescribed feminine roles while inwardly growing hostile and angry. Items are responded to on a five point Likert scale, with "Strongly disagree" scored as 1 and "Strongly agree" scored as 5. To improve the internal consistency of CARE, two items were removed from it and from the overall STS scale ("I think it is best to put myself first because no one else will look out for me" and "In order to feel good about myself, I need to feel independent and self-sufficient"). Jack and Dill (1992) found battered women to score significantly higher on STS than college students and than mothers who abused cocaine during pregnancy, supporting the predictive validity of the scale. Reliability, both internal and test-retest, were found to be adequate.

Balanced Inventory of Desirable Responding (BIDR). Paulhus's (1984) BIDR assesses both Impression Management (IM) and Self-Deception (SD). Impression management refers to the tendency to deceive others, while Self-Deception is the tendency to deceive the self. Each subscale is comprised of 20 items. However, to improve the internal consistency of the SD scale, victims' scores for the item, "I usually enjoy my bowel movements very much" were not used to calculate SD and total IES scale scores. The scale

is balanced in having both negatively-and positively-worded items for the two constructs being measured. Response options range from 1 ("Not True") to 7 ("Very True"). Only the most extreme denial is scored (a response of "1" or "2" on the SD, and a "6" or "7" on the IM, scales), and thus only exaggerated denial is measured. Paulhus found that, when completed under anonymous and public conditions, people responded in socially desirable ways on IM with little change observed in SD. In the current study, the Cronbach alpha for both subscales was .66.

Judicial Decisions. Information regarding judicial decisions (guilty vs. acquittal due to trial, no contest plea, dismissal) were obtained from court records.

Analyses

Initially, a common factor analysis with varimax rotation was performed on both Concerns about Testifying items and on Sentiments items. Then, Cronbach alphas were calculated for the scales created through factor analysis, and for all other scales, but established and newly created for the current study. Descriptive statistics (primarily means and standard deviations) were then obtained. Next, ANOVA and Chi-square analyses were performed to examine the relationship between victims' preference for case outcome, as indicated at the time of arraignment, and a multitude of variables: concerns about testifying, abuse-related (e.g., THREATS, EXPAND), indirect indicators of abuse (e.g., IES, PSYSOMAT, STS, CORE) and possible mediators of victim/witness reluctance (e.g., ANGER, AFRAID, Concerns about Testifying, STS, SS, SOCSUP). Similar analyses were again performed to ascertain the relationship between such variables and case outcome. Because of the exploratory nature of this research, even findings with probabilities of less than .10 are identified. Because of the large number of analyses performed, it is likely that a number of significantly findings are due to chance alone.

Following quantitative analysis, interviews were examined for the purposes of enriching quantitative findings, to help further illuminate reasons for victim/witness reluctance, and to provide victims' evaluations of the criminal justice system's response to them.

RESULTS/DISCUSSION

A Portrait of the Sample

All but one of the victims surveyed were female (117 of 118). One relationship was lesbian; all others involved a heterosexual pair. The victims' ages ranged from 17 to 56 years, with the average age 29.28 years (the median was 28 years and the modal age 19 years). The survey sample was 50.9% African-American, 47.4% white, and 1.8% other. Almost half the victims (41.6%) had at least some college or technical training. Ten (8.5%) were college graduates. High school graduates constituted 70.3% of surveyed victims. Less educated were the 5.9% having an 8th grade education or less and the additional 23.7% having only some high school. The majority of the sample, 51.7%, was Protestant, while 14.7% were Catholic, none was Jewish, 20.0% were of "Other" religion, and 16.4% were of no religion. A sizable proportion of victims had no children (23.7%), 48.3% had at most one child, 78.8% had at most two children, 89.8% had at least three. Ten percent of victims had four or more children. The average number of children for the sample was 1.68. The number of children per victim ranged from zero to eight.

At the time of arraignment, the largest relationship category contained 26.7% of victims and was comprised of those married to the defendant. Another 8.6% were engaged to him. The second largest relationship category consisted of those who were with the defendant but not engaged or married to him (that is, boyfriend/girlfriend-type relationship; 19.0%). Many more victims were separated (17.2%), than were divorced (0.9%), from the defendant. For 18.1% of victims, their only relationship to the defendant was that of being a biological parent with him. The remaining 9.5% described themselves as "living together" with the defendant, but apparently not romantically involved, "just friends," or in a current or former girlfriend/boyfriend relationship. At the time of arraignment most victims (63.9%) sought to separate from (break up with) or stay separated from the defendant. The remaining 36.1% sought to get back together with him or to stay together. (Most defendants were in jail at the time of arraignment and victims' survey completion, a situation many victims considered to be "separation.")

As shown in Table 1, at the time of arraignment victims tended to dislike all possible case outcomes. The mean liking scores (and standard deviations) for conviction and jail time versus probation with no jail time and charges dismissed were 1.83 (1.79), 1.55 (1.63), and 1.58 (1.80), respectively. The

modal response for all three possible outcomes was 1, or "Very much dislike." On average, victims believed that, if they testified against the defendant, there was a 61.1% chance of him being found guilty (SD = 31.9%) and a 40.0% chance of him spending time in jail (SD = 33.6%). If victims could have determined how long the defendant was in jail, at the time of arraignment they would have had him stay in jail an average of 434.04 days (SD=1048.3). Median jail time was 30 days.

-----Table 1 about here-----

The typical victim had experienced emotional/verbal abuse and controlling/isolating behaviors by the defendant fairly frequently (EMOTABUS, mean=3.39, SD=1.20; DOMINANC, mean=2.82, SD=1.30). These means are comparable to those found by Tolman (1989) for a sample of battered women entering a domestic violence program (EMOTABUS, 3.45; DOMINANC, 2.71). On average each act of violence (e.g., pushing, kicking, hitting) occurred somewhere between once in the past year and two or three times in the past year for the typical victim (VIOL, mean=2.44, SD=1.17, median=2.17). Acts of "Serious" Violence tended never to have occurred (SERVIOL, mean=1.39, SD=0.86, mode & median=1). Defendants tended to have engaged in a limited amount of risk-taking when expressing violence (DEFRISK, mean=1.79, SD=0.96).

On average victims had experienced "mild" bodily pain (mean=3.14, SD=1.18) during the past 3 months. The mean number of health problems experienced by victims within the past three months was 4.70 (median, 4.00; SD = 2.97). Follingstad et al. (1991) found number of psychosomatic symptoms correlated positively with severity of abuse, a finding replicated here. As PSYSOMAT increased, variables thought to both directly and indirectly estimate extent of abuse also increased significantly. These variables included severity of violence (VIOL, r=.31, p=0008, n=112), defendants' dominating behaviors (DOMINANC, r=.37, p=.0001, n=113), defendant's unkindness after an abusive incident (UNKIND, r=.345, p=.0002, n=109), victim's bodily pain (PAIN, r=.486, p<.0001, n=112), severity of symptoms of posttraumatic stress (IES, r= .45, p<.0001, n=114), Psychological Damage (r=.38, p < .0001, n=109), victim's experience of a divided self (DIVIDED, r=.41, p<.0001, n=114), victim's anger in general at the defendant (r=.42, p=.0001, n=114), and victim's being afraid for her life (r=.32, p=.0005, n=113).

At the time victims completed their surveys, defendants had abstained from drinking an average of 99.7 days (SD=75.91) during the prior six months or 180 days. They had been drunk an average of 46.42 days. By comparison, victims had abstained an average of 160.1 days and were drunk 4.3 days. These findings are similar to those of Maisto et al. (1979), who found respondents report fewer days drunk for themselves than for others. Victims and defendants were abstinent more days than were the outpatient alcoholics studied by Maisto et al. (mean=58.14, as reported by a collateral; mean=59 for self-reporting alcoholics), and were drunk fewer days than were the outpatient alcoholics (mean=35.77, reported by collateral; mean=30.63 for self-reporting alcoholics).

During the prior seven days the typical victim "sometimes" experienced each of the various posttraumatic stress symptoms tapped by the IES (mean=2.35, SD=1.23). Intrusive ideation regarding the current abusive incident occurred slightly more frequently than did avoidance in thinking about it (means= 2.55 & 2.18, SDs=1.56 & 1.16, respectively). These means are intermediate those found by Horowitz et al. (1979) for a group of outpatients seeking treatment for the loss of a parent (INTRUS, mean=3.00; AVOID, mean=2.60) and for a field sample of persons also having a recently deceased parent (INTRUS, mean=1.93; AVOID, mean=1.18).

On average, victims had 1.87 persons to whom they could turn for social support and 1.31 people to whom they could turn for functional support (SDs=1.48 and 1.32, respectively). These findings suggest victims had few resources they could draw on for social and functional support.

Victims typically only "sometimes" felt frightened of the defendant (FRIGHT, mean=1.79, SD=0.96). Given a possible and observed range in AFRAID scores of from 11 to 55, the sample's mean AFRAID score of 28 (SD=14.51) suggests that victims were somewhat afraid for their lives during times of disagreement with, and assault by, the defendant, and when pursuing legal action against him. As shown in Table 2, more victims reported being or anticipating being extremely afraid for their lives during an assault (34.5%), and if a court case against the defendant was dismissed after they had testified against him (28.3%), than during other times in the legal process. The next most fearful time was if the defendant had to go to jail because of violence he had committed against the victim. Almost 25% stated they would fear for

their lives at this time. Some victims, and perhaps most, may not yet have experienced the events described in some of the items' time periods. Findings for those times in the legal process that post-date arraignment should therefore be viewed cautiously.

-----Insert Table 2 about here-----

Victims tended to be "somewhat" generally angry toward the defendant at the time of the arraignment (ANGER-G, mean=2.28, SD=0.86). However they tended to describe themselves as moderately to highly angry during times of abuse and during periods demarcated in terms of court events (ANGER-S, mean=3.41, SD=1.08; mode = 5, or "Extremely angry at defendant"). The times that victims were most angry, not surprisingly, were during periods of abuse. As shown in Table 3, during an assault victims between 61.6 and 75.5% of victims were extremely angry at the defendant. Feelings of anger tended to decrease as time since assault increased. By the time of trial, only 29.1% of victims were extremely angry at their assailant. On the other hand, 46.8% of victims felt they would be extremely angry at the defendant if the court case against him were dismissed (sic) after they had testified against him. Some of the time periods examined were court events that some victims had not yet experienced at the time of survey completion. Findings for these items should be viewed cautiously.

-----Insert Table 3 about here-----

Out of a possible HELPSEEKING score ranging from 0 to 41, victims on average scored 11.84 (SD=7.36), suggesting a low level of helpseeking overall. On average victims had engaged in one "non-productive" helpseeking behavior, such as sleeping a lot or covering up for the defendant (j58, mean=1.000, SD=1.067), contacted 1.94 different types of people, such as a friend or a member of the clergy, about the abuse (j59, SD=1.495), actively sought help from 2.14 help providers such as the police or a social service agency (j60, SD=1.736), and engaged in 1.29 disengagement-from-partner behaviors, such as leaving home or taking legal action (j61, SD=1.026). Forty-three percent of the victims had separated from or divorced the defendant immediately following an abusive incident, however, this measure may be artificially inflated, as many victims viewed their partners' spending time in jail between arrest and arraignment as a separation.

Because victims could indicate they had engaged in only those helpseeking behaviors that were listed in the survey, victims may actually have engaged in many more helpseeking behaviors than were examined.

In general victims were low in hopelessness. With a possible range of scores from 0 to 18, victims on average scored 4.36 (SD=4.59). They were lowest on affective indicators of hopelessness about the future (mean=0.73, SD=1.35) and highest on cognitive aspects of hopelessness, or anticipations about the future (mean=3.68, SD=1.50). Despite describing themselves as fairly high in religiousness (RELIGIOU, mean=3.12, SD=1.34), victims on average had only "somewhat" used religion to cope with defendants' violence (mean=1.94, SD=0.81, mode=1).

In general victims were optimistic regarding their futures should their relationships with defendants end. The typical victim thought it "probable" both that she could find another partner who was as good or better than the defendant (mean=2.97, SD-0.81) and that, without him, she would be at least as well off financially (mean=3.06, SD=0.93).

SYSNONCO provides a picture of how well the legal system has cooperated with victims in helping protect them from present and future violence. This variable may not refer to violence involving the current defendant. Victim/witness reluctance is often viewed as beginning with a decision to not call the police. This "decision" is put in perspective with the finding that 44.2% of the victims had experienced themselves or a family member being prevented from calling the police to report an abusive incident. Ten percent of victims had experienced the police not responding to an incident of abuse after the police were called. At some time in their past, 52% of victims had called the police but the police did not arrest their abuser. These findings suggest a history of considerable "system noncooperation" with victims early in the legal process. Such early system non-cooperation may make it difficult for prosecutors and judges to re-gain victims' trust when victims nonetheless manage to have their assailants arrested and the cases do go forward, as well as in subsequent cases involving those victims.

Possibly because few victims had previously witnessed their partners being arrested and even fewer had previously had cases go to trial, victims appear to have obtained more cooperation from judges and prosecutors than from police. Twenty-seven percent of victims had previously had a case against their

abuser dismissed. For 8%, dismissal had occurred too many times to count. Seven percent had had their abuser found not guilty, and 5.4% had had this happen "too many times to count." While 8% had previously had an abuser found guilty but not serve any time in jail, *only 4% had their abuser found guilty and do jail time*. It is difficult to interpret these findings without knowing victims' overall experience with various stages of the legal process. It is also difficult to interpret the findings without knowing victims' goals at each of the legal steps examined. Nonetheless, these findings paint a picture of a people whose history with the legal system includes unsuccessful prosecutorial responses to abuse, in the sense that perpetrators often were not punished for their crimes. For obvious reasons, most of these "unproductive" responses occurred early in the legal process.

Victim/Witness Reluctance: Survey Findings

Concerns About Testifying. Using a scale from 1 ("Not at all concerned") to 5 ("Extremely concern"), victims expressed how concerned they were about each of 32 issues related to testifying (Items 9 through 40). In Table 4 mean level of concern is shown for each of the 32 issues. Table 5 lists the percent of victims who were "not at all concerned" and who were "extremely concerned" about each of the 32 issues. Of the 32, "the courts and the law are scary to me" was the issue of greatest concern to victims (mean=3.14), with 36.4% of victims stating they were extremely concerned about testifying because of it. Of next greatest concern were the issues, "I don't like to think of myself as a battered woman and/or don't want others to view me that way" (mean=2.97) and "No matter what I am responsible for keeping my family together" (mean=2.96). Fear of retribution was an issue about which victims tended to be more concerned. (See means for Items 26 [2.74], 13 [2.61], 32 [2.54], 9 [2.49], 34 [2.42], and 26 [2.33].) Victims also were concerned that prosecutors would not prepare them adequately (Item 23, mean=2.73), that they didn't like testifying against someone they love (Item 12, mean=2.69), and that the defendant might not be found guilty if they testified against him (Item 14, mean=2.62). One in four victims was extremely concerned about testifying because the defendant might not be found guilty.

-----Insert Tables 4 & 5 about here-----

A common factor analysis was conducted using maximum likelihood and varimax rotation for the purpose of identifying the underlying factor structure of the 32 items addressing victim's concerns about testifying. The scree plot revealed three factors, while the eigenvalue rule indicated seven. The percent of variance accounted for by each of the factors, from first to seventh, was 33.49%, 6.43%, 8.84%, 1.49%, 2.97%, 2.60%, and 2.16%. When those items loading .40 or better on each factor were used to define scales for internal reliability analysis, only three of the scales—those associated with Factors I through III--had acceptable internal consistency (Cronbach alpha$\geq$.70).

Scale I, labeled "Fear of Reprisal" (REPRISAL), is comprised of seven items describing fear of more violence by defendant should the victim testify and the victim's inability to obtain outside help should this occur. Scale II, titled "Hurt Relationship with Defendant" (HURTREL), is composed of five items describing fear of losing or impairing the relationship with the defendant should the victim testify. Scale III concerns fear of being abused by the judicial system should the victim testify. This third scale is comprised of six items and labeled "Fear of Court" (FEARCRT).

Several items loading $\geq$.40 on these factors--Item 20 on Factor I and III and Items 30 and 33 on Factor II—were omitted from scales for conceptual reasons and also because the items reduced the scales' internal consistency. So constituted, REPRISAL, HURTREL, and FEARCRT had Cronbach alphas of .94, .74, and .81, respectively. See Table 6 for a listing of the items comprising the three scales and for the loadings of the items on their relevant factor. The scales' means (and standard deviations), from first to third, were 2.44 (1.43), 1.79 (0.93), and 2.62 (1.12), respectively, suggesting that at the time of arraignment victims were a little more than moderately fearful of the courts and of reprisal by the defendant should they testify. At the same time they were a little fearful of hurting the defendant if they testified.

-----Insert Table 6 about here-----

As victims' Fear of Court increased, their Fear of Reprisal increased significantly (r=.516, p=.0001, n=117) and their Fear of Hurting the Relationship should they testify tended also to increase (r=.178, p<.10, n=117). REPRISAL and HURTREL were unrelated. Victims' IM increased significantly as their Fear of

Reprisal increased (r=.19, p =.04, n=113) and tended to increase as their Fear of Court increased (r=.18, p < .10, n=113). No other relationships between the subscales and IM or SD were found.

It is not surprising that REPRISAL and IM related significantly, for REPRISAL is at its core an IM problem, but one that is specific to the abuser and created and maintained by his threat of violence. The finding suggests that those participants more concerned about IM are more likely to be concerned about the effects of their behavior on the defendant. Similarly, those more concerned about IM tend to be more concerned about how court will treat them. Thus the validity of both scales appear supported by these relationships to IM.

SENTIMENTS. Common factor analysis with varimax rotation was also used to analyze the 24 sentiments items. The scree plot revealed two factors, though both Chi-square and the eigenvalue rule revealed three factors. The three factors explained 17.15%, 10.24%, and 2.29% of the common pool variance, respectively. Nine items loaded at least .40 on Factor I, and six items loaded that strongly on Factor 2. The first factor was called, "Using Punishment to Stop the Violence" (STOPVIOL), for its items suggest a desire to punish the defendant in an effort to end the violence. The second factor, titled, "Keeping Family and Relationships Intact" (FAMILY), was endorsed by victims seeking to keep the defendant at home (not in jail), bringing home a paycheck for his family, and being a father to his children. In creating the STOPVIOL and FAMILY scales from items loading at least .40 on these factors, one item meeting the .40 criterion was omitted from each scale. In the case of STOPVIOL, the item ("My primary goal is to make my relationship with the defendant work") was omitted because it loaded even more strongly on FAMILY. The item omitted from FAMILY--"I don't think the defendant would abuse me if he thought he would have to go to jail for doing so"--was dropped for both conceptual reasons and because it lowered the Cronbach alpha for the scale. The third factor failed to form an internally consistent scale. The scales and the items comprising these scales are shown in Table 7.

-----Insert Table 7 about here-----

As shown in Table 1, STOPVIOL and FAMILY had Cronbach alphas of .88 and .82, respectively. Neither STOPVIOL nor FAMILY related significantly with either IM or SD of the BIDR. With scales'

means of 3.49 and 2.84, victims appear on average to have more agreed that they sought to use punishment to stop the defendants from being violent against them and to have more disagreed that they sought to keep their families intact by keeping the defendant out of jail. The two scales related negatively and significantly with one another (r=-.56, p<.0001, n=118), as one would expect.

Victim/Witness Reluctance: Interview Findings

Analysis of interviews revealed a multitude of reasons for victims seeking case dismissal. In fact, most victims presented many reasons for seeking dismissal. Some of the issues emerging again and again are described below, though the list is not exhaustive.

Love. Despite quantitative findings suggesting Stockholm Syndrome (SS) was low (mean=2.15, SD=0.77), many victims stated that they did not want to testify against the defendant because they still loved him. Study Participant Identification Number (SID) 008, for example, described both fear "that he would hurt me" and, at the same time, love for him as impacting her decision to not testify against him. Such a "finding" is consistent with a SS interpretation of love (Graham et al., 1994). SID 015 states, "The only reason I didn't [testify] is that I'm still in love with him." She would recommend to a friend, "If she's not in love with him and doesn't want to be with him, she should testify."

Denial of Abuse. Consistant with the findings of Ferraro (1989) and Ferraro and Johnson (1983), victims frequently viewed the incident leading to the defendant's arrest as not abusive. Graham et al., (1994) interpret such denial as a psychological defense against fear or terror. In response to the question, "What would it take for you to prosecute your partner?" SID 015, for example, answered, "If I was getting physically abused. If I was in another situation."

Interviewer again asked, "What would it take?

Victim: Like if there was kicking or blood. I'd have to tell myself then, this isn't love.

Interviewer: So the difference is blood?

Victim: Yeah, kicking, hollering, screaming, cheating....but all he did was pull my hair and choke me."

Asked what changes she felt would make witnesses more willing to testify, she answered, "If they knew they would be safe. People can't testify if they can't be safe. They would have to guarantee safety." This answer suggests fear underlies denial of the abusiveness of violent incidents.

Victim Seeks to Stop Abuse. Stopping the violence almost always appears to have been the primary goal of victims. Victims who felt that arrest or a TPO had accomplished this end did not feel it necessary to further pursue prosecution, thereby becoming a "reluctant" witness (cf. Ford, 1991). According to SID 093, whose case was plea-bargained,

> When the cops came the second time [that same day], they asked who had touched who first. I told them he touched me first. They saw the bruises and marks on my neck and arms, took pictures, and said they were going to arrest him. I started crying and told them I didn't want him arrested. <What did you want when you called the police?> I just wanted the fighting to stop. I felt like total shit, like he was going to hate me forever if he got arrested....<Were you asked by the prosecutor for your opinion?> I wanted the case dismissed with only a TPO. I thought the TPO would force us to not fall back into the pattern of living together again.

Cross-Complaints. Cases involving cross complaints almost always ended in dismissal.[5] Victims stated they were reluctant to testify against their assailants out of fear that their assailants would testify against them. Issuance of cross-complaints not only increased victim-witness reluctance in the current case but, according to victims, ensured that they would not call police about future violence. Defendants frequently threatened victims, saying, if I go to jail, you will too, even if I have to injure myself to ensure you do. For example, SID 059, who was currently trying to separate from her assailant in a safe way, states, "...Now, I'd just leave it alone. I'd leave the criminal justice system out of it. I'm leaving him. I'm not going to call the police again. He said I'd go to jail if he has to go."

Children. The presence of children frequently had the effect of discouraging some victims from testifying. These victims wanted the defendant at home (not in jail), earning a paycheck and/or helping her with childcare. SID 063, for example, stated that she went back with the defendant following the dismissal

to be around if he is [here]. It [daughter's comments] makes you stop and think. I'm not gonna lose my daughter for nobody. She comes first!!!

However, the current investigators were frequently surprised that victims typically did not think the defendant's abuse of them had impacted their children. Exceptions to this observation tended to occur only when abuse was frequent and severe. Research has shown that being exposed to violence between parents has wide-ranging effects on children. In a review of this literature Grych and Fincham (1990) concluded that more intense and more frequent conflict between parents is associated with greater distress and more behavior problems in children. The relationship existed regardless of age or sex of child. Children's problems included aggression, depression, social and cognitive difficulties, and lowered grade point average. (See also Davies & Cummings, 1994; Fantuzzo & Lindquist, 1989; Kolbo, Blakely, & Engleman, 1996 for additional reviews of this research).

The case of SID 039 shows clearly how having a child by an abusive partner introduces many new factors into victims' considerations of how to respond to violence by a partner. And, it shows how children's presence simultaneously pulls victims in opposing directions. She states: "[The defendant] is the father of my child. My daughter comes first." On the day of the trial, she "went to court to get it over with" but was told by the prosecutor that, to win the case, the trial would have to continued so that she could bring witnesses on the next trial date. She said, "I felt to do anything other than getting it over with was further traumatizing our child...[because it] would have meant more yelling, more animosity in front of our daughter. [And,] if [he] was locked up, of what use was he to my daughter?" So she left him instead. He was found Not Guilty. She notes that, for financial reasons she couldn't have successfully separated from him, gotten a full time job, and gotten on her feet financially if she had had 4 or 5 kids, rather than just one. "But I also couldn't have gotten out if I'd not had any kids. I couldn't have done that for myself. But I couldn't let this happen to my daughter." At the time of the interview the victim was seeing the defendant again. "If it weren't for my daughter I wouldn't forgive him. I have to for her sake," she states. Yet, she was currently distrustful that the abuse could begin again. "I hope he's always in my daughter's life but I don't count on it. I won't take her stability from her again." Thus, abuse-impacting-her-child was the reason SID

him, gotten a full time job, and gotten on her feet financially if she had had 4 or 5 kids, rather than just one. "But I also couldn't have gotten out if I'd not had any kids. I couldn't have done that for myself. But I couldn't let this happen to my daughter." At the time of the interview the victim was seeing the defendant again. "If it weren't for my daughter I wouldn't forgive him. I have to for her sake," she states. Yet, she was currently distrustful that the abuse could begin again. "I hope he's always in my daughter's life but I don't count on it. I won't take her stability from her again." Thus, abuse-impacting-her-child was the reason SID 039 left the defendant and a major part of the reason she did not seek a continuance and bring a witness to trial on a future court date. His being the child's father was also the reason she gave for currently considering getting back with him.

Having had a child by the defendant tended to keep the defendant in victims' lives. When asked how she thought the story of her relationship with the defendant would end, SID 060 stated, "I don't think it will ever end cause I got kids with this man. Until they are grown I'll always have to have something to do with him." Knowledge that such contact is necessary and even desirable from many victims' perspective--so that the children know their father and have him in their lives--negatively impacted many victims' decisions to testify.

Lengthy Court Process. Given the quantitative findings showing victims' anger at defendants decreased as time-since-violence increased, it is not surprising that victims whose cases took a long time to go to trial tended to report less interest in pursing prosecution. In the case of SID 014 it took 4 months for the defendant to be arrested. Then, on the day of trial she sat in court from 9 a.m. until 1 p.m. When asked why she didn't give more input about the plea, she stated,

> I didn't want to be bothered with it. If he had been arrested right away and we had gone to court earlier and it hadn't been my daughter's birthday, maybe I'd have given more input. I was frustrated for sitting so long [in court that day]."

She says, eventually all she could think of was getting home for her daughter's birthday. "Out of all that time, about 5 minutes was allotted to the case." The prosecutor talked to her for about 2 minutes outside in the hall beforehand.

On the other hand, the period before trial, if not too long, gives victims time to think. SID 006, who initially sought case dismissal, described changing her mind about prosecuting. She was beginning to remember more of what happened. (See also, "TPO Violations" and "Arraignment Judges," below, for descriptions of effects on victims of defendants making contact with them between arrest and trial.)

Pursuit of Separation Versus Jail. There was a subgroup of victims who viewed the solution to their situation as involving, not a legal response, but a separation from the defendant. Compared with other victims, this subgroup tended to report less physical violence and less fear of the defendant.[6] I'd be right back to Block A. I would have been looking to someone else [the Judge] to do it for me, to give me hope. I would have stuck it out." When asked how she would advise a friend who was involved in a similar case, she responded,

> I'd advise her to get it over with and just leave him. Do it on your own....I can't see them [court] helping. Most of the women there are wanting him to get fixed. They're not there to give up on their family. They're there as a last resort to get help for their family.

Jail Increases, Not Decreases, Violence in Long Run. Some victims were reluctant to testify because they viewed jail as only increasing the defendants' anger and violence. When asked what she told the prosecutor that she wanted to have happen with the case, SID 060 responded, "I thought he needed some help. The problem couldn't be solved in jail. I thought that would only make him angry when he got out." SID 010 reported, "He had already told me, 'If you ever had me put in jail, I'd get free room and board and having nothing to do all day except sit around thinking about what I could do to you after I got out.'" She continued, "So I knew it was true, jail time wouldn't help." SID 003 saw things similarly: "My ex did 18 months in the pen. It didn't change nothing. It made it worse....How much time they do is how much revenge they'll want when they get out....They can't give them life."

Fear of Reprisal. The interviews uncovered what the quantitative findings also reveal: many victims fear reprisal should they testify against defendants. SID 008, whose case was dismissed and who says she still loves the defendant, stated, "I was afraid that if I did go through with court that he would hurt me." Evidence from other studies (e.g., Buzawa & Austin, 1993; Martin, 1994; McLeod, 1983; Singer,

1988) suggests that, among spousal abuse victims, fear of reprisal is likely to be related to victim/witness reluctance. For example, in a study extending beyond domestic violence cases and including all felony and misdemeanor criminal cases, Cannavale and Falcon (1976a; 1976b) found that their most frequently obtained response to the open-ended question, "What changes do you think would make witnesses more willing to cooperate" (p. 17a, p. 55b), was fear of reprisal. However, fear of reprisal was reported by approximately equal percentages of reluctant and non-reluctant witnesses (both victims and non-victims). More residents than nonresidents expressed this fear (30% vs. 17%), suggesting that proximity of victim and offender, in terms of physical distance, impacts level of fear. Of course, defendants and victims in domestic violence cases often have minimal distance between them.

TPO Violations. TPO violation appears to have been rampant. Many victims who reported TPO violations to police were frustrated to learn that police could not arrest defendants unless they saw defendants violating it. Many victims reported the TPOs permitted them time to make necessary life changes, such as realizing they did not need defendants as they had previously thought, time to experience freedom and a modicum of safety, time to imagine a life without him. This need for time away from the defendant was reported by victims for whom the TPO was both honored and violated by defendants.

These violations communicated to victims that they were not safe and that the criminal justice system could not protect them. This was especially the case for victims who had called police to report TPO violations, but police had refused to arrest violators unless they had witnessed the violation themselves. TPO violations also provided defendants opportunity to convince victims not to testify against them. Many victims reported having been persuaded by defendants to pursue case dismissal during the period when a TPO was in effect.

Not Understanding the Court System and Not Knowing the Law. Victims did not understand the court system. Several thought their cases had been closed, though they were still pending. Many did not know what the case outcome was, mistakenly thinking, and even being adamant, that the case disposition was something other than what court case files indicated. For example, SID 074 insisted that the defendant had pled NC for the DV case about which we were interviewing her. Court records reveal that the charge

was dismissed for want of prosecution. Interviewed victims often complained that no one took the time to explain things to them, including the outcome of a case. They did not understand the legal jargon being used, nor did they understand the law. (See "Prosecutors," below, for more on this.)

Victims unfamiliar with the law tended to leave the courthouse believing they could not depend on the court system for help. When this occurred, it is likely a future reluctant victim/witness had been created. For example, SID 034, who testified but the defendant was found Not Guilty, states that she thought the judge was unfair because it "seemed like he wasn't concerned. He didn't look at the history of abuse in the relationship" before ruling. The victim clearly did not know that the law does not permit judges to take defendants' history into account in rendering a verdict.

View that Courts Do Not Hold Defendants Accountable. Another issue found to apparently encourage victim/witness reluctance was victims' belief that courts do not hold defendants accountable for their violence. When asked, would you recommend to a friend that she call the police?" one victim answered, only if the situation is life-threatening because "when you go to court they'll make you feel about this big [puts up thumb and forefinger], then its all over and he's back on the street." (See "Judges," below, for more on this topic.)

Slipping Through the Cracks. Almost every morning at arraignment, victims were observed by investigators to "slip through the cracks." SID 032 provides an egregious example of how such slips may create reluctant witnesses.

SID 032 says her name was never called the morning of trial, but that she was standing in front of the judge when, before she knew it, her case was quickly dismissed. When asked why it was dismissed, she answered she did not know. Examination of the court file reveals dismissal occurred because the prosecutor did not know how to locate her. Police had not been able to serve her with a subpoena due to her nine or more changes in address since arraignment. Apparently, she was not recognized by the prosecutor as she stood next to him, photos of injuries in hand. Extensive questioning of the victim by the interviewer revealed she was present at trial that day. She reported having made repeated efforts, both at arraignment and at trial, to get photographs of her injuries to the prosecutor. At arraignment a police officer told her the

prosecutor should have all the evidence needed. On the day of trial she was unable to find any one who could tell her which prosecutor was her's, or even whether her case was a city vs. a county case. The photos of injuries that she carried to court had been taken by her sister, because the arresting officer had refused to photograph them. In sum, the case of this apparently highly committed victim was dismissed, with court personnel perhaps presuming that they were dealing with a reluctant witness. Instead, what would have been assumed to be "victim/witness reluctance" was actually a case of repeated "system non-cooperation" with a victim. While this victim provides an extreme example of system non-cooperation, investigators saw victims slip through the cracks on a near daily basis at arraignment. Such slips occurred so frequently as to be viewed as the modus operandi for the court system.

Victim Preference for Case Outcome and Actual Outcome and the Relationship Between Them

Of those victims expressing a clear preference for case outcome at the time of arraignment (n=98), 46.4% sought conviction and jail time for the defendant, 22.7% sought probation, and 30.9% sought dismissal. Twenty-one of 118, or 17.8%, expressed no clear preference. Four of 118 cases, or 3 of those 98 cases in which a clear preference was expressed, were still pending at the time of data analysis, with capiases outstanding. Of the 114 cases that were closed at the time of data analysis, actual case outcomes were: 52.6% No Contest pleas to original or lessor charges, 36.8% dismissed, 7.9% acquitted by trial, and 2.6% guilty by trial.

Three cases that were misdemeanors at arraignment were later refiled as felonies. While one was dismissed due to the victim being "noncooperative" (SID 006), the other two led to guilty verdicts (SID 013 and 023). Only 12 of 118 cases went to trial. Of the 12 cases going to trial, only one tried as a misdemeanor and the two tried as felonies resulted in guilty verdicts. Of the 10 misdemeanor cases going to trial, only one resulted in a guilty verdict.]

Chi-square was used to analyze the relationship between victims' case outcome preferences at the time of arraignment and actual case outcomes. Chi-square analysis revealed no relationship between victims' preference for case outcome at time of arraignment and actual case outcome. However, because of the small frequencies expected in the Not Guilty and Guilty cells, chi square analysis was re-run after

collapsing those case in the No Contest, Guilty, and Acquitted groups, thereby creating a Dismissal vs. Non-Dismissal dichotomy for describing actual case outcome. Again, no relationship was found between preferred case outcome and actual case outcome. Table 8 shows the frequencies and percentages of preferred case outcomes shown as a function of actual case outcome.

-----Insert Table 8 about here-----

Variables Associated with Case Outcome

A wide range of variables was used to help uncover variables associated with victim/witness reluctance. Cronbach alphas, means, standard deviations, and observed ranges for scores for these variables are listed in Table 1.

Because of the small number of cases involving a trial, all outcomes requiring victim participation in prosecution were compared with those in which victims were not likely to have participated. Thus, dismissed and non-dismissed cases were compared. The purposes of these comparisons were to describe the reluctant witness and to identify factors which might account for victim/witness reluctance. However, it is also possible that variables associated with dismissal/non-dismissal were the consequence rather than the cause of victim/witness reluctance, or spuriously related to it.

Chi-square analysis was performed to assess the relationship of demographic variables to case outcome. Only victims' Religion related significantly to case outcome (chi sq=9.80, df=3, p=.02). As shown in Table 9, case outcome for Catholics was more likely to be dismissal (64.7%) than non-dismissal (35.3%). For victims of all other religions, cases were more likely to end in non-dismissal: 71.7% of Protestants and 70.0% of those of an "Other" religion had cases ending in non-dismissal. Individuals of no religion were equally likely to have a case end in dismissal (52.6%) as non-dismissal (47.4%). Case outcome did not relate to victims' race, education, relationship goals, having children, or being the parent of a child with the defendant.

-----Insert Table 9 about here-----

Univariate ANOVA was used to identify variables on which victims of dismissed and non-dismissed cases differed. These findings are shown in Table 10, along with group means. Compared with

victims of non-dismissed cases, victims of dismissed cases were younger (means= 30.66 vs. 27.17 years, respectively; F(1, 113) = 5.21, p=.02), though the lengths of their relationships with defendants did not differ. Victims of dismissed cases were also less (intrinsically) religious (RELIGIOU, means = 3.26 vs. 2.91, respectively; F(1,113) = 1.84, p=.016; RELIG8, means=3.17 vs. 2.76, respectively; F(1,113) = 1.92, p=.017).

-----Insert Table 10 about here-----

A composite of non-significant findings helps put the two groups in perspective. *There were no significant findings suggesting that victims of prosecuted cases were any more (or less) abused than their counterparts whose cases were dismissed.* In fact, the means of those with dismissed cases were slightly higher for a variety of abuse- and anger-related measures than the means for victims of prosecuted cases: Violence (1.33 vs. 1.07, respectively), controlling and isolating behaviors by defendant (1.34 vs. 1.28), Emotional/Verbal abuse by defendant (1.27 vs. 1.16), Core Stockholm Syndrome (2.33 vs. 2.27) and anger at defendant during various aspects of the court case and during abusive encounters with him (1.15 vs. 1.04), though these mean differences were not significant. Mean DEFRISK scores were slightly (but non-significantly) higher for the defendants of dismissed, not non-dismissed, cases (1.85 vs. 1.75, respectively). Contrary to this pattern, the mean score of victims of dismissed, as compared to prosecuted, cases was non-significantly lower on "Serious Violence" (.70 vs. .94). While these measures reveal no differences in amount or severity of violence for the two groups for the duration of their relationships with the defendant, differences in severity of the current violent incident may exist between them.

Several findings suggest that, despite a lack of difference in the amount of abuse the two groups had experienced in the relationship, there was something about the nature of the abuse that caused victims of prosecuted cases to be impacted by it in more negative ways at the time of arraignment than were victims of dismissed cases. They were significantly more likely than victims of dismissed cases to fear future violence should they testify against the defendant (REPRISAL, means=2.66 vs. 2.11, F(1,114) = 4.21, p=.04, R^2=.035). They tended to more often be frightened of the defendant than were victims of dismissed cases (FRIGHT; means=2.43 vs. 2.07, F(1,107) = 3.25, p=.07). They also reported significantly more

psychosomatic symptoms within the past 3 months than did victims of dismissed cases (PSYSOMAT; means=5.17 vs. 3.93, F(1,115)=4.88, p=.03, R^2=.041). And, they experienced significantly more posttraumatic stress symptoms as regards the current abusive incident than did victims of dismissed cases (IES; means=2.55 vs. 2.03, F(1,113)=5.40, p=.03, R^2=.043). Symptoms involving intrusive ideation in particular were significantly more severe among victims of prosecuted, as compared to, dismissed cases (INSTRUS; means=2.82 vs. 2.12, F(5.60)=.02, R^2=.048).

There are other indicators that the abuse experienced by victims of prosecuted cases was in some sense more severe than that experienced by victims of dismissed cases. The latter group placed significantly lower priority on dealing with the issue of whether their partner's abuse of them was affecting their children (i112; F(1,95)=50.09, p=.03, R^2=.051) and tended to place lower priority on dealing with how to protect their children from their partner (i114; F(1,94)=3.71, p=.06, R^2=.038). Victims of dismissed cases, as compared to prosecuted cases, were also significantly less sure that their children had seen and heard the defendant being violent towards them (CHILDSEE, F(1,92)=5.03, p=.03, R^2=.052; CHILDHEA, F(1,94)=6.19, p=.01, R^2=6.19).

Given the greater negative impact of the violence on victims, and presumably the children, of prosecuted cases, it is perhaps not surprising that these victims agreed significantly more that punishment of the defendant by the legal system was needed to end the violence (STOPVIOL; means=3.75 vs. 3.08, F(1,117)=11.07, p=.001, R^2). Nor is it surprising that victims of dismissed, as compared to prosecuted, cases appeared more committed to their relationship with their partner. For example, victims of dismissed cases were significantly more likely to agree that they sought to keep their families intact, thereby ensuring their children had a father at home and the benefits of his paycheck (FAMILY; F(1,117)=4.22, p=.04, R^2=.035). As compared to victims of prosecuted cases, victims of dismissed cases tended to more agree that their primary goal was to make their relationship with the defendant work (i55; F(1,116)=3.21, p=.08, R^2=.027). Probably because victims obtaining dismissal sought to keep their families intact, they tended to be more concerned that a guilty verdict would impact the defendant's ability to get and/or keep employment both currently and in the future (i40; F(1,116)=3.58, p=.06).

Paradoxically, as compared to victims of non-dismissed cases, victims of dismissed cases tended to have engaged in more helpseeking behaviors immediately following abusive incidents (HELPSEEKING; $F(1,109)=3.27$, $p=.07$, $R^2=.029$). And, despite their greater interest in preserving their traditional families, they were more likely to have separated or divorced the defendant immediately following abuse (j60; $F(1,109)=5.80$, $p=.02$, R^2). They tended to also have taken more action steps such as visiting a social service agency, visiting an attorney, engaging in safety planning for themselves, and threatening the defendant with consequences for having abused them (j60; $F(1,110)=3.49$, $p=.06$, $R^2=.031$).

In conclusion, paradoxes exist. On the one hand, victims of dismissed and non-dismissed cases did not differ in the amount of violence they reported experiencing during the history of their relationship. On the other hand, numerous indicators--for example, fright, posttraumatic symptoms, concern about the impact of the abuse on children--suggest that the violence experienced by victims of prosecuted defendants was more threatening. And, although abuse against victims in prosecuted cases was experienced as more threatening, victims in dismissed cases engaged in more helpseeking than did those of prosecuted cases. Helpseeking was herein conceptualized as steps taken toward disengagement from partner immediately following abuse. It is paradoxical then that the group most committed to maintaining a relationship with the defendant was the group that engaged in more disengagement steps immediately following abuse.

One question that arises is, did the violence experienced by the two groups actually differ or was similar violence experienced differently by the two groups? If the difference is a perceptual one, then perhaps victims of dismissed cases more believed they could control the defendant's violence or still believed they could change him. SID 032, whose case was dismissed and who was in hiding from the defendant, states, "I think probably all women think they can change a person, or that he's different, he loves them." The belief that they maintained some control may have caused victims to experience the violence as less traumatic. Research has demonstrated that, persons who perceive they have control, even when they don't, adapt better to stress and demonstrate more endurance (Glass, Reim, & Singer, 1971; Glass, Singer, & Friedman, 1969; Lefcourt, 1973; Richter, 1959).

Another possibility is that the current incident differed for the two groups, so that the current incident for victims of prosecuted cases was more violent or threatening than those for victims of dismissed cases, though their histories of violence were otherwise similar.

The System From The Perspective Of Victims

During interviews victims were asked to evaluate the response of the police, prosecutor, arraignment judge, trial judge, and victim advocate. Evaluations of prosecutors were by far the most negative, particularly if the victim met the prosecutor for the first time on the day of trial after having previously discussed the case with another prosecutor. The police received the second most negative evaluations, and there were many more positive evaluations of police than of prosecutors. Victim advocates received the most positive evaluations. Below are given the common problems, as seen by victims, thought the list is not exhaustive.

Prosecutors. Victim/witnesses described two major problems associated with prosecutors: prosecutors having not met with them prior to the day of the trial, which they felt negatively impacted the case presented, and, perhaps related, prosecutors' attitudes and treatment of them. There was also the problem of victims not understanding the law. For example, some victims expressed upset that the defendant's past history was not presented by the prosecutor and that victims could not hear defendants' testimony.

Trauma victims, by virtue of their victimization, need succorance, support, protection, and safety. Trauma, regardless of its source, shatters one's world views. When the source of the trauma is someone they love and whom they think loves them, their world view is all the more shattered. They no longer know who they can trust. During any court events occurring shortly after the abusive incident, one would expect this to be the state of victims.

Yet, when asked how prosecutors behaved, victims tended to describe them as "indifferent" (SID 001), as acting "like she was better than me....She made me feel like I was about this small, like I was the one who did something wrong....She was rude" (SID 003), as "making me feel very unimportant, like I wasn't going to be believed" (SID 006), as "nonchalant, like he really didn't care, like 'I'm ready to go

home'....He didn't really care about the case. He was supportive of prosecution but didn't have time for me....His attitude made me want to give up" (SID 034), as "really nasty,...treat[ing] me like a criminal and like I had no right to be there" (SID 120).

Many victims described prosecutors treating them as adversaries. Heretofore unreluctant victims who found prosecutors unsupportive and even adversarial were less likely to want to continue to pursue prosecution. This was particularly likely if the defense attorney did offer support to the victim.

Victims typically had not talked to the prosecutor about their case until the morning of the hearing. Those victims who had called to discuss their cases with prosecutors prior to the trial typically found their cases being handled by a different prosecutor on the day of trial. If their cases were continued, yet another prosecutor might be assigned to them. Some victims did not talk with the prosecutor until the hearing was in progress. This relative lack of preparedness of victims and of prosecutors may account in large part for the lack of guilty findings for cases going to trial (1 out of 10). For example, SID 10 describes what happened when she sought to prepare for the case with the prosecutor's office:

> There were two prosecutors. The first I talked to by phone several times and once in person. The first time the case was called with a female prosecutor. This woman was very nice. She gave me a lot of information. She wanted to know everything that happened. I told her I wanted [defendant] to get help for his alcoholism. Then, when the case was called for trial, the 911 tape wasn't there and the trial was continued. The second time the case was called for trial, I went expecting to see [this same] female prosecutor, but then 'this little man' was there to prosecute. Her other prosecutor was off that day. I thought, "My gosh!" This guy did not ask me what I wanted to do. He asked me only two questions, one, was I drunk and I can't remember the other one. He did not prepare me to testify....When I came back into the courtroom the judge just said he "find[s] the defendant Not Guilty. You're free to go." That was all. The prosecutor didn't say anything to me. I called him the next day because I was upset and wanted to know why he didn't ask me to read from the paper. He said that would have helped her case. He didn't explain why he thought the defendant was found not guilty, or even say he was sorry.

There were a number of difficulties associated with prosecutors meeting with victims just before trial. SID 039 recalled,

> If someone had told me anything 2 minutes before the trial, my head was swimming. He [defendant] was standing in the hall next to me while I was talking to the prosecutor. I needed privacy and understanding of what I was going through....The whole court thing was intimidating and discouraging. I felt like I was fighting a lost cause with no money. With a kid. I had no gas money [to get to court]. I went through a lot just to show up [to court]. I needed positive reinforcement at the time. I needed kit gloves. My self-esteem was so low. Rock bottom.

Police. Several problems emerged as regards the police. Just as victims viewed prosecutors as unsupportive, so were many police. SID 117 states, "I felt unsupported [by the police]. They really didn't care. One officer said, 'I don't have time for this. I have more important things to do.'" Her case went to trial and eventuated with a guilty finding. The statement, "I don't have time for this" was heard with numerous interviewees, suggesting that some police do not consider dealing with domestic violence an important or legitimate part of their jobs. On the other hand, victims frequently reported that police who communicated support to victims, whether at the time of arrest or when serving a subpoena, had the effect of encouraging victims to follow through with prosecution. For example, when SID 006 was asked what it was about the behavior of the police that affected her willingness to follow through, she answered, "When she [police officer] delivered the subpoena, she seemed positive, like this was the right thing to do. She said not to worry, that she'd be there."

One problem, which is likely to have long-term repercussions for victims and for the justice system, is that of police arresting both parties. Although interviews tell only one side of the story, they nonetheless suggest that many victims were wrongfully arrested. Cross complaints typically end in dismissal of both cases and makes the real victim feel she or he can no longer turn to the legal system for help.

SID 059, a victim who reported considerable fear of the defendant during the interview, states, that, "Used to, he'd start hitting me and I'd just lay there on the floor until he stopped. But last year I started

hitting him back." Here the victim describes what happened when the police arrived and the impact of her also being arrested:

> Victim: When the police arrived I explained the situation. They seen the door and they seen the bruises on my face. I told them I wanted him out of there. He said, "She hit me too. Look at me." He had little bitty scratches on his face. They said, "Well, ma'am we're going to have to take you down too. He's got visible marks." Two little scratches. They took pictures of both of us and the house. I think they treated me like I was the criminal and treated him like he was the victim.

According to the victim, during the arrest one of the officers said something about how when they filled out the papers, they didn't fill out one on her. She overheard one officer say, "We've got to get it filled out before we get downtown, otherwise it will look like we're arresting our victim."

> Interviewer: What affected your willingness to follow-through with the case?
>
> Victim: Because anytime you arrest the victim, that's no kind of protection. I have no faith in the police since.... They will never be called again by me.

After the two were let out of jail, SID 059 states that her assailant told her, "I bet you won't call the police anymore because from now on, if I go to jail, you're going with me even if I have to scratch my own face." Immediately after describing the current incident for which she and the defendant were charged, SID 059 stated,

> So now he [defendant] knows I'll call the police on him, but he also knows that, because I don't want to get arrested with him, that will keep me from calling. So, if something like this happens again, I'll just leave the house. I'm not going to call the police and get arrested. I'm being very careful with him, and I leave the house before he gets upset (SID 059; case dismissed).

Another issue that emerged was that of police <u>not</u> arresting when victims, obviously hurt, requested them to. SID 059 was told by police for the current incident that they had to arrest her along with the defendant because he had "two tiny scratches" or "visible marks" on him. However, just a few months earlier police had refused to arrest the same assailant for raping her. According to her,

> The police came and I told them what happened. He [defendant] came walking down the stairs, just real calm. He says, "What's going on?" The police called it rape to him. He said, "Well, I don't know what's going on. I got home from work and she was acting like this. She's been drinking a lot." The police said, "Ma'am what do you want us to do?" I said I wanted them to make him leave. He said, "This is my home too." The police talked to him. Then the police said, "Well, ma'am I'm not going to put this man on the street the day before [a holiday]." I said, "You're not going to put him on the street the day before [the holiday], but you're going to let him whoop up on me the day before [that holiday]." He said, "I think you're overreacting." I told them, "What am I suppose to do when you leave cause he's mad now."...They thought I was lying (SID 059).

The opposite issue, police insisting they must arrest when victims did not want them to, also emerged.

> I called him [defendant] on the phone to tell him I wasn't getting an abortion, but keeping the baby. He said maybe he would find me and give me an abortion himself....I said "whatever" and hung up the phone....The next day I decided to call the police. The more I thought about it, the creepier it made me feel. I decided to call the police just to get it on the record, just in case he did do something, although I really didn't think he would. There was the possibility that he might....One policeman took the report over the phone. I told him I didn't want to prosecute and I didn't want him arrested. He told me that if I did not come down and sign the warrant, he would arrest me, because it would look like he wasn't doing his job. This made me feel forced. I didn't want to prosecute in the first place. My contact with police made me feel that even more (SID 001; case dismissed).

Arraignment Judges. Victims felt supported by arraignment judges if the judges asked whether they were afraid and if the judges simply listened to what they had to say. Particularly if victims feared the defendant, they were appreciative of high bonds that kept defendants in jail.

One issue that emerged during interviews was the importance of defendants not being able to contact victims between the time of arrest and trial. When asked what caused her feelings to change since

his arrest, SID 065 stated that her having the freedom to think while he was in jail was the most important factor. It gave her time to talk with others about her feelings and to realize she didn't need him.

Victims who requested that the TPO be dissolved sometimes later came to realize they were being manipulated by the defendant in ways they had not understood at the time. (It is probably very difficult for victims to deny defendants their wishes [to not prosecute] when those same defendants have just beaten them.) SID 006, whose case ended with a Not Guilty verdict, initially asked that the TPO be dissolved, because he promised to go to counseling, but a week later was unable to get the TPO reinstated when she realized she needed it. She stated she now believed he told her he loved her only so she would drop the charges.

SID 039, whose TPO was dissolved at arraignment at her own request, states that, after the arrest things got worse at home until she finally "gave up" before the trial, adding "It was too much more to go through....There was going to be a big argument if I *did* testify."

Asked what she thought would make witnesses more willing to testify, SID 010 responded. "During the time period of the TPO without the partner they might get to see what it's like not to have to live with the abuse. That they don't have to live that way."

Interviewer: "So you think, even if they don't want a TPO, the judge ought to issue it so they have the chance to see what it's like without him around?"

Victim: "Yes. To see how life would be different. They could see they don't have to live like that. They don't have to live in fear all their lives" (SID 010; Not Guilty finding).

Trial Judges. Victims frequently experienced judges as having the same uncaring attitudes as police and prosecutors and they did so for some of the same reasons: the judges' often abrupt, non-supportive interaction styles and the short time they had with judges. SID 039 states,

> I felt cut off by the Judge. It was humiliating. I felt very unimportant, like a peon. I wondered why I did it [had defendant charged]. The Judge seemed to perceive me as a nobody, as a bad person, a bitch. It felt like the Judge was thinking, "You're down here for that [bump on your face]?" And [the defendant] was looking at me like I was the bad guy.

When asked what it was about the judge's response that affected her willingness to follow through, SID 039 answered, "He didn't hear what I or [the defendant] had to say. He was fair though. He didn't want to hear either of us."

On the other hand, victims were appreciative of judges who listened to what they had to say, particularly when what they had to say concerned safety issues and defendants' need for treatment or counseling, typically around violence or alcohol/drug issues. Victims also appreciated judges' stern lectures to defendants about repercussions for any further violence.

Because victims did not have direct contact with the AMEND program, they were not asked to evaluate it. Nonetheless, many victims commented on it and, because judges are the ones who order AMEND classes, we describe findings regarding AMEND here. Those victims who commented on their partners having completed AMEND felt the classes were not effective. As an example, SID 063 states, "I thought AMEND would change his actions, but it didn't." Because only victims of defendants for whom AMEND were ineffective are likely to be in this sample, these findings must be viewed with caution. Nonetheless, victims' comments do raise the question of whether defendants either need longer and/or more intense exposure to AMEND or alternative legal interventions.

Victims want defendants to be held accountable for their violent behavior toward them. When they are not, or when defendants are given lenient sentences, victims learn they cannot count on the court for help. The following except provides an example.

> Interviewer: Since he was arrested, has your partner been physically abusive or verbally abusive toward you?
> Victim: Physically abusive, yes...
> Interviewer: How many times?
> Victim: Four or 5 times he's been physically abusive.
> Interviewer: Did you call the police?
> Victim: No.
> Interviewer: Why?
> Victim: What good would it do? Court is not helpful. [Defendant] was charged for violating the TPO but got only non-reporting probation, whatever that is.
> Interviewer: Do you think the outcome of this case will have any impact on whether the defendant will commit violence against you in the future?
> Victim: Yes. It sent a message to him that violence is okay. If he had gotten in trouble for it, I wouldn't have had to do what I've done.
> Interviewer: You mean, hide out from him?

Victim: Yes. [Victim had moved nine times between arraignment and trial in an effort to stay in hiding from the defendant and thereby avoid further violence from him.]

Interviewer: Do you believe the outcome of this case gave you more or less power in your relationship with the defendant?

Victim: Less. He thinks he doesn't have to answer to nobody. If I had more power I wouldn't have to build my life around him. I have to build things in my life around what he's going to know and think. He has all the power.

Interviewer: Now that the case is over, what would you say would have been the best outcome?

Victim: For [defendant] to have been put in jail for at least one year. It'll take longer than a year for me to get back to normal (SID 032; dismissed case).

Victims who did not testify against the defendant out of fear, regardless of whether they showed up for court, nonetheless wanted defendants to be held accountable for their violence. When asked, "Did the defendant receive a harsher or more lenient sentence than you wanted him to have?" SID 032 responded, "Absolutely more lenient. He got dismissal." A victim's reluctance to testify may signal a cry for help from someone too fearful to testify. But how does one know when this is the case? Two signs appears to be a lengthy criminal record for the defendant and evidence of serious drug use (e.g., crack cocaine). Both signs were present for SID 032.

Victims who testified against defendants and the defendants were found Not Guilty experienced the court as unconcerned about their safety and as a hostile place. In response to whether she would recommend testifying to a friend, SID 034 said,

> No. Because it just damages you. It doesn't help. Just let it run its course. If he's guilty, he's guilty. After all that you are the one hurting in the end. They think you're lying. He's sitting up there like the good guy. You're left with the feelings. He could come and get me tonight.

Victims who testify against the defendant, and then the defendant is found Not Guilty, feel at risk. These women report that a court finding of Not Guilty diminishes their power in the relationship ("because he got away with it") and leaves them feeling less safe ("because he has the freedom to come and go and no treatment for his alcoholism," SID 010). These findings are particularly important since all but one case going to trial ended with a Not Guilty verdict. Thus, it appears the odds are against any victim whose case goes to trial. Most likely the defendant will be acquitted and no protections against further abuse are provided to the victim.

Victim Advocates. Women Helping Women (WHW), an agency that is not formally a part of the court system, provides assistance to victims by being at arraignment each morning, running support groups for battered women, providing over-the-phone counseling, and attending trial, should victims request that they do so. Because the agency exists to provide support to victims, it is not surprising that victim advocates received the most positive evaluations from victims. Victims reported: "She [victim advocate] would have helped me if I had asked...[She was] pleasant [and] seemed to care" SID 003). SID 006 said, she "made me feel less alone. They were very understanding."

On the other hand, numerous victims reported that advocates had told them they would be at trial, but then weren't. In some cases it turned out the advocate was there, but victim and advocate were not able to connect with one another until after the case was heard, because neither recognized, or found, the other.

Despite the finding that victim's evaluations of WHW were overwhelmingly positive, there were nonetheless a number of recommendations made by victims for how WHW could improve its services to them. For example. SID 056 said it would be helpful if WHW could help her get to WHW for counseling. SID 114 requested help in relocation for battered women, something for which WHW currently gives a referral. Most problematic, many victims reported having never had contact with WHW advocates. At arraignment, investigators observed this problem, which also emerged as an issue in interviews with victims. A sizable portion of victims attending arraignment do not have any contact with victims' advocates, primarily because they arrive as court is beginning or has already begun, or because the victim refuses help, falsely assuming advocates will pressure her to prosecute or perhaps assuming that advocate-help will further anger the defendant.

Limitations

Only those victims who both attended arraignment (about 10 to 20% of sample) and who were willing to participate in the study were included in the sample. Thus, those who did participate may not be representative of all domestic violence victims involved in city misdemeanor court cases. This is particularly true as regards those victims most in fear of retribution. It is not currently known whether such victims are more likely to seek dismissal or more likely to seek conviction. However, members of the

current research team who solicited participants each morning at the Justice Center were concerned that many women who appeared fearful and were seeking dismissal were unwilling to even talk to our staff. Such individuals' demeanor was very different from tht of victims who were willing to talk with us.

The fact that all data from surveys and interviews were obtained from victims was both a strength and a weakness of the current study. All findings should be interpreted, not as fact, but as the reports of victims. While such reports are likely to be biased in favor of the victim, it is victims' perspective that the current study was designed to study and elucidate. Nonetheless, both survey and interview findings suffer from all the limitations of retrospective and self-report measures, for example, limitations of memory, need to self-deceive, impression management bias, and, more than is typically the case, splitting. Victims tended to respond using extreme responses, for example, answering either "1" or "5" when given response options from 1 to 5. Splitting is commonly observed in abuse victims (Graham et al., 1994).

A number of the measures used asked respondents to answer items in terms of events occurring within a specified time period, for example, during the last three months. (See PSYSOMAT, PAIN, DABSTAIN, VABSTAIN, DDRINK, VDRINK, DDRUNK, VDRUNK, FREQCHLD, DOMINANC, EMOTABUS, IES, VIOL, and SERVIOL.) Casting questions in this form was useful only to the extent that the incident occurred within that time frame and only if the relationship had existed throughout the indicated time period. In some cases this was not the case. For example, one defendant was not arrested until a year after the incident occurred. Such cases negatively impacted the validity of these measures. In addition, some of the measures, such as DEFRISK, EXPAND, INJURIES, FREQCHLD, appear relatively insensitive.

Directions for Future Research

More research is needed to help identify what it is about the violence of defendants whose cases are prosecuted, rather than dismissed, that makes their violence more threatening to victims. For example, were victims of dismissed cases more likely to deny violence and injury than victims of prosecuted cases? More research is also need on victims' perceptions of the effects of parental conflict on children and how those perceptions impact victim/witness decisions to leave and to prosecute. And, research needs to

continue on the relationship between helpseeking, disengagement from partner, and victim/witness reluctance to prosecute.

Prospective, and thus follow-up, studies of factors predicting recidivism are needed. Is victim's psychology related to defendants' recidivism? For example, are victims of dangerous defendants more likely to seek dismissal or not call police? Does victims' psychology provide an early indication of defendant dangerousness?

Follow-up is needed of those victims whose cases went to trial and the defendants were acquitted vs. found guilty. How does their subsequent utilization of the legal system compare? Are these defendants more or less likely to recidivate than others?

In terms of maintaining a high level of victim involvement and providing victims time to feel safe and experience life without the defendant, what is the optimal period of time between arrest and going to trial? What is the impact on victims' willingness to testify of their having vs. not having court-enforced-no-contact with the defendant during this period? Interviews with victims suggest the impact is great. How can TPOs be better enforced?

How can the legal system better protect victims who testify against their partners? What impact does such protection have on victim/witness reluctance to prosecute?

How have other communities dealt with the problem of victims not understanding the court system or the law surrounding domestic violence? What programs have been found the most effective, both from the standpoint of victim education and cooperation with prosecution and from the standpoint of victims' confidence in the court system?

Psychometric research is needed for the purpose of developing sensitive, valid, and reliable measures of injuries and acts of violence that can be used by both legal personnel and researchers. Extant measures of injuries used by medical staff and researchers (Champion, Sacco, & Copes, 1991) are too detailed to be applied to injuries described in police reports, complaints, and affadavits.

Conclusion

The findings--that victims' greatest concern is the scariness of the courts and the law and that victims are relatively more fearful of the courts, should they testify, than of hurting their relationship with the defendant and of reprisal by the defendant--are perhaps good news for the legal system. By making the courts more user-friendly for victims, it is possible that the courts could mollify one of victim's primary concerns about testifying and thereby reduce victim/witness reluctance.

Two of victims' biggest concerns about testifying are that prosecutors will not prepare them adequately and that the defendant might not be found guilty if they testify against him. These concerns are also issues that the court system could address. It appears that, if these issues were addressed, victims would be more willing to testify against their partners.

Related, court findings suggest that, *unless a defendant admits to the facts of a case, the victim is not believed and the defendant is not found guilty of the crime for which he was charged.* Even the lone individual found guilty by trial for his misdemeanor crime herein received only probation. Occasionally, a domestic violence charge was dismissed as part of a plea-bargain for another, less serious charge like Spitting in a Public Place or Falsification, as was the case for SIDs 074 and 110. It is difficult to reconcile these findings with the notion of justice. Because domestic violence between partners is primarily a crime of men against women, the findings raise the question of whether women's civil rights are being violated. Currently, the legal system appears an accomplis of batterers.

No relationship between victims' preferred case outcome and actual case outcome was found. This finding suggests that variables other than either victims' preference for case outcome or their perceptions of abuse events were primarily responsibile for impacting actual case outcome. Examination of 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. Quantitative results reveal victims' seeking to stop the violence by punishing defendants was the variable most strongly related to actual case outcome, but it accounted for only 8.7% of the variance in case outcome.

There was no relationship between the amount of violence a woman had experienced in the relationship and case outcome. This finding is consistent with that of Martin (1994), who found that severity of violence and injury were either unrelated or inversely related to decision to prosecute. It is also consistent with the findings of McLeod (1983), who found that severity of violence and injury made little difference on case survival. These findings, from three different parts of the United States (Cincinnati, Ohio, Connecticut, and Washington, D.C.), suggest that some of the most violent and dangerous defendants are being dismissed.

Martin (1994) hypothesized that fear of reprisal was responsible for the lack of relationship between violence and decision to prosecute. The current interviews suggest at least two additional variables are responsible: cross complaints, which cause "real" victims not to testify so that "real" abusers won't testify against them; and the frequent lack of physical evidence associated with cases involving certain types of abuse such as choking, threats to kill, etc. The legal system, beginning with police, needs a way to identify the most dangerous defendants and to ensure that evidence of their abuse is made available to prosecutors. Judges need to be able to recognize these cases and to provide legal remedies to protect their victims from future violence.

While victims in prosecuted cases viewed the defendant as more threatening, victims in dismissed cases had engaged in more helpseeking. As defined here helpseeking assessed steps taken toward disengaging from defendant. It is paradoxical that the group most seeking to keep the defendant at home tended to show the most disengagement immediately following abuse.

Endnotes

[1] Because 117 of 118 victims surveyed were female, the feminine pronoun will be used throughout the document.

[2] A second type of question used to solicit information about witnesses' concerns about testifying were two open-ended questions. Immediately before the 32 closed-ended questions, respondents were asked, "What most concerns you when you think about testifying against the defendant in court?" Immediately after the 32 closed-ended questions respondents were asked, "If you have any other concerns

about testifying in court against the defendant, please list as many as you have thought about." The results of this analysis are not reported in this document.

[3] Victims were also asked which of four case outcomes they believed would make them safer from the defendant's abuse. The 4 outcomes were: serving jail time, being put on probation instead of jail, dismissal, and other, in which they were asked to write in what "other" would be. This measure was referred to as SAFER. Results for this measure are not reported here.

[4] This scoring modification made herein for the convenience of the researchers in coding responses onto 5-option scantron sheets.

[5] The lone exception was a case in which the party we labeled "victim" was found guilty, while her partner's case was dismissed. In this situation the two parties had mutually agreed not to testify against one another. The case against our "defendant" went to trial first and our victim did not show for trial, as they had agreed. But, when the case against our victim went to trial, the defendant broke his end of the deal, testifying against the victim. It is possible that we wrongly identified the real victim in this case, but it is also conceivable that our defendant was simply using the court system to further abuse.

[6] Other victims, and these tended to be victims reporting the more frequent and severe violence, feared that the defendant would hurt them should they try to separate from him. Some were currently involved in cases because the defendant had hurt them because they tried to leave.

TABLE 5.1

CRONBACH ALPHAS, MEANS, AND STANDARD DEVIATIONS OF SCALES

Scale/Variable	N	Cronbach Alpha	Mean	Standard Deviation	Observed Range
Victims' Age	116		29.28	8.19	17-56
Def Income (thousands)	86		13.53	12.44	0-55
Vic Income (thousands)	106		9.90	8.23	0-32
Relig7	116		3.23	1.37	1-5
Relig8	116		3.01	1.57	1-5
Relationship Length	116		62.28	64.47	0-332
# of Children	118		1.68	1.47	0-8
# of Children with Def	97		0.79	0.97	0-5
BIDR					
IM	114	.66	.422	.209	0-.95
SD	114	.66	.539	.184	0-.95
Stages of Unbonding Scale					
Immerse	117	.82	2.42	0.93	1-5
Reclaim	115	.82	2.93	1.00	1-4.78
Question	117	.86	3.22	1.21	1-5
Apart	115	.61	2.36	1.11	1-5
Stockholm Syndrome	112	.86	2.15	0.77	1-4.33
Love-Dependence	112	.90	1.81	0.85	1-4.7
Core Stockholm	111	.94	2.29	0.88	1-4.46
Psychol. Damage	111	.87	2.36	0.87	1-4.08
Silencing the Self	114	.92	2.88	0.84	1.17-4.81
External Self	114	.85	2.89	1.14	1-5
Care	114	.73	2.97	0.88	1.14-4.86
Silence	114	.84	2.67	0.96	1-4.89
Divided	114	.78	3.04	1.01	1-5
Isolation	115	.66	1.58	1.21	0-5.58
Social Support	112	.87	1.87	1.48	1.33-6.33
Functional Support	115	.86	1.31	1.32	0-7.87
Future	114	.70	3.01	0.77	1-4
Spouse	114	.65	2.97	0.81	1-4
Economic	114	.60	3.06	0.93	1-4
Hopelessness					
Affect	114	.82	0.73	1.35	0-6
Motivation	114	.74	3.46	1.91	2-9
Cognition	114	.74	3.68	1.50	2-7
Religiou	116	.79	3.12	1.34	1-5
Sysnonco	112	.79	21.04	30.95	0-135

TABLE 5.1 (continued)

CRONBACH ALPHAS, MEANS, AND STANDARD DEVIATIONS OF SCALES

Scale/Variable	N	Cronbach Alpha	Mean	Standard Deviation	Observed Range
Concerns About Testifying					
Fear of Reprisal		117	2.44	1.43	1-5
Hurt Relationship	117		1.79	0.93	1-5
Fear of Court	117		2.62	1.12	1-5
Case Outcome Preference					
Conviction & Jail	115		1.83	1.79	1-5
Probation	115		1.55	1.63	1-5
Dismissal	116		1.58	1.80	1-5
Prob. Guilty if Testify	117		61.1%	31.9%	0-100%
Prob. Jail if Testify	115		40.0%	33.6%	0-100%
Sentiments					
(Punish)	118		3.49	1.12	1-5
Family	118		2.84	1.36	1-5
Helpseek	110	.68	11.84	7.36	0-38
Afraid	113	.96	28.00	14.51	11-55
Fright	110		2.30	1.03	1-4
# Health Problems	116		4.70	2.97	0-13
Bodily Pain	112		3.14	1.18	1-5
Use Religion to Cope	108		1.94	0.81	1-3
Angry-Partner	113	.92	3.41	1.08	1-5
Angry-Generally	114	.90	2.28	0.86	1-4
Time Would Put in Jail	111		434.04	1048.28	0-6354
Days Def Abstained	97		99.69	75.91	0-180
Days Def Drunk	97		46.42	66.80	0-180
Days Victim Abstained	98		160.14	41.18	0-180
Days Victim Drunk	97		4.31	19.95	0-160
Maltreatment Toward Women Scale					
Dominance	113	.93	2.82	1.30	1-5
Emotabus	114	.92	3.39	1.20	1-5
Conflict Tactics Subscales					
Violence	112	.91	2.44	1.17	1-5
Serious Violence	112	.58	1.39	0.86	1-5
Expansiveness of Viol.	113		4.24	4.21	0-18
Threats	113		5.00	5.37	0-18
Kind	111		1.03	0.95	0-2
Unkind	112		1.03	0.95	0-6
Injuries	112		3.07	3.76	0-18
Freq. of Child Abuse	94		0.45	1.12	0-5
Child See Abuse	93		2.30	0.93	1-3
Child Hear Abuse	95		2.53	0.82	1-3
Child Abuse	96		1.75	0.99	1-4
Def's Risk-taking	107		1.79	0.96	1-4
Impact of Event Scale	114	.89	2.35	1.23	0-4.87
Intrusion	114	.89	2.55	1.56	0-5
Avoidance	114	.75	2.18	1.16	0-4.75

TABLE 5.2

PERCENTAGE OF VICTIMS WHO WERE NOT AT ALL VERSUS WERE EXTREMELY AFRAID FOR THEIR LIVES AT DIFFERENT TIME PERIODS

Item #	Time Period	Not at All Afraid for My Life	Extremely Afraid for My Life
246.	When I disagree with the defendant.	51.3	10.6
247.	During an assault by the defendant.	25.7	34.5
248.	After the police have come, following an assault by the defendant.	48.7	18.6
249.	While the defendant is in jail, immediately following his arrest by the police.	53.6	10.7
250.	During the period just before the defendant is scheduled to appear in court.	40.7	18.6
251.	While I am in court testifying against the defendant in his presence.	44.2	17.7
252.	During the period just after the defendant has gone to court and I have testified against him.	41.6	23.0
253.	During periods when the defendant has been ordered by a judge not to have contact with me.	45.1	21.2
254.	If the defendant had to go to jail because of violence he had committed against me.	41.6	24.8
255.	If the defendant was on probation for having committed a crime against me.	42.5	20.4
256.	If a court case against the defendant was dismissed after I had testified against him.	44.2	28.3

TABLE 5.3

PERCENTAGE OF VICTIMS WHO WERE OR WOULD BE "NOT AT ALL ANGRY" AND "EXTREMELY ANGRY" AT DEFENDANT AT DIFFERENT TIME PERIODS

Item #	Time Period	Not at All Angry	Extremely Angry
257.	The first time he slapped, hit, pushed, or otherwise abused me.	5.5	73.6
258.	The second time he slapped, hit, pushed, or otherwise abused me.	15.4	61.5
259.	The last time he slapped, hit, pushed, or otherwise abused me.	11.4	75.2
260.	The time he abused me the worst.	9.4	75.5
261.	After the police have come, following an assault by him (the defendant).	12.4	52.4
262.	While he was in jail, immediately following his arrest by the police.	24.3	35.5
263.	During the period just before he was scheduled to appear in court.	26.9	30.6
264.	While I was in court testifying against him in his presence.	28.2	29.1
265.	During the period just after he had gone to court and I had testified against him.	28.2	20.0
266.	During periods when he had been ordered by a judge not to have contact with me.	26.8	25.0
267.	If he had to go to jail because of violence he had committed against me.	36.4	24.5
268.	If he was on probation for having committed a crime against me.	33.9	22.3
269.	If a court case against him was dismissed after I had testified against him.	27.0	46.8

TABLE 5.4

MEANS AND STANDARD DEVIATIONS FOR CONCERNS ABOUT TESTIFYING ITEMS

Item #	Issue	N	Mean	S.D.
9.	The defendant will physically harm me, or some one I love, if I testify against him.	117	2.73	1.60
10.	The defendant's attorney will purposefully try to trip me up.	117	3.14	1.67
11.	Testifying against the defendant would negatively affect my relationship with him.	117	2.27	1.51
12.	I don't like testifying against someone I love.	117	2.74	1.75
13.	If I testify against the defendant now, he is likely to be even more physically abusive toward me in the future.	117	1.61	1.25
14.	The defendant might not be found guilty if I testify.	116	2.09	1.35
15.	No matter what, I am responsible for keeping my family together.	116	1.43	1.06
16.	What happens between me and the defendant is a private matter and shouldn't be made public.	117	1.92	1.32
17.	My children might be taken away from me if I testify against the defendant.	117	1.97	1.48
18.	I don't like to think of myself as a battered woman and/or don't want others to view me that way.	117	2.54	1.71
19.	The defendant will sue me for custody of my children.	116	1.53	1.17
20.	The judge will not really understand my situation and/or will take the defendent's side or dismiss the case.	117	2.42	1.64
21.	The defendant's attorney and the judge will make me out to be the guilty party.	116	1.84	1.30
22.	The defendant has been really good to me since his arrest and this would end if I testified against him.	117	2.33	1.65
23.	The prosecutor will not prepare me adequately, so I won't know what to do.	117	2.22	1.51
24.	The courts and the law are scary to me.	116	2.09	1.44
25.	When I testify the defendant's attorney will say bad things about me.	117	1.36	0.95
26.	Next time the defendant gets angry, he will make sure the police aren't called.	117	2.73	1.60
27.	The defendant will stop loving me if I testify against him.	117	3.14	1.67
28.	The case against the defendant is weak.	117	2.27	1.51
29.	If I lose my relationship with the defendant because I testify, I might not find another partner.	117	2.74	1.75
30.	I don't understand what testifying and court are all about.	117	1.61	1.25
31.	The defendant will kill me or someone I love if I testify against him.	116	2.09	1.35
32.	If I testify, no one will protect me if the defendant seeks revenge.	116	1.43	1.06
33.	I believe a good wife wouldn't testify against her partner.	117	1.92	1.32
34.	If I testify, I will live in constant fear of the defendant afterward.	117	1.97	1.48
35.	I would feel like I was betraying the defendant if I testified against him.	117	2.54	1.71
36.	The defendant will threaten, or has threatened, more violence if I say anything against him to the judge.	116	1.53	1.17
37.	Others will be angry at me if I testify against the defendant.	117	2.42	1.64
38.	My testifying in my own behalf will hurt the defendant.	116	1.84	1.30
39.	The defendant has "paid off" the judge, and/or the prosecutor, and I won't get a fair hearing.	117	2.33	1.65
40.	If the defendant is found guilty, it will affect his ability to get and/or keep employment both now and in the future.	117	2.22	1.51
		117	2.09	1.44
		117	1.36	0.95
		117	2.73	1.60
		117	3.14	1.67
		117	2.27	1.51
		117	2.74	1.75
		117	1.61	1.25
		116	2.09	1.35
		116	1.43	1.06
		117	1.92	1.32
		117	1.97	1.48
		117	2.54	1.71
		116	1.53	1.17
		117	2.42	1.64
		116	1.84	1.30
		117	2.33	1.65
		117	2.22	1.51
		116	2.09	1.44
		117	1.36	0.95
		117	2.73	1.60
		117	3.14	1.67
		117	2.27	1.51
		117	2.74	1.75
		117	1.61	1.25
		116	2.09	1.35
		116	1.43	1.06
		117	1.92	1.32
		117	1.97	1.48
		117	2.54	1.71
		116	1.53	1.17
		117	2.42	1.64
		116	1.84	1.30
		117	2.33	1.65
		117	2.22	1.51
		116	2.09	1.44
		117	1.36	0.95
		117	2.42	1.69

Index: concerns.vw

TABLE 5.5
PERCENTAGE OF VICTIMS WITH PARTICULAR CONCERNS ABOUT TESTIFYING

Item #	Issue	Not at all Concerned	Extremely Concerned
9.	The defendant will physically harm me, or some one I love, if I testify against him.	45.8	22.9
10.	The defendant's attorney will purposefully try to trip me up.	42.7	14.5
11.	Testifying against the defendant would negatively affect my relationship with him.	56.8	16.1
12.	I don't like testifying against someone I love.	42.4	28.0
13.	If I testify against the defendant now, he is likely to be even more physically abusive toward me in the future.	44.1	27.1
14.	The defendant might not be found guilty if I testify.	42.4	24.6
15.	No matter what, I am responsible for keeping my family together.	32.8	31.0
16.	What happens between me and the defendant is a private matter and shouldn't be made public.	45.3	22.2
17.	My children might be taken away from me if I testify against the defendant.	81.4	5.3
18.	I don't like to think of myself as a battered woman and/or don't want others to view me that way.	29.7	25.4
19.	The defendant will sue me for custody of my children.	80.5	9.7
20.	The judge will not really understand my situation and/or will take the defendants' side or dismiss the case.	43.2	19.5
21.	The defendant's attorney and the judge will make me out to be the guilty party.	39.8	19.5
22.	The defendant has been really good to me since his arrest and this would end if I testified against him.	72.4	6.9
23.	The prosecutor will not prepare me adequately, so I won't know what to do.	35.6	24.6
24.	The courts and the law are scary to me.	28.0	36.4
25.	When I testify the defendant's attorney will say bad things about me.	50.0	14.4
26.	Next time the defendant gets angry, he will make sure the police aren't called.	42.4	30.5
27.	The defendant will stop loving me if I testify against him.	77.1	7.6
28.	The case against the defendant is weak.	50.4	10.3
29.	If I lose my relationship with the defendant because I testify, I might not find another partner.	81.2	5.1
30.	I don't understand what testifying and court are all about.	58.5	8.5
31.	The defendant will kill me or someone I love if I testify against him.	64.4	12.7
32.	If I testify, no one will protect me if the defendant seeks revenge.	46.6	26.3
33.	I believe a good wife wouldn't testify against her partner.	78.6	6.8
34.	If I testify, I will live in constant fear of the defendant afterward.	49.2	19.5
35.	I would feel like I was betraying the defendant if I testified against him.	62.4	7.7
36.	The defendant will threaten, or has threatened, more violence if I say anything against him to the judge.	53.4	21.2
37.	Others will be angry at me if I testify against the defendant.	51.7	15.3
38.	My testifying in my own behalf will hurt the defendant.	54.7	12.8
39.	The defendant has "paid off" the judge, and/or the prosecutor, and I won't get a fair hearing.	83.9	3.4
40.	If the defendant is found guilty, it will affect his ability to get and/or keep employment both now and in the future.	52.5	23.7

Index: Percent.vw

TABLE 5.6

CORRELATIONS OF ITEMS TO SCALES CREATED FROM FACTOR ANALYSIS OF "CONCERNS ABOUT TESTIFYING" ITEMS

Scale I. Fear of Reprisal (REPRISAL)

13. If I testify against the defendant now, he is likely to be even more physically abusive toward me in the future. (.90)
34. If I testify, I will live in constant fear of the defendant afterward. (.88)
9. The defendant will physically harm me, or some one I love, if I testify against him. (.86)
31. The defendant will kill me or someone I love if I testify against him. (.84)
36. The defendant will threaten, or has threatened, more violence if I say anything against him to the judge. (.84)
32. If I testify, no one will protect me if the defendant seeks revenge. (.82)
26. Next time the defendant gets angry, he will make sure the police aren't called. (.69)

Scale II. Hurt Relationship with Defendant (HURTREL)

27. The defendant will stop loving me if I testify against him. (.76)
29. If I lose my relationship with the defendant because I testify, I might not find another partner. (.68)
22. The defendant has been really good to me since his arrest and this would end if I testified against him. (.59)
38. My testifying in my own behalf will hurt the defendant. (.54)
11. Testifying against the defendant would negatively affect my relationship with him. (.52)

Scale III. Fear of Court (FEARCRT)

21. The defendant's attorney and the judge will make me out to be the guilty party. (.84)
25. When I testify the defendant's attorney will say bad things about me. (.73)
20. The judge will not really understand my situation and/or will take the defendent's side or dismiss the case. (.53)
23. The prosecutor will not prepare me adequately, so I won't know what to do. (.52)
24. The courts and the law are scary to me. (.50)
10. The defendant's attorney will purposefully try to trip me up. (.46)

Index: Factors.vw

TABLE 5.7
CORRELATIONS OF ITEMS TO SCALES CREATED FROM FACTOR ANALYSIS OF SENTIMENTS ITEMS

Scale I. Use of Punishment to Stop the Violence

54. The defendant has abused or mistreated me seriously enough to warrant going to jail. (.86)
45. I want the defendant to be punished for the way he has treated me. (.84)
47. I need to find a way to separate from the defendant safely. (.79)
64. The defendant often threatens, abuses, or mistreats me. (.71)
52. If I caused the defendant to have to go to jail, when he got out, he would severely harm me and/or others about whom I care (.67)
60. My primary goal is for the defendant to stop abusing or mistreating me. (.60)
49. Short of putting the defendant in jail, there is nothing the legal system can do to keep the defendant from abusing or mistreating me. (.49)
50. I want the defendant to get counseling for his abusiveness. (.45)

Scale II. Family

57. My child(ren) need(s) their father at home. (.84)
55. My primary goal is to make my relationship with the defendant work. (.70)
63. The defendant is a good father to my children. (.62)
51. To have enough money to live, my children (if applicable) and I need for the defendant to be working and bringing home a paycheck. (.52)
58. The defendant promises not to hurt me again. (.51)

Index: Sentiment.vw

TABLE 5.8.

RELATIONSHIP BETWEEN VICTIMS' PREFERRED CASE OUTCOME AND ACTUAL CASE OUTCOME (N=97)

Preferred Case Outcome		Actual Case Outcome: Dismissal	Non-Dismissal	Row Totals
Jail Time	n	15	30	45
	Col. %	15.5%	30.9%	46.4%
	Row %	33.3%	66.7%	100%
Probation	n	8	14	22
	Col. %	8.2%	14.4%	22.7%
	Row %	36.4%	63.6%	100%
Dismissal	n	13	17	30
	Col. %	13.4%	17.5%	30.9%
	Row %	43.3%	56.7%	100%
Column Totals	n	36	61	97
	Col. %	37.1%	62.9%	100%
	Row %	100%	100%	

Index: Relation.vw

TABLE 5.9

RELATIONSHIP OF RELIGION TO CASE OUTCOME

Variable	Actual Case Outcome		
	Dismissal	Non-dismissal	
Religion			
Catholic (n=17)	64.7%	35.3%	35.3%
Protestant (n=60)	28.3%	71.7%	71.7%
Other (n=20)	30.0%	70.0%	70.0%
None (n=19)	52.6%	47.4%	47.4%
chi sq = 9.80, df = 3, p =.02			

Index: Demo.vw

TABLE 5.10

VARIABLES ASSOCIATED WITH CASE OUTCOME

Scale/Variable	F	df	p	R^2	Case Outcome Dism	Case Outcome Non-Dism.
Victim's Age	5.21	1/115	.02	.044	27.17	30.66
Stages of Unbonding Scale						
i112-Affect Child	5.09	1/95	.03	.051	3.40	4.13
i114-Protect Chld	3.71	1/94	.06	.038	2.41	3.15
Concerns About Testifying						
Reprisal	4.21	1/116	.04	.035	2.11	2.66
i40-Def Job	3.58	1/116	.06	.030	2.78	2.18
Sentiments						
Stop Violence	11.07	1/117	.001	.087	3.08	3.75
Family	4.22	1/117	.04	.035	3.16	2.64
Helpseeking	3.27	1/109	.07	.029	13.50	10.89
j60-Took Action	3.49	1/110	.06	.031	2.55	1.92
j62-Sep. or Div.	5.80	1/109	.02	.051	0.58	0.34
Fright	3.25	1/109	.07	.029	2.07	2.43
Psychosomatic Ill.	4.88	1/115	.03	.041	3.93	5.17
Child See Abuse	5.03	1/92	.03	.052	2.03	2.47
Child Hear Abuse	6.19	1/94	.01	.062	2.27	2.69
Impact of Event Scale	5.40	1/113	.03	.043	2.03	2.55
Intrusion	5.60	1/113	.02	.048	2.12	2.82

Index: Outcome.vw

CHAPTER 6: CONCLUSIONS AND RECOMMENDATIONS

Dee L.R. Graham
Jennifer Hartman
Joanne Belknap

Future Research Implications

It is hoped that this study, a pioneering, systematic, empirical study on the court processing of domestic violence cases, can not only be used to help direct policy, but to motivate and guide subsequent research on this largely ignored topic. Research of this type, on the court responses to domestic violence, needs to be conducted and replicated in more jurisdictions, to allow for regional differences. Additionally, it is necessary to conduct this research in rural, as well as urban, courts.

Previous research has suggests that the seriousness of a crime and its evidentiary strength influence the prosecutors' ability to process particular cases (Blumberg 1967; Neubauer 1974). Thus, in addition to research on other jurisdictional types (e.g. rural areas), future research should delineate if there are attitudinal differences in the court processing of misdemeanor and felony cases. Although the vast majority of domestic violence cases are filed as misdemeanors (even when circumstances warrant felony charges), it would be useful to empirically determine if those court professionals who process felony domestic violence cases are similar in their attitudes and practices as those court professionals who process misdemeanor cases.

Another step to understanding how court professionals process domestic violence cases, would be to collect outcome (e.g., sentencing) data in combination with attitudinal data on individual cases processed by the court professionals. That is, we need more case-specific research, where official data would be collected on targeted cases, and prosecutors, judges, defense attorneys, police, victims, and defendants would be interviewed for these cases, as well. Converging attitudinal and official outcome data would provide a more comprehensive understanding into the court professionals' decision-making in domestic violence cases. Specifically, collecting multiple types of data will provide information regarding not only how the professionals "think" they process these cases, but more accurately capture how they *actually* process these cases. Utilizing these methods would ensure a

more complete picture of how the courts process domestic violence cases, and what factors (independent variables) are related to the case outcome (the dependent variable).

This study points to the importance of strong, coordinated systems for conducting research on domestic violence. But this coordination is also necessary for practical purposes: the combined impact of arrest, incarceration and adjudication may send a stronger message to the batterer about the seriousness of his (or her) behavior. It is hoped that the detailed information and data reported in this report will help guide other researchers' efforts to investigate the court responses to and processing of domestic violence cases, as well as help practitioners to process these cases more fairly and successfully.

Policy Implications

This section addresses the policy implications from this research study and highlights four themes derived from the text. Specifically the themes include: (1) the need for professional training on processing of domestic violence cases; (2) the development of measures to pursue cases without victim participation; (3) the possibility of creating a more formalized structure between the victim advocacy agency and the court; and (4) the creation of more resources, specifically more prosecutor positions.

Court Professional Training

The results presented herein suggest that members of the sample population may benefit from more education and awareness about the dynamics of domestic violence. Preventative programs and services should be provided to decision-makers to educate them about the nature of an abusive relationship and the necessary methods to process these cases. Variation in court responses may be reflective of implementation problems or of uncertainty about the role of the criminal justice system in domestic violence cases. Police, due to state law in Ohio, have standards regarding required domestic violence training. No such Ohio state policies exist regarding domestic violence training for judges, prosecutors and public defenders.

Existing research has reported that it is not the disposition itself that generally counts, but whether or not the victims believe that the court's action stopped the physical abuse and/or the defendant received the appropriate

punishment or treatment (Smith 1988). No other social institution like the criminal legal system has the clout to protect victims and to force batterers to face the consequences of their offense (Waits 1985). Ideally, the successful prosecution of a battered women requires both an effective legal system and a committed complainant. In the absence of a participating victim, however, the system needs to make other means available for prosecution of the case. If the processing of these cases relies entirely on victim participation, which often times is absent, the batterers will continue to circumvent the law.

Court professionals need to understand the power differential between the abuser and the victim to make responsible referrals and effectively process intimate battering cases. For example, while the abused woman wants the abuse to stop, and to that extent she may cooperate with the state, she may not want to see the batterer punished for his behavior. Often, she will resist "contributing" to increasing the likelihood of his criminal record, jail, fines, and other punitive results. There are many reasons why a battered woman would resist criminal sanctions; she may have financial considerations that make jail a hardship, fear that the defendant will lose his job, feel responsible for the abuse, or suspect that the defendant will retaliate (see Ferraro and Johnson 1983).

Processing of Cases Without Victim Cooperation

Traditionally, the victim's willingness to cooperate has been viewed as central to the likelihood of obtaining a conviction. Within the current sample of court professionals (reported in Chapter 3), 80 percent of the decision-makers reported "victim behavior" as being an obstacle to conviction, presumably because the victim was "not cooperating" with the criminal process. However, knowing that some victims are reluctant to prosecute their abusive batterers, measures should be undertaken to utilize evidence other than relying entirely on victim testimony. Dismissing a case simply because the victim did not appear, overlooks other available methods, such as the use of police testimony, photographs taken at the scene (e.g., of the woman's physical condition and condition of the place), interviews with witnesses other than the victim, copies of all medical records and of the 911 tape. Prosecutors achieve better results when they deal with victims in a sensitive manner and use specific techniques for introducing evidence when the victim is not present. For example, Gwinn and O'Dell reported that although 911 tapes were not allowed in the first few cases, judges eventually began admitting them and "the true emotion of the crime started to be felt in the courtrooms in San Diego as never before" (p. 1507). Further, Gwinn and O'Dell

report that as judges become conditioned to trying cases without the victim and admitting certain types of evidence under the newly acquired exceptions to the hearsay rules, cases became much easier to prove. Today, Gwinn and O'Dell report that although almost 60 percent of their cases involve victims who are uncooperative or absent, conviction rates are close to 90 percent.

Domestic violence cases are sometimes akin to other cases in which victims may believe that they have more to lose than to gain by testifying (Hanna 1996). For example, organized crime, gang and drug-related offenses, and rape crimes often will involve witnesses who face intimidation or perceive that they will be in danger if they testify (Asmus, Ritmeester, and Pence 1991; Hanna 1996). Yet, rather than allow these crimes to go unprotected, some prosecutors have developed realistic strategies to respond to witness reluctance. Similarly, prosecutors should develop strategies for domestic violence cases that in addition to addressing the victim's concerns, do not allow the victim's level of cooperation to be the sole or primary factor in deciding whether to prosecute. Seemingly, one of the most important ways to curb domestic violence is to ensure that abusers understand that society will not tolerate their behavior and that they will be punished.

Legislative changes in current policies toward drunk driving illustrate how criminating domestic violence could improve public education, deterrence, and assailant control (Steinman 1991). The possibility of swift criminal sanctions, coupled with other societal responses--such as the activism of the organization Mothers Against Drunk Driving (MADD)--educated the public about the dangers of drunk driving. Once criminal sanctions became a perceived threat, there was a greater likelihood that dangerous people would either stop driving drunk or be caught and sanctioned. Aggressive prosecution of domestic violence cases can have a similar effect. To be effective, however, reluctant or uncooperative victims should not "get off easier" than batterers whose victims are more willing to participate in the legal process. Specifically, Steinman (1991: 1523) states: "Incarceration is the best way to control assailants, express societal disapproval and mandate intensive treatment." Inconsistent treatment diminishes the strong message that the state is trying to send and gives batterers even more incentive to intimidate their partner into not cooperating with the criminal process.

Creating Victim Support Projects

The court professionals in this study, overwhelmingly reported disdain and even distrust of the current

victim advocates. Feasiblely, this distrust arises from the court professionals resenting the victim advocates "doing their job." The establishment of victim support projects may decrease this resentment. Much like other victims of violent crimes, battered women enter the criminal justice system unaware of the burdens of the process. Like other victims, battered woman are unprepared for the number of court appearances, continuances, and the amount of protection the defendant receives for his constitutional rights. Victim support projects consist of victim advocates who work closely with victims and prosecutors to ease a victim's experience within the criminal justice system and hopefully encourage victim cooperation (Corsilles 1994). The role of victim support projects should be provided to monitor victim safety and to assist victims with the criminal justice system process from the time of the initial assault through trial and/or probation (Healey, Smith and O'Sullivan 1998). These advocates explain the legal process to the victim, provide counseling if necessary, accompany the victim to court, and not coincidentally, aid prosecutors in the process by increasing victim cooperation and improving the quality of victim testimony. Moreover, a victim support project will help the victim get in touch with agencies that will assist on the road to recovery.

When victim advocates counsel and support the victims on other facets of their lives, victims often become more amenable to testifying (Asmus, Ritmeester and Pence 1991; Gwinn and O'Dell). Corsilles (1994: 878) reported, "when victims receive support from victim advocates and are relived of the responsibility to press complaints forward, more victims end up cooperating with the state."

Need for Additional Prosecutors

The decision to publically prosecute a case involves a calculated allocation of court resources. Typically, prosecutors use their discretion to determine which kinds of private trouble will receive public attention and therefore require expenditures of precious court resources, essentially, "maximizing the ratio of convictions to manpower invested" (Corsilles 1994: 857). *The most important finding in the pretrial data analysis in this study was that the best predictor of the court case verdict was the number of times the prosecutor met with the victim.* Nearly all of the data sources in this study indicate that this very important event, victims meeting with prosecutors, is rare. One court professional, a prosecutor, in the court professional sample reported: "If more resources were made available, the case outcome would be different" (presumably fewer dismissals). Specifically, the prosecutors

reported that their domestic violence caseload is so heavy, that they need two prosecutors, instead of one per courtroom. This is significant: A prosecutor unable to handle his or her caseload could significantly affect case outcome in a negative manner for the victims. Given the limited time, a prosecutor spends less time preparing cases, and less time maintaining contact with victims. In turn, this likely increases the risk of the victim continuing in an abusive situation and leading to a further perpetuation of the cycle of violence. Seemingly, having more prosecutors handle cases, would allow for a more efficient means to case processing, and avoid the current institutionalized "anti-victim" stance, where there are almost twice as many public defenders (n=31) available for batterers as there are prosecutors (n=18) available for victims.

Recommendations for Reducing Victim/Witness Reluctance

Overview. Recommendations growing out of these findings are that there needs to be someone within the legal system (prosecutors or victims' advocates who work directly with prosecutors) whose job it is to explain the court system to victims, to ensure that victims' know court dates, to hear victims' stories, concerns (especially as regards fears of reprisal), and desires for case outcome, and to ensure that victims do not slip through the cracks. Their job should begin at the time of arrest. They would ensure that all available evidence is collected, should such evidence be overlooked by police (e.g., getting photographs of bruises at their peak, ensuring that victims bring witnesses trial, if that is what is expected of victims by prosecutors).

One way to improve the effectiveness of the legal system in combating violence is for police to ascertain, to the best of their abilities and after training for doing so is provided, who is the real victim in cases and then to arrest only that party. Ways need to be found for the court system to hold defendants accountable for their crimes, whether by building more jails or by collecting and presenting more evidence. The legal system, from police to judges, needs to understand that a reluctant victim frequently seeks legal intervention, and even jail time for the defendant, but currently does not feel safe communicating that to police, prosecutors, or judges. Victims in this study reported that their "meetings" with prosecutors typically occurred in the hallways of the courthouse at a time when victims' anxiety was extremely high and after they had already made commitments to the defendant to not testify against him, whether out of fear, "love," or both.

Fear of reprisal was a major issue for victims faced with testifying against their assailants. It may be that

those victims most in need of protection from future violence are those who testify in cases ending with a finding of acquittal. Legal protections need to be extended to *all* victims, *and particularly to those testifying against defendants when the defendant is found "not guilty" and immediately released.* For example, judges might immediately provide protective orders to victims who have testified against victims at trial, effective beginning the end of trial, and perhaps offer participation in the CHIP Program. Ways need to be found to enforce TPOs. The period between arrest and trial is one ripe for fear manipulation of victims by defendants.

To improve victim/witness participation in prosecution, speedy trials are needed. Defense attorneys attempt to buy the defendant time, undoubtedly because they know that victim anger at defendant decreases as time since abuse increases. The Reverend Dr. Martin Luther King's saying "Justice delayed is justice denied" is true for the victim as well as for the defendant. On the other hand, the longer TPOs are in effect, the longer time victims are provided some legal protection from defendants who attempt contact with them. Some victims viewed TPOs as increasing their power relative to the defendant, and thereby increasing their safety. Others viewed TPOs as having no impact on defendants. Among the latter group, defendants had often committed further violence against the victims. Victims of the latter defendants were safe only as long as the defendants were in jail.

Prosecutors. It is recommended that there be prosecutors whose sole responsibility is that of prosecuting domestic violence cases. Further, it is recommended that prosecutors receive training regarding both the situation of victims in general and battered women in particular for the purpose of sensitizing prosecutors to the situation of victims. Communicating an attitude of support, even if the case outcome preferences of the victim cannot be honored, should be a goal for prosecutors, as it helps encourage victim cooperation both for the current case and future cases. Prosecutors need to spend more time educating victims about the law, what is likely to happen, what did happen in their case, and why it happened. It is recommended that prosecutors discuss the case and available evidence with victims *prior to the day of trial*, that evidence be subpoenaed, and that, once assigned a case, that prosecutors continue with that case until it is closed. To accomplish these ends, prosecutors need to be assigned fewer cases so that they have more time to spend with each. *Clearly, one of the most important recommendations from this study is that more prosecutors need to be hired in this jurisdiction.*

Police. Investigators recommend police training regarding the situation of battered women, the importance

of police demeanor and action with regard to victims, the importance of informing victims of services available to them, including shelters, Women Helping Women (the local victim advocacy grassroots organization), and how to contact prosecutors. It is also recommended that there be a special team of police dedicated to responding to all domestic violence calls. Victims in this study who were dealt with inappropriately by the police felt unable to report the events out of fear that police will not help them should future violence occur. A mechanism for taking complaints against police, that would not jeopardize future police help for victims, should be in place, and victims should be told how it is that they would be protected from reprisal by police if future help is needed. Most importantly, police should be required to collect all evidence that would help with the prosecution of the case (taking photos at the time of the incident and days later after bruising becomes apparent, interviewing possible witnesses, getting copies of 911 calls to the prosecutor). The latter simply is not occurring except in rare instances in which photographs are taken, and the court transcripts indicate that these photographs are often of too poor quality to be usable in court. Police need to be educated about current legislation regarding arrest, and such policy needs to be consistently enforced by police. Police should avoid making cross complaints (dual arrests), as this is both ineffective from a prosecutorial stance and from the standpoint of preventing further violence. Finally, the court transcript data emphasize the need for police to be expected to collect evidence adequately and to be prepared for court. For example, they should re-familiarize themselves with the case prior to testifying on it.

Judges. Recommendations to Judges are that they treat victims with the respect due witnesses for the State and victims of crimes, realizing that victimization itself reflects a failure of the legal system to protect its citizenry; that they find and provide ways of protecting victims from (further) violence in cases ending in acquittals; that they find ways to put "teeth" in their sentences when the finding is "guilty," so that the message sent to defendants is one that clearly says that violence won't be tolerated; when sentencing defendants, that they consider research findings regarding the effectiveness of AMEND programs, including the characteristics of defendants for whom it is (most) effective and the amount of exposure to AMEND that is needed for the program to be effective in preventing further violence in the home.

Women Helping Women. Unfortunately, this research project did not include interviewing victim advocates. (The focus in the original design was on court officials and this jurisdiction had not victim advocates as

part of the court staff.) The current investigators recommend that advocates make contact with all victims who speak to the judge at arraignment, making them aware of Women Helping Women's services. Further, because victims expressed considerable ignorance and fear of the court system, it is recommended that victim advocates, whether located in an agency like Women Helping Women or in the prosecutor's office, follow each woman's individual case, with the same advocate involved from start to finish. The victim would be appraised of the advocate's role, told she could call that advocate if she had any questions. The advocate would attend arraignment and trial with each victim assigned to her, inform victims of what they could expect to happen at each, help victims identify evidence to bring to court, help victims contact prosecutors and appraise prosecutors of the existence of that evidence. Perhaps implementing the practice used by many jurisdictions now, of hiring victim advocates specifically for domestic violence and as staff in the prosecutors'/district attorneys' offices, would most effectively accomplish adequate meetings with and information from domestic violence victims. Such a practice would like increase victims' satisfaction with the handling of their case, and thus result in their greater likelihood of "cooperating" with the courts in the future, but this would also likely increase the rate of guilty verdicts.

Conclusions

It is believed that this comprehensive study is an important beginning to understanding the court processing of misdemeanor intimate partner violence cases. This document presents findings and research and policy recommendations that should be useful to numerous jurisdictions.

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