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**Special Session Domestic Violence Courts:
Enhanced Advocacy and Interventions**
Final Report Summary

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Prepared for
National Institute of Justice

FINAL REPORT

Approved By: _____

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Introduction. Despite over twenty years of attention to domestic violence by advocates, service providers, researchers, and policy-makers, and dramatic increases in resources provided for criminal justice and community-based services, gaps remain in our knowledge about which types of interventions and collaborative partnerships offer the most effective strategies to enhance victim safety and hold offenders accountable. In particular, little is yet known about the impact of specialized domestic violence dockets and the expanded advocacy and treatment interventions they often provide—especially in the context of mandatory arrest that applies to misdemeanor offenses. In addition, little has yet been reported about cultural differences that might affect the ways battered women understand and shape their experience and respond to efforts to provide them with help and support through the criminal justice system. This report documents women’s experience of enhanced services and advocacy in the context of special session domestic violence courts.

Methodology. This study drew on data from three primary sources: 1) in-depth interviews conducted with all 12 of the specialized community-based family violence victim advocates working at three special session courts; 2) analysis of three months of data from an automated family violence victim service record, developed collaboratively for this project; and 3) in-depth interviews conducted with 60 women whose current or former partners had been arrested for domestic violence and appeared in one of the three special session courts. These data were gathered to increase understanding of women’s experience of legal system interventions in the broad context of their relationships, family situations and histories, safety concerns, and available resources, and to analyze differences in these dimensions across race and ethnicity.

Key Findings. Drawing from substantial compatibility between interviews with advocates and female victims, the study resulted in the following key findings: a) “being heard” is of utmost

importance to women who have experienced domestic abuse, and strongly influences their reactions to legal system interventions; 2) police and advocates are key to women's experience of legal system interventions; 3) women's experience and decisions are strongly influenced by their understanding of what their children need and want; 4) many women do not consider their experience of violence to be the most important issue they are facing; 5) women's assessments of their risks, circumstances and priorities often change significantly while the court case is in process—a prominent source of frustration for them as well as court personnel; 6) language and culture may contribute to important differences in the experiences of Latina victims of domestic violence, when compared with African American and Caucasian victims; and 7) although nearly half of the women interviewed were no longer involved with the person who had been arrested for abusing them, many women did not want to end their relationships with their partners—they wanted the violence and abuse to end. A more detailed summary of the study's findings follows, drawing primarily from the interviews with 60 women; this summary concludes with a review of policy implications.

Women's background characteristics. Of the 60 women interviewed, 25 (42%) were African American, 22 (37%) were Caucasian, 11 (18%) were Latina, 1 was Native American and 1 was a recent immigrant from a non-Western nation. Exhibit 1 provides more details on their characteristics, and Exhibit 2 shows information about their relationship with their abusive partner. Most of the relationships were long-term, two-thirds were living together at the time of arrest, and over half of the abusive partners were the father of at least some of the woman's children, and provided help with child care and regular financial support. These last two resources were repeatedly cited as central considerations in decisions about continuing the relationship and reactions to the legal system's response. Many said they could not afford to

live on their own; their need for child care and their children's attachments to their father complicated the women's decisions about their relationships. Extended family involvements and aversion to loneliness were additional complicating factors for them. Further, most women spoke readily about characteristics of the relationship they enjoyed, and most attributed the violence to their partner's drinking or drug problems (which caused "another" personality to emerge), or childhood abuse experiences. Many women explicitly commented that they did not consider themselves to be "battered women," such as they had seen on television.

Most of the women had support from other sources, although these did not figure prominently in most of their decisions related to domestic violence. Most had people they could turn to in emergencies for transportation, a place to stay, child care, or money. Eighty-eight percent reported they had someone to talk to about important issues, although 21% (and 55% of Latinas) said they "never" told other people about abusive incidents.

Experience with police. A majority of the women (52%) had placed the call to police in the study incident; 82% said they wanted the call to be made. However, they did not necessarily want the police to arrest their partner. Although this incident occurred in a state where mandatory arrest had been in place for over a decade, the women did not assume this is what the police would do. 63% (82% of Latinas and about 60% of African American and Caucasian women) said that the police had been involved in at least one prior incident of domestic violence, and half of these women reported that police had not made an arrest every time. Over all, just 47% wanted the police to arrest their partner, while 22% said they wanted the police to remove him from the premises (the rest wanted other actions or did not want the police called). However, their partners *were* arrested, and nearly a quarter of the women (23%) were arrested, as well.

Just over half of the women (52%) said they were “satisfied” with the police response—60% of the African American, 55% of the Latina, and 41% of the Caucasian women. Being arrested, understandably, was a primary contributor to dissatisfaction: 79% of those who were arrested in the incident were dissatisfied with the police response, compared to 39% of those who were not arrested. Over all, four major themes of problematic police experiences were identified in the interviews: a) adverse personal outcomes (they were arrested or the child protection agency was called); b) the police made assumptions or did not listen; c) the police took sides (against her); and d) nothing happened (e.g. a strong court sanction) as a result of the arrest. The first three themes were connected to the women’s perceptions that they had not been “heard” by police.

Court Experience. As shown in Exhibit 3, 55% of the women attended court on the day of arraignment: 60% of the African American women, 55% of the Caucasians, and 36% of the Latinas. Of those who attended, 39% went by themselves and 32% went with the partner who had been arrested in the incident. A majority spoke with assessment court staff, and nearly all of them spoke with a specialized advocate on that day, as well, either in court or by telephone. Most of the women who attended court reported that they were scared and upset while they were there. Many had never been to court before.

The major negative themes in their descriptions of their court experience on that first day were distress at not being heard by court staff, fear of their partner, and difficulty handling the time demands. The women who reported that they had not been heard maintained that court staff were perfunctory in their questions, and seemed to assume that the women would remain in or return to their relationships with their abusive partners. Women who had been arrested in the incident were especially likely to be upset by their encounters with court personnel; some women

claimed that staff appeared uninterested in why they might have used violence (usually in self-protection or to defend their children). The major positive themes from the first day centered on receiving protective orders, and on their encounters with the advocates. The advocates listened to them, offered support and resources, could speak on their behalf so they did not have to attend court themselves.

The women were less clear about subsequent court handling of their cases. They were aware of extensive continuances, as their (ex-) partners responded to court orders for groups, treatment, and other interventions. During this period, the most prominent features of their court experience were their contact with the advocates and the desire to modify their protective orders as time passed. Since many of the cases involving the women's partners remained open for six months or more before final disposition, circumstances changed, women's fear of their partners (if any) diminished, and some children wanted to have more regular contact with their fathers. Both the women and the advocates reported that resulting efforts to change court orders were challenging.

Positive aspects of court experience. Several themes were prominent in women's positive assessments of the court experience. The most frequently cited experience was contact with advocates; 79% of the women said that their encounters with advocates had been helpful. Being listened to, obtaining useful information, ability to avoid attending court, advocacy for court orders and changes, and conveying information on their behalf to court personnel were the most common types of help the women cited. In different ways, each of these services enhanced the women's safety.

In addition, women variously cited helpful contacts with prosecutors and judges. Some of the women also asserted that court interventions had contributed directly to positive changes

in their partners or in the dynamics of their relationships. As Exhibit 4 shows, about half of the women were still involved in a relationship with their abusive partner, and about half of those maintained that their relationship had improved—sometimes because of new skills and approaches to problems, and sometimes because of his desire to avoid prison or other sanctions. Although just over a quarter of the women expressed some concern about the possibility of being hurt by their partner in the future, *all* of these women (and 81% over all) said they would call the police or court if new violence occurred or was clearly threatened.

Negative aspects of the court experience. Although most women reported that there had been positive aspects to their court experience, this was not universal. The women who came to court as part of a “dual arrest” were least likely to speak positively. The women who did not think *any* arrest should have been made in the incident that led to their court involvement (25%) were also unlikely to regard their court experience positively. The major themes in critical reactions to the court involved a) the limits in the court’s response, or the ineffectiveness of classes; b) court staff who did not listen or made negative assumptions; c) the involvement of the child protection agency [over a third (36%) of the women who had minor children reported that the agency became involved in their case at one point or another—half of the Latina women and 45% of the Caucasian women, but 26% of the African American women]; and (related to the first three) d) their sense that they had not been treated fairly.

Views of Mandatory Arrest. Eighty-four percent of the women said that they thought the police should be required to make an arrest if they had a reason to believe that someone got hurt or wasn’t safe. Twelve percent of the women added varying qualifications in their response to this question, and just 5% said “no.” None of the African American women and just one each of the Latina and Caucasian women were clear that an arrest should not be required under the

described circumstances. The women offered this view despite the fact that nearly a quarter of them did not believe that an arrest should have been made in their own case.

Comparisons Across Race and Ethnicity. The interviews revealed only one account of different treatment by court personnel that the women attributed to racial or ethnic bias. Instead, when women reported that they had been treated unfairly, they pointed to having been arrested or not heard. In fact, Caucasian women were more likely than others to say they had not been fairly treated.

The Latina women often revealed differences from the African American and Caucasian women, as many of the exhibits demonstrated. On most measures, either there was no meaningful difference across race and ethnicity, or the Latinas differed from the African American and Caucasian women. The Latina women were younger, had somewhat less formal education, were least likely to be employed, were more likely to have witnessed domestic violence between their parents, and more likely to have experienced childhood abuse. They were more likely to be living with their abusive partner (who was also more likely to be the father of their children), to be currently involved with him, and to say that he provided significant financial and child care support. They were also more likely to report that their partner had seen domestic violence in his childhood home. In addition, the Latina women were more socially isolated than the others—they were less likely to say they had someone to talk to about problems in their relationship, and more likely to report that they did not discuss the violence. They were also less likely to say they had someone who could provide help with child care or a place to stay if they needed it. In addition, Latina women were most likely to describe unsupportive interference from his extended family. Latina women also reported more past police involvement. They were more likely than the others to say that they wanted something other

than their partner's arrest when the police arrived. Instead, they wanted the police to get him out of the house. Despite this difference, they were more likely to say they were satisfied with the police response than were the Caucasian women (African American women were most likely to report satisfaction with the police response).

Latina women were least likely to attend court, and most likely to report that the victim advocate had been helpful to them. None of them said they had spoken directly to a prosecutor or to the judge. Finally, Latina women were most likely to predict that their partners would do what the court told them to do, and to report that their relationship had improved since the arrest.

Policy implications. The study reported here has a variety of implications for legal system intervention in domestic violence cases. The most important general implication is that domestic violence cases are complex, and do not lend themselves readily to simple, "one-size-fits-all" responses—by the legal system or any other institution. This means that the legal system cannot alone address the range of issues involved. Individual adult and child needs have been articulated that include housing, employment, financial support, health, mental health, drug and alcohol treatment, and civil legal issues, in addition to the criminal violence issues involved in these cases. Multiple agencies and institutions are often involved. In cases where the legal system functions as a major entry point for intervention, it would be well advised to have mechanisms established to respond to the complexity involved—through networks of cooperating agencies and institutions that can be readily accessed for support and resources of diverse kinds. A genuine coordinated community response has long been advocated, and the data reported here support that concept.

The present findings also strongly support the use of independent advocates with sufficient time and resources to provide the ongoing support throughout the pre-disposition and

post-conviction process when domestic violence victims choose to use them. Advocates can be especially helpful when they have the time to establish trusting relationships with victims, the resources to provide or arrange the support victims need, and they work in a court context where they have the credibility needed to speak effectively on victims' behalf when appropriate, or arrange for victims to speak with safety themselves. Advocates can also enhance victim safety directly by providing effective advocacy without the victims having to face their abusive partner, at least initially. As courts are moving to hold abusers increasingly accountable, advocates can work with victims to plan the safety and self-sufficiency strategies they may need, and as they change over time. They can also help the courts to re-assess practices that could contribute to risk, such as simultaneous appearances by co-defendants, or requirements that victims provide contact information that could be obtained by their (ex-) partners. Protocols that allow safe court-ordered payments through a third party, such as a probation officer, should be considered; advocates could contribute to risk assessments and help facilitate such arrangements.

The study also has implications for training throughout the law enforcement and legal systems. Personnel who work directly with either victims or abusers need to learn to listen carefully, and to understand the complex sets of dynamics often involved in domestic violence situations, with particular attention to cultural issues that pertain to the particular populations they serve. Women do not remain in relationships with abusive men primarily because they are ignorant, helpless, or think they deserve no better. Similarly, most abusive men are not only abusive, on a constant basis. When systems operate on these assumptions they are less likely to be helpful to the people involved. Instead, responses that take into account multiple needs and recognize that these needs may change—for basic daily survival for both adults and children—

are more likely to be received appreciatively. These observations suggest not only training, but more complex and ongoing risk and needs assessments, and careful safety planning.

Further consideration of child protection agency involvement in the criminal court process is also suggested by these findings. Protocols for more abbreviated investigations when there is no suggestion of direct abuse, and the children are either too young to be affected, were clearly unaware of the incident, or the incident consisted of an argument without physical violence, may be warranted. When child protection agencies are involved, clear protocols for timely communication and collaboration regarding interventions seem warranted; such protocols could also be important for the criminal and civil legal systems for cases where, for example, divorce or child custody actions are proceeding simultaneously with the criminal case.

When children want to maintain contact with both parents, and neither parent has abused the children, careful consideration is warranted for court orders that would safely permit contact. Orders that in effect make this impossible compound the difficulty of situations that are already problematic. Courts might also consider making arrangements for safe, accessible child care on days when large numbers of domestic violence cases are heard—to permit victims the opportunity for full and candid discussions of their situation and their risks with advocates and other court personnel without interruption.

Finally, cultural competency in responding to domestic violence cases is vital. Court staff and advocates must include people with proficiency in the languages spoken by their clients, and understanding of prominent cultural values and constraints that might affect their response to court interventions of all kinds. Although these and the other implications just outlined could require time and financial resources to implement in the short term, they are warranted by the longer term savings in human safety and well-being in domestic violence cases.

Exhibit 1: Selected Demographic Characteristics by Race/Ethnicity
(in percent)

Characteristic		African American	Latina	Caucasian	Other	Total
Age:	18 – 20	--	27	9	--	8
	21 – 30	20	18	23	--	20
	31 – 40	44	36	41	50	42
	41 – 60	36	9	27	--	27
	> 60	--	9	--	50	3
Education:	< high school	4	18	--	--	5
	9 – 11 years	28	18	4	50	18
	high school grad	36	45	50	--	42
	some college	28	18	32	--	27
	college grad	4	--	14	50	8
# children:	none	8	--	9	--	7
	one	12	36	18	50	20
	two – four	80	55	73	--	70
	five or more	--	9	--	50	3
Have job?:	full-time	40	10	43	50	36
	part-time	12	10	24	--	16
	no	48	80	33	50	48

Exhibit 2: Characteristics of Relationship with Abusive Partner by Race/Ethnicity
(in percent)

Relationship Characteristics		African American	Latina	Caucasian	Other	Total
Type:	intimate partner/unmarried	58	60	42	--	52
	husband	21	30	32	100	28
	ex-partner/ex-husband	21	10	26	--	20
Length:	2 years or less	25	10	20	--	20
	3 – 10 years	50	70	50	100	55
	11 or more years	25	20	30	--	25
Live together at arrest?:	yes	72	91	50	50	67
	no	28	9	50	50	33
Father of children?:	yes	40	64	57	50	51
	no	52	36	33	50	42
	N/A	8	--	10	--	7
Help w/ child care?:	yes	56	64	50	--	55
	no	32	9	32	50	27
	N/A	12	27	18	50	18
\$ support?:	yes, regular	54	73	59	100	62
	yes, sporadic	4	--	--	--	2
	no	42	27	32	--	36

Exhibit 3: Woman's Initial Court Experience by Race/Ethnicity
(in percent)

Court Experience		African American	Latina	Caucasian	Other	Total
Did she go to court on the 1st day?	yes	60	36	55	100	55
	no	40	64	45	--	45
Talk to FR counselor?	yes	61	50	55	50	56
	no	35	50	45	50	42
	don't know	4	--	--	--	2
Talk to FV advocate?	yes	92	89	100	100	95
	no	4	11	--	--	3
	don't know	4	--	--	--	2
Advocate contact mode:	in court	52	50	41	100	49
	by telephone	48	50	59	--	51
Get PO?	yes	89	100	100	50	96

Exhibit 4: Current Case & Relationship Status by Race/Ethnicity
(in percent)

Current Status		African American	Latina	Caucasian	Other	Total
More trouble in relationship?	yes	12	18	27	--	18
Fear of being hurt in future?	yes	20	27	36	--	27
Call court if hurt/threatened?	yes	88	80	86	--	83
Current relationship:	ended	48	27	45	--	41
	no change	20	18	15	100	21
	better	24	46	15	--	24
	confused	4	9	10	--	7
	trying to end	4	--	10	--	5
	re kids only	--	--	5	--	2

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