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Non-Stranger Violence

The Criminal Court's Response



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**Non-Stranger Violence
The Criminal Court's Response**

Barbara E. Smith, Ph.D.

January 1983

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PREFACE

This report focuses on non-stranger violence victims, their treatment by the court system, the adequacy of the courts' response, and the short-term and long-term problems caused by the violence. The research documents the experiences of these crime victims, discusses the implications of the findings, and makes suggestions for improvements. It is useful and important to quantify the impact of the crime and the courts' response, but we hope the reader will not lose sight of the individuals behind the statistics. All of the victims we spoke with were affected by the violence in some way, and for many, the assaults, particularly those inflicted by loved ones and friends, had a devastating impact. Three case examples may help us understand how some victims felt.

Case 1. The victim is a 30-year old female who is married to the defendant. During the assault, she was tied up with wire and knocked out (which required medical treatment). As a result of the injury, she had teeth removed and a permanent indentation on her forehead. She reported major problems with increased nervousness, financial burdens, and concerns for her safety. She told us her husband becomes violent when he drinks and has beat her in the past with sticks and iron table legs. The police were called on several occasions but when they arrived they simply told the victim that she should leave. But she told us that she had no money and nowhere else to go. After the last beating, the police came and arrested the defendant. Her case went to court and was diverted to a counseling program. She is pleased with the counselor and at the time of our follow-up interview (three months after the incident) she told us that no further violence had occurred between them. They were still in counseling, which has brought them closer together and increased their understanding of each other.

Case 2. The victim is a 53-year old female who was assaulted by her husband who she describes as mentally "sick". The victim cares for her husband and wants their relationship to continue with some improvements. She has suffered previous assaults from the same defendant.

During the assault, the victim suffered facial bruises which did not require medical attention. In a prior assault, she says her husband tried to choke her and she was hospitalized. In other assaults the police came out to the home, took a report and verbally reprimanded her husband. Although the victim did not require medical attention this time, she does report suffering from depression, inability to sleep, family problems, financial difficulties, and a feeling of insecurity in the home as a direct result of the assault.

The primary reason the victim pressed charges was in the hope that the court would require her husband to seek treatment or rehabilitation for his emotional problems. However, she dropped the charges in court because, "I thought he'd change; he had a good scare," and "I didn't want to hurt him." Three months after the incident, she told us that they are still having problems and he had assaulted her on one occasion -- she did not call the police.

Case 3. The victim is a 22-year old female who was friends with her assailant. Her former friend, who was also a female, assaulted the victim with a barbell, while the defendant was drunk and upset because the victim states, "She was jealous of my boyfriend." The victim was treated for her injuries in a local emergency clinic. She incurred \$152.00 in medical expenses but was reimbursed by

the defendant. As a result of this incident, the victim reports the following problems: strained relationship with friends and family, fear of revenge, and being uncomfortable in the presence of the defendant. The victim never had problems with the defendant before this incident.

Although the victim reports seeing the defendant about once a month or more, she has had no problems with her and feels this is because the defendant knows "she could still go to jail."

In recognition of the plight of many victims, President Reagan declared the week of April 8, 1981, as Victims' Rights Week. His proclamation well describes the situation of victims of crime across our nation:

For too long, the victims of crime have been the forgotten persons of our criminal justice system. Rarely do we give victims the help they need or the attention they deserve. Yet the protection of our citizens -- to guard them from becoming victims -- is the primary purpose of our penal laws. Thus, each new victim personally represents an instance in which our system has failed to prevent crime. Lack of concern for victims compounds that failure.

Statistics reported by the Federal Bureau of Investigation and other law enforcement agencies indicate that crime continues to be a very serious national problem. But statistics cannot express the human tragedy of crime felt by those who are its victims. Only victims truly know the trauma crime can produce. They have lived it and will not soon forget it. At times, whole families are entirely disrupted -- physically, financially and emotionally. Lengthy and complex judicial processes add to the victim's burden. Such experiences foster disillusionment and, ultimately, the belief that our system cannot protect us. As a Nation, we can ill afford this loss of faith on the part of innocent citizens who have been victimized by crimes.

We need a renewed emphasis on, and an enhanced sensitivity to, the rights of victims. These rights should be a central concern of those who participate in the criminal justice system, and it is time all of us paid greater heed to the plight of victims.

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I. INTRODUCTION

The criminal justice system is increasingly being employed to adjudicate personal and property disputes among family members, friends, neighbors, and other acquaintances. The expanded demand for court services is due in large measure to the progressive deterioration of family and community bonds in modern industrial societies and the consequent collapse of informal dispute resolution mechanisms and structures (Nader and Metzger, 1963). The ability of criminal courts to effectively resolve interpersonal disputes has been seriously challenged by legal and social scientists. The primary purpose of this research is to describe the processing of non-stranger violence cases in several of jurisdictions in order to explore the adequacy of various courts' responses and to identify responses which are effective in resolving interpersonal violence cases. It examines official treatment of these cases, final case dispositions, victims' satisfaction with case management and dispositions, and the impact various responses exert on the likelihood of renewed problems between the parties. The research evolved from past studies to both test previous conclusions and explore unresolved issues. While past studies have presented numerous contradictory findings and positions, one basic conclusion stands uncontested: interpersonal disputes, especially violent ones, are frequent in their occurrence and serious in their consequences for the individuals involved as well as for the entire criminal justice system.

Overview of Previous Literature

Violence among those who know each other has been well documented in previous studies. In a national victimization survey in 1975, it was found that one out of every five violent crimes in the United States involved people who were acquainted (United States Department of Justice, 1975). Interpersonal disputes also constitute the single largest category of calls received by most police departments in the country (Wilt, et al., 1977; Parnas, 1967; Breslin, 1978).

When not successfully resolved, such incidents can eventually result in serious injury or death. According to a recent National Crime Survey study (Gaguin, 1977-1978) and the Uniform Crime Reports for 1975, one quarter of all homicides were committed by family members of which about one-half involved spouse killing spouse. Wolfgang (1958) found that over a six-year period 11 percent of all male homicide victims were killed by their wives, while 41 percent of all female homicide victims were slain by their husbands. A Kansas City study of victims of domestic homicide (Wilt, et al., 1977) suggested a pattern of repeated, escalating violence. The study showed that in the two years preceding a homicide, the police had been at the address of the incident for disturbance calls at least once in 85 percent of the cases and at least five times in about 50 percent of the cases.

Offenders known to victims are more likely to be apprehended and arrested than offenders who are strangers to the victim. Therefore, the concentration of

cases involving a victim/offender relationship in criminal courts is far higher than the proportion of such cases among all victimizations. For example, a study by the Vera Institute of Justice (1977) found that in over half of all felony arrests for violent crimes and in one-third of felony arrests for property crimes in New York City, the victim was acquainted with the defendant. According to this study, the influx of "relationship" cases into the criminal courts has proven problematic in at least two respects. First, criminal courts are ill-equipped to deal with the complexities of relationship cases in which sometimes the roles of victim and offender are unclear, and in which it may be necessary to deal with the root cause of the incident. Courts are designed to adjudicate and sentence, neither of which may be appropriate responses in many non-stranger violence cases. Second, in attempting to deal with the large volume of relationship cases, criminal courts have less resources to expend on stranger-to-stranger cases. The Vera study concludes that having to spend much of its time on relationship cases "weakened the ability of the criminal justice system to deal quickly and decisively with the 'real felons' who may be getting lost in the shuffle" (1977:15).

The literature suggests that the response of criminal courts to non-stranger violence cases, limited at best, is further weakened by the reluctance of complainants to cooperate in prosecuting these cases. Several studies have suggested that complainants in relationship cases tend to be less willing to cooperate than other prosecution witnesses (Williams, 1976; Cannavale and Falcon, 1976; Vera Institute, 1977). The latter study found that the existence of a victim/offender relationship was the single most important factor in explaining why felony cases were dismissed; in cases where the parties were acquainted, complainants were often reluctant to press charges because "tempers had cooled, time had passed, informal efforts at mediation or restitution might have worked, or in some instances, the defendant had intimidated the complainant" (1977:135).

Studies have suggested another reason for deterioration of non-stranger violence cases in the courts. That is, the attitude of court officials towards these cases. Court officials are cited as believing that such cases do not appropriately belong in the criminal courts or that they are a nuisance to deal with because complainants often change their minds later about wanting the defendant prosecuted (Bannon, 1975). The Vera Institute (1977) study found that even when defendants in such cases were convicted they did not receive as heavy sentences as defendants in stranger-to-stranger crimes because "judges and prosecutors, and in some instances, police officers were outspoken in their reluctance to prosecute as full-scale felonies some cases that erupted from quarrels between friends or lovers" (1977:135).

However, in concluding that witness non-cooperation was often responsible for dismissals in relationship cases, previous studies relied almost exclusively upon data from court records and interviews with criminal justice officials. They did not obtain the perspective of the complaining witness. As Cannavale and Falcon (1976) have observed, this omission may lead to misleading conclusions about the reasons why cases deteriorate. According to these authors, what court officials view as witness non-cooperation may, from the witness's perspective, be a failure of the court to adequately inform him of his role in the case and the obligations it expects him to meet. Cannavale and Falcon further argue that prosecutors may attribute a dismissal to lack of witness cooperation when, in fact, they may dismiss a case based on their belief about the likelihood of obtaining cooperation from a particular witness or based on their attitude (or office policy) regarding the appropriateness of prosecution in that type of case.

In blaming witness non-cooperation for a dismissal, in other words, a prosecutor may be less likely to subject himself to censure from a superior than if he admits having a hand in the decision to dismiss. These prejudices may work against complainants who are sincerely interested in prosecuting in cases involving a victim/offender relationship.

Several recent studies conducted by staff of the Vera Institute's Victim/Witness Assistance Project (now the New York City Victim Services Agency) have explored the complexities of relationship cases presented to the court and their long-term outcomes. In Brooklyn Criminal Court, the appearance records and case dispositions of 315 complaining witnesses were studied. In addition, witnesses were interviewed twice, once prior to the entrance of their cases into the court system and again after their cases were disposed (Davis, Russell, and Kunreuther, 1980). As anticipated, complainants in relationship cases were less likely than victims of stranger-to-stranger crimes to want to initially press charges. Further, even when complainants in relationship cases did initially want to prosecute, they were more likely to change their minds prior to the disposition of their cases than complainants in stranger-to-stranger cases. Contrary to expectations, however, the study found that complainants in relationship cases attended their court dates more reliably than victims of stranger-to-stranger crimes. This finding was corroborated on a sample of complainants in Suffolk County, New York (Smith, 1979).

These findings are comprehensible in light of initial differences that were found by Davis, et al., in relationship as opposed to stranger-to-stranger cases in reactions to victimization and demands of the criminal justice system. Complainants in relationship cases suffered greater emotional stress as a result of the crime. They were angrier, more afraid, more confused, more likely to receive threats from the defendant, and more likely to oppose his pretrial release. In short, they appeared to have a greater emotional stake in their cases; victimization for them was not a discrete experience bound in space and time, but a source of continuing stress each time they encountered (or feared they might encounter) the defendant. However, complainants in relationship cases were less likely to seek punishment of the defendant than complainants in stranger-to-stranger cases. Rather, their primary concern was that the criminal justice system protect them from the defendant. Often, the victim may have felt that his aim was met just by the defendant's arrest and the threat of sanctions which existed during the period that the case was active in the court. In other words, the importance of the case to victims more often motivated them to go to court, but once in court, they were less willing to aid in convicting and punishing the defendant.

The same study also examined the court's response to cases involving a victim/offender relationship. Like Vera (1977), it found that relationship cases had a higher probability of dismissal than stranger-to-stranger cases. The study also found that the overall difference in dismissal rates which stemmed mainly from cases in which the complainant never showed up in court; 41% of relationship cases in which the complainant never appeared were dismissed, compared to only 14% of stranger-to-stranger cases in which the complainant never appeared. Another study conducted at the Victim/Witness Assistance Project (Davis, Russell, and Tichane, 1979) yielded a similar finding. Sampling a cross-section of 150 cases from post-arraignment parts in Brooklyn Criminal Court, the study found that in instances in which complainants are absent from court on a particular date, relationship cases are less likely to be continued, and more likely to be dismissed on that date than stranger-to-stranger cases.

Both of these findings indicate that in relationship cases, the defendant is less likely to be prosecuted if the complainant fails to come to court. This suggests a difference in the court officials' attitudes toward relationship versus stranger-to-stranger cases. In the former, the decision to prosecute depends heavily on the complainant's interest in prosecuting; if the complainant does not want to press charges, the prosecutor or the court may often see no compelling reason to go ahead with the case. In stranger-to-stranger cases, on the other hand, the prosecutor and court may perceive that the community's interest demands that a case be prosecuted even if the complainant is reluctant. In other words, relationship cases may be perceived as involving "private" justice because the defendant harmed, and may represent a continuing threat to an isolated individual. Stranger-to-stranger cases, however, may be thought of as involving "public" justice because the defendant is perceived to have harmed the community at large, and may represent a continuing threat to all members of the community (see also Bannon, 1975, and Smith, 1979).

The existence of such a dichotomy in court officials' perceptions of cases was further substantiated by other data in the Davis, Russell, and Kunreuther study. Complainants in relationship cases who were present in court were more likely to be consulted by the prosecutor about their wishes in the case than were complainants in stranger-to-stranger cases (this was also corroborated in the Suffolk County sample by Smith, 1979). Again, this is consistent with the view that prosecutors see relationship cases as private complaints, which they are not willing to prosecute without being certain that this is what the complainant wants.

Data on recidivism of defendants in the Davis, Russell, and Kunreuther study suggests some justification for such a dichotomy in court officials' perceptions of cases. Over a one-year period defendants in relationship cases were significantly less likely to be rearrested (for a crime against any victim) than defendants in stranger-to-stranger cases. Thus, the former defendants do seem to pose less of a threat to the community at large.

Are prosecutors less willing to prosecute defendants in relationship cases even when the complainant does want to press charges? The data from the 1977 Vera Institute study suggest that the court is likely to give defendants in relationship cases lighter sentences than defendants in stranger-to-stranger cases, for similar offenses. Further, in the studies conducted by the research staff of the Victim/Witness Assistance Project in Brooklyn Criminal Court, it was not uncommon to hear prosecutors make disparaging remarks about non-stranger violence cases. However, in several such cases in the study by Davis, Russell, and Kunreuther, prosecutors were observed attempting to convince complainants who wanted charges dropped to press for a disposition that would entail provisions to protect the complainant from continued harassment. Therefore, although non-stranger violence cases may not be prosecuted as fully as stranger-to-stranger cases, it is premature to conclude that prosecutors do not treat these cases in a serious fashion.

To summarize, the findings of these studies suggest that prosecutors often believe (a) that, in general, complainants who know the defendant often make uncooperative witnesses, (b) that defendants in relationship cases should normally be prosecuted only if the complainant demands it and (c) that defendants in relationship cases, when prosecuted, do not merit as severe a punishment as defendants convicted of victimizing a stranger. If, however, a complainant in a relationship case convinces the prosecutor and court that he is sincerely inter-

ested in prosecuting, then court officials may be responsive to his interests.

Recognizing the complexities and problems relationship cases frequently pose for traditional adjudication, court officials are increasingly exploring ways to divert these cases to alternative dispute resolution mechanisms. Mediation and neighborhood justice centers have been established in numerous jurisdictions to address the underlying problems precipitating property disputes and violent acts among those who know each other. Several research studies have found such alternatives are generally more satisfying to disputants than traditional court adjudication (Davis, Tichane, and Grayson, 1980; Cook, Roehl, and Sheppard, 1980). In addition, preliminary studies suggest that alternative programs can be just as effective as courts in deterring future hostilities between the parties (Felstiner and Williams, 1980; Cook, Roehl, and Sheppard, 1980). A study by the Vera Institute and the Victim Services Agency (Davis, Tichane, and Grayson, 1980) addressed the questions of (a) what happens after intervention of the criminal justice system in crimes between acquaintances, and (b) whether mediation is (as many persons have suggested) a more effective means of resolving interpersonal cases than prosecution. In that study, a sample of 465 felony interpersonal cases that entered Brooklyn Criminal Court between September 1 and December 23, 1977, were randomly assigned to one of two conditions. In one condition, cases were processed in the traditional way in criminal court; in the other condition, cases were diverted from the court to a mediation program run by the Institute for Mediation and Conflict Resolution. Victims were interviewed, and data on new arrests of either party for a crime against the other collected from records four months following termination of their case in one setting or the other.

The study found that, regardless of which condition cases had been assigned to, the rate of recidivism over four months was surprisingly low: continued interpersonal problems with the defendant were reported by 19% of victims whose cases were diverted to mediation and 28% of victims whose cases were prosecuted; calls to the police were made by 12% of victims whose cases were diverted to mediation and 13% of victims whose cases were prosecuted; and subsequent arrests of one of the parties for a crime against the other occurred in 4% of cases prosecuted (none of the differences between cases referred to mediation and cases prosecuted approached statistical significance).

Analysis of the data revealed that the low rate of recidivism resulted from the fact that disputants' interaction with each other was greatly reduced subsequent to their court involvement. Over all cases, 67% of disputants reported less interaction with the other party and 41% of respondents reported no contact at all subsequent to the defendant's arrest. Among disputants who did maintain contact, 57% reported an improvement in the relationship.

These results suggest that recidivism in cases between acquaintances may not be as widespread as is often assumed because many disputants have little desire to continue a relationship that has become destructive. In other words, most dispute cases do not seem to return to the criminal justice system again and again, nor do such cases usually seem to escalate into more serious violent incidents. Because of the relatively short duration of the follow-up period, this finding must be viewed as tentative and in need of further confirmation.

But, while the recidivism rate in the Davis, Tichane, and Grayson sample was generally low, the study was able to isolate one group of cases which were at relatively high risk of recurrence of interpersonal hostilities. These were cases in which police had been called upon to intervene previously and in which

disputants had strong interpersonal ties (i.e., nuclear family members or lovers). In such cases (regardless of whether they were diverted to mediation or prosecuted), disputants were far more likely to report continuing problems, to summon police again, and to be rearrested for a crime against the other, relative to cases that lacked these characteristics. These seem to be the sorts of cases which have been found by Wilt, et al. (1977), to escalate into even more serious violence. It may be that for successful resolution of these "high risk" cases, a more sustained form of intervention than they normally receive either in criminal courts or mediation programs is necessary.

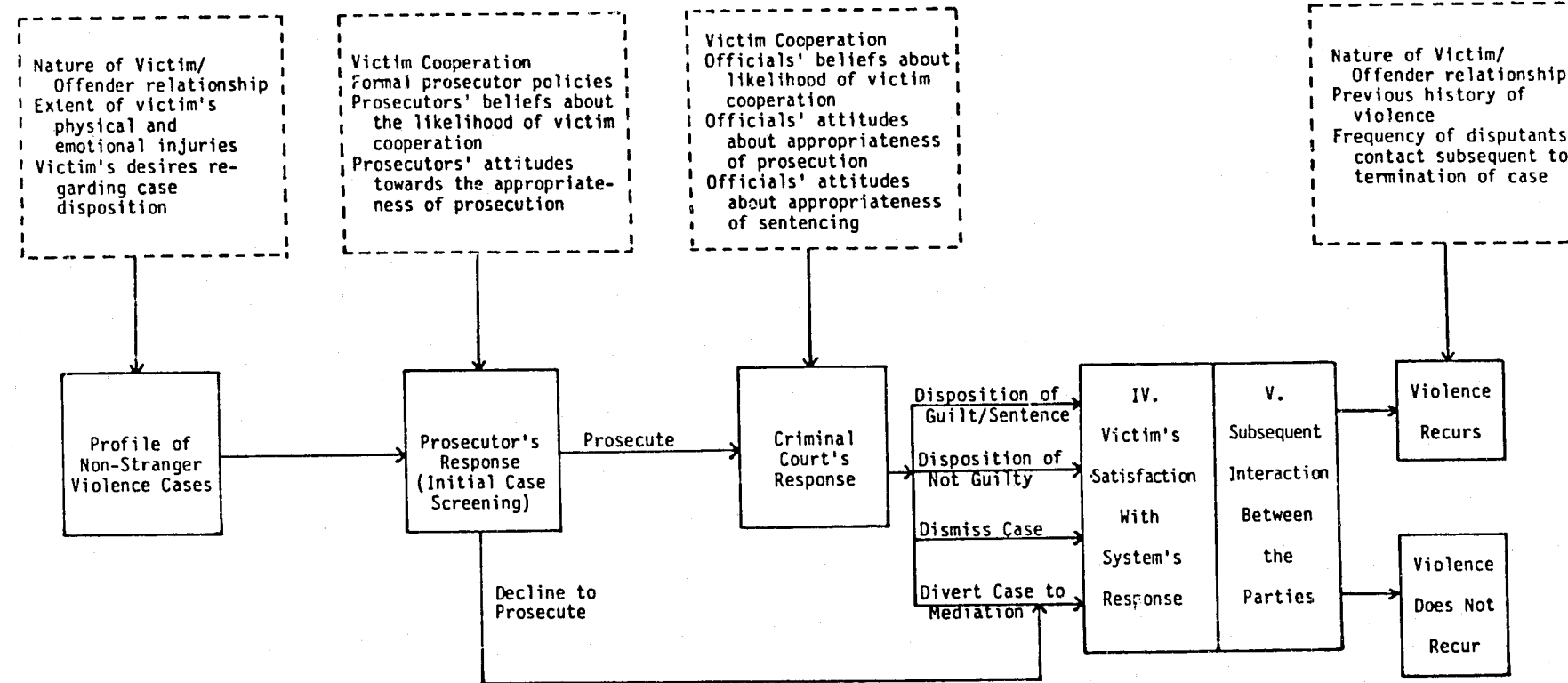
Conclusion. Recent studies have begun to address how criminal courts respond to relationship cases and their impact on the parties involved. However, to date these studies have generally focused on single jurisdictions and employed varying methodologies which hinder cross-jurisdiction comparisons. The most comprehensive studies have been conducted in Brooklyn, New York, without verification from other jurisdictions. The extent to which these findings are true of criminal courts in general is therefore unknown. Rosett and Cressey (1977) have suggested that criminal courts differ in the manner in which they process cases, each court having its own "subculture of justice"; empirical support for this idea has come from the research of Eisenstein and Jacob (1976) and Church (1978). Brooklyn Criminal Court may be an especially unusual institution because of the very large volume of cases it processes each year, and the resulting need for "moving the calendar." This demand may make it difficult for court officials to give non-stranger violence cases the attention these cases might receive in a less congested court system. Further, the overall proportion of non-stranger violence cases it processes, the proportion involving serious violence, and the proportion of domestic violence cases may be unusual, even among urban courts. But, the Brooklyn findings can be used to provide a focused inquiry into non-stranger violence cases in other court systems.

Research Design and Methodology

The study was designed to examine a variety of responses to non-stranger violence cases, to explore the adequacy of their treatment, and to identify approaches which effectively treat non-stranger violence cases. The conceptual framework for the research is graphically presented in Figure I-1. Major research questions included:

- What are the key characteristics -- type of relationship between the parties, extent of victim's injury, type of weapon employed, prior history of violence -- of the non-stranger violence cases presented for prosecution?
- To what extent are non-stranger as compared to stranger-to-stranger violence cases accepted for prosecution? What reasons are given for rejection?
- What happens to non-stranger violence cases in the court? How often are they dismissed, pled guilty, tried, or diverted?
- How do judges respond to non-stranger violence cases? What sanctions are imposed?
- What happens to cases that are diverted from the criminal court system to alternative dispute resolution programs? Compared with

FIGURE I-1
CONCEPTUAL FRAMEWORK



court cases, how satisfied are victims with the alternative programs and how often do they experience renewed problems with the other party?

- What role do victims play in the adjudication of their cases? How often are they consulted regarding their wishes for disposition?
- What types of cases result in subsequent violence between the parties? How does the court's response impact on the likelihood of renewed violence? Does the type of disposition or sanction imposed affect the recurrence of violence?

Four sites were included in the research; they were selected to maximize the differences among jurisdictions to permit the study of a variety of court structures and response patterns. Brooklyn, New York, was included in the original design because of the wealth of data available from the jurisdiction. The three additional sites selected -- Charlotte, North Carolina; Los Angeles, California; Minneapolis, Minnesota -- were chosen to represent a combination of the following characteristics:

- Courts with differing volumes were included to explore the hypothesis that criminal courts with low caseloads give more attention to non-stranger violence cases.
- Prosecutors' offices with extensive, minimal, and no screening of cases prior to entering the system were included to explore whether criminal courts are more willing to prosecute non-stranger violence cases if the prosecutor exercises greater selectivity in the cases accepted for prosecution.
- Sites were selected which have differing dispute resolution programs to study the impact of diverting cases to alternative programs on the disputants and the criminal justice system.

The research design assumed a different profile in the new sites -- Charlotte, Los Angeles, and Minneapolis -- than in Brooklyn. In the new sites we focused our inquiry on the courts which handle the majority of non-stranger violence cases -- the lower criminal courts. While most non-stranger violence cases in Brooklyn are also resolved at the lower court level, previous research from that site had already addressed many of the issues yet unexplored in our other sites. Therefore, in Brooklyn, we concentrated on the processing of violence cases (primarily robberies and felonious assaults) in the upper court to contrast with the lower court findings. Because the Brooklyn cases are fundamentally different than the lower court cases handled in our other sites, they are analyzed and discussed separately in Chapter III.

In Charlotte, Los Angeles, and Minneapolis four major data collection tasks were conducted in the lower court -- observations of case processing, collection of data from historical case records, interviews with victims and defendants, and administration of a set of hypothetical cases. Figure I-2 summarizes the major data collection activities.

Observations. Our on-site research analysts directly observed the processing of court cases during key phases in the process (e.g., arraignment, preliminary hearing, trial) on a daily basis for two to three months during the

FIGURE I-2
OVERVIEW OF DATA COLLECTION METHODS

	<u>Number of Cases</u>	<u>Number of Interviews</u>
Court Observations	200 in Los Angeles - 25 eligible for interviews* 100 in Charlotte - 51 eligible for interviews 50 in Minneapolis - 11 eligible for interviews	5 victims interviewed in Los Angeles 20 victims interviewed in Charlotte 4 victims interviewed in Minneapolis
Court Records Reviewed	153 in Los Angeles 86 in Minneapolis 63 in Charlotte	65 victims interviewed in Los Angeles 30 victims interviewed in Minneapolis 29 victims interviewed in Charlotte
Mediation Records Reviewed	92 in Los Angeles 51 in Minneapolis	43 victims interviewed in Los Angeles 33 victims interviewed in Minneapolis
Hypothetical Cases Administered	5 cases in Set A 5 cases in Set B	25 Brooklyn prosecutors 19 Los Angeles prosecutors 7 Minneapolis prosecutors 6 Charlotte prosecutors

*Cases which were eligible for interviews included those disposed of during our court observations.

spring and summer of 1980. For each violence case observed, the analyst completed a basic fact sheet (charge, victim's and defendant's name, case outcome, etc.) as well as a structured observation sheet that was designed to capture the major topics discussed during plea negotiations; interactions among victims, prosecutors, and judges; and formal court ceremonies (see Appendix A for observation forms). These observations were included to permit detailed description and understanding of how courts respond to non-stranger violence cases. Although two to three months were allocated to observations, the number of cases observed varied because of the differential daily caseloads handled among our sites. Approximately 200 cases were observed in Los Angeles, 100 in Charlotte, and 50 in Minneapolis.

Cases disposed during our observations became eligible for the interviews we conducted with victims and defendants, however, observations did not yield sufficient numbers of disposed cases for interviews. Therefore, we selected a sample of recently closed cases to increase the number of victim and defendant interviews.

Data collected from records. During 1980 into the spring of 1981 we sampled recently closed cases from the court's (Charlotte) or prosecutor's (Los Angeles and Minneapolis) files. A random sample was drawn of all violence cases disposed of in the lower criminal court or any available dispute resolution program. Violence cases consisted of varying degrees of misdemeanor assault, differentially defined among our sites. For example, Minneapolis has only one category for assault (simple assault) while in Charlotte, the level of severity increases from assault to assault on a female, to assault with a deadly weapon, and in Los Angeles from battery, to simple assault, to corporal punishment of a spouse. We included both non-stranger and stranger-to-stranger cases to compare the treatment of these cases. However, such comparisons proved impossible in Charlotte and Minneapolis because very few cases in their court system involve strangers. Only in Los Angeles (and in Brooklyn, as evidenced by early studies) are assaults among strangers common* -- in Los Angeles more than a third of their caseload consists of stranger-to-stranger violence. Thus, only in Los Angeles is it possible to compare the treatment of non-stranger with stranger-to-stranger victims.

A total of 153, 63, and 86 cases were sampled from official records in Los Angeles, Charlotte, and Minneapolis, respectively. For each case sampled we attempted to collect data on the demographics of the victims and defendants, the charge, case outcome (disposition and sentence), weapon employed, and the prior criminal record of the defendant. From this sample of disposed court cases we attempted telephone interviews with victims and defendants. We also selected a random sample of cases referred to alternative dispute resolution programs -- 92 cases were selected from Los Angeles and 51 from Minneapolis.

Interviews with victims and defendants. From the sample of disposed cases we

*The greater incidence of criminal court cases involving strangers in Los Angeles may be a result of an urban environment in which strangers often interact in situations with potential for clashes (e.g., overcrowded mass transportation systems, individuals "hanging out" in downtown public areas, interactions in and around bars, etc.). The incidence of stranger-to-stranger assaults is not unique to Los Angeles, but is a phenomenon documented in other large cities such as New York, Detroit, and Chicago.

attempted to interview non-stranger and stranger-to-stranger victims* and defendants in non-stranger cases. While the original design included interviewing an equal number of victims and defendants in non-stranger violence cases to obtain the perceptions of both parties in the relationship, it became evident during the data collection period that offenders, especially those involved in criminal court cases, were exceedingly difficult to locate for telephone interviews. We continued our efforts to reach offenders but with minimal success; therefore, the vast majority of our respondents are victims. Because there were so few defendant interviews, we discuss only the victim interviews in the text. Those interested in the findings from the defendant interviews are referred to Appendix B. We do not see our reliance on the victim for our information as a major problem since the victim, the most immediately injured party to whom the court must respond, provides the most valuable information about the adequacy of the court's response. A total of 49 non-stranger victims were interviewed in Charlotte, 45 in Los Angeles, and 34 in Minneapolis court cases. An additional 25 victims involved in stranger-to-stranger cases were interviewed in Los Angeles. For cases diverted to mediation, we interviewed 43 victims in Los Angeles and 33 victims in Minneapolis.

We originally planned to interview victims twice -- once several days after their cases were disposed and again two to three months later. However, the difficulty we encountered in successfully locating victims for interviews necessitated that we modify our plans. While victims whose cases were disposed in court in Charlotte and Los Angeles were interviewed twice, those in Minneapolis and the alternative dispute resolution programs were given a single interview two to three months after their cases were disposed. This single interview essentially combined the topics discussed when two interviews were given and thus did not significantly alter the breadth of the interview (see Appendix A for a copy of the interview schedules). Whether the two-phase interview or the single interview form was used, the major topics discussed included:

- A description of the present incident including the victim's injury, the emotional trauma experienced by the victim, and their desires regarding arrest and prosecution of the offender.
- Victims in non-stranger cases were asked to describe their relationship with the other party prior to the present case including any prior violent incidents.
- Victims were asked about their satisfaction with (a) the officials involved (the police, prosecutor, judge), (b) their level of involvement in the process, and (c) case outcomes.
- Non-stranger violence victims were queried about their relationship with the other party two to three months after the case was disposed to determine the level of interaction between the victim and offender and the status of their relationship including any further non-violent and/or violent problems.

Hypothetical cases. To allow direct cross jurisdictional comparisons of the

*Victims in both non-stranger and stranger-to-stranger cases were interviewed to determine if they felt their treatment by legal officials was different.

treatment of non-stranger violence cases among our sites we designed a set of five hypothetical violence cases (non-stranger and stranger-to-stranger) which were administered to prosecutors in each site. For each of the cases, prosecutors were queried whether they would accept the case for prosecution and, if not, their reasons for rejecting it; their evaluation of the strength of the case; and their prediction about the ultimate outcome of the case. Thus, we were able to make inter- and intra-jurisdictional comparisons on the treatment of non-stranger with stranger-to-stranger cases.

The hypothetical cases were administered to all the prosecutors responsible for processing misdemeanor cases in Charlotte (N=6) and in Minneapolis (N=7), and the vast majority of the prosecutors in Los Angeles (N=19) and Brooklyn (N=25).

Overview of the Report

The report is divided into six chapters. The introduction and research design is presented in Chapter I. In the second chapter, we describe the processing of cases in Charlotte, Minneapolis, and Los Angeles. The size and complexity of the court system varied considerably among our sites. In Charlotte, cases are processed rapidly and traditionally; no alternative dispute resolution programs are available. In contrast, both Minneapolis and Los Angeles have mediation programs, although the programs are quite dissimilar. The workload of the courtrooms are also different with Minneapolis processing far fewer cases than Los Angeles. This has consequences for the time and attention given individual cases and the ambience created in the courtroom. Chapter III focuses on the adequacy of the courts' response from the victims' perspective. We begin with an exploration of the response of and satisfaction with the police, prosecutor, and court for non-stranger victims in our lower criminal courts. We found more similarities than differences among our sites, which suggests that victims everywhere share some common reactions to the criminal justice system. In the second and third sections of the chapter we discuss the processing of non-stranger compared with stranger-to-stranger cases in the Los Angeles lower court and between our lower courts and the upper court in Brooklyn. Contrary to what we might expect, we found that the treatment of non-stranger victims is not inferior to the treatment of stranger-to-stranger victims; rather, non-stranger victims tended to be satisfied slightly more often than stranger-to-stranger victims. However, non-stranger cases are more often dismissed than stranger-to-stranger cases. The fourth chapter presents another non-stranger, stranger-to-stranger comparison. In this chapter, we present our findings on the reactions of the prosecutors in each site to hypothetical cases. We found that the prosecutors did not treat non-stranger violence cases substantially differently than stranger-to-stranger cases. However, there were important site differences in how the prosecutors responded to all the cases. That is, the same case (stranger-to-stranger and non-stranger) was not perceived similarly among the sites. In Chapter V, we explore the impact of the assault on non-stranger victims and the frequency of renewed violence between the parties several weeks after the incident, and again two and one-half years later. We found that for a significant minority of victims, problems, sometimes violent ones, are continuing long after the case has been closed by the criminal justice system. Finally, in Chapter VI we summarize our major findings and discuss their implications for improving the courts' response to non-stranger violence cases.

II. CASE PROCESSING

The size and complexity of the court system varied considerably among our sites. In this chapter, we describe the processing of cases in Charlotte, Los Angeles, and Minneapolis followed by a discussion of case outcomes. The findings reported in this chapter were compiled during our observations of the processing of violence cases and our review of a sample of disposed violence cases drawn from official records.

Charlotte

In 1980 five assistant prosecutors under the supervision of the Misdemeanor Unit Chief processed 20,000 misdemeanors in Mecklenburg County (Charlotte, North Carolina). These five assistants were rotated among four misdemeanor courtrooms -- General Misdemeanor Court, Domestic Relations Court, and two traffic courtrooms.

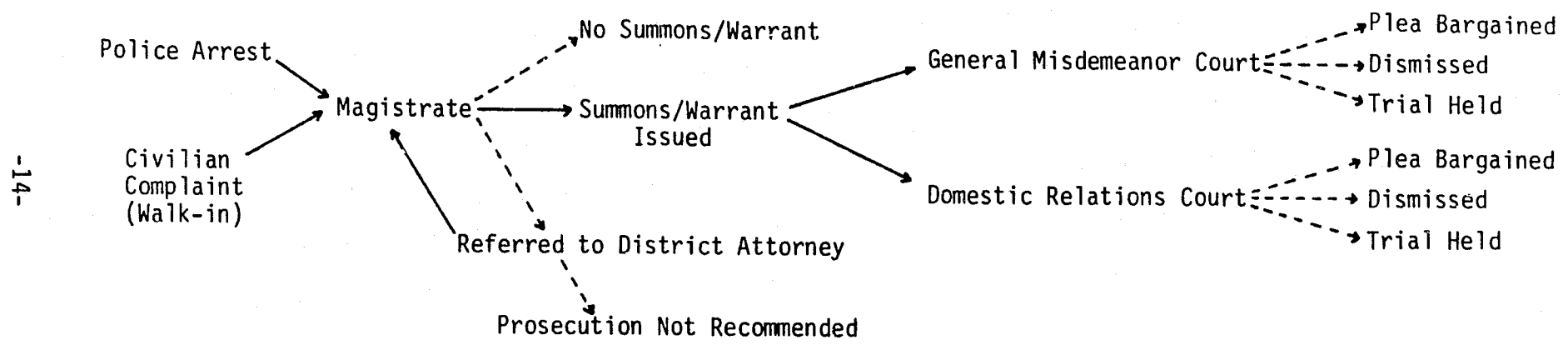
Misdemeanor cases generally enter the system after review by magistrates, quasi-judicial officials who determine whether probable cause exists to issue a summons or warrant. The first opportunity the prosecutor has to examine the case occurs the morning it appears on the court docket. Assistants are not assigned to prepare individual cases in misdemeanor courtrooms. Rather, they serve in one of the misdemeanor courtrooms for approximately one month and process all cases appearing on the calendar during that period. Misdemeanor dockets are heavy and result in quick case reviews by prosecutors following the call of each case on the calendar.

A graphic description of the flow of cases is presented in Illustration II-1, followed by a discussion of each phase in the process.

The Magistrates. The magistrates* are located in the basement of the police station and operate on a 24-hour basis. Cases may be presented to them in two ways. The police may arrest a suspect and appear before the magistrate to request a formal complaint be drawn. While all felony cases enter in this manner, most misdemeanor cases are initiated by civilian complaints. Civilians may appear at the magistrate's office at any time with their complaint and request official action. Since this initial appearance represents the victim's first experience with the court system, it may critically shape their impression of the judicial system. Victims expecting the formal stereotype of judicial proceedings may be surprised at the informality and treatment typically received at the magistrate's office. They enter a room in the basement of the police station which contains several rows of benches. At the front of the room is a small window with a slot

*Magistrates serve under the supervision of the administrative judge of the lower criminal court.

ILLUSTRATION II-1
MISDEMEANOR PROCESS - CHARLOTTE



at the bottom (very similar to a theater window). Next to the window is a form on which they are to write their name and a brief description of their complaint. This paper is then slipped under the window. Two to three magistrates are located in an office behind the window and are frequently busy completing paperwork on previous cases and drawing complaints for police officers who enter the office through a side door. As a result, victims may have to wait prolonged periods before someone retrieves their completed paperwork.

Once a magistrate receives the victim's request for a warrant, he calls the victim to the window. Numerous questions are asked to determine if there is probable cause to issue a warrant. From our observations and conversations with magistrates, it appears they are much more reluctant to issue a summons or warrant in relationship cases. Primarily this reluctance is based on their past experiences of issuing warrants only to learn that victims in such cases frequently failed to follow through in prosecuting the defendant. Therefore, they tend to question victims more intently in relationship cases especially probing such areas as the victim's provocation, the victim's willingness to prosecute, the credibility of the victim's story and so on. This questioning all occurs through the window under semi-private conditions. For some victims, especially those asked to reveal intimate details of their relationship and prior problems with their spouse, friend, or other acquaintance, this may prove embarrassing and uncomfortable. While the extended probing given relationship victims may be perfectly reasonable considering the problems these cases frequently pose for successful prosecution, it sometimes leaves relationship victims believing the system does not care or with feelings that their credibility has been unnecessarily questioned. Indeed, in our interviews with victims, the treatment they received at the magistrate's office typically elicited the most negative comments about the entire process:

The magistrate made me angry. It took him thirty minutes to wait on me and then he said, "Haven't you been here before? You look like the one that just left." I said no and he said don't yell... His manner was awful, so rude and uncaring.

Going before the magistrate was the most distasteful part of the whole thing. Here I had to tell this to a man who didn't want to issue a warrant in the first place with a whole roomful of people listening.

The magistrate was furious with me when I came down to bail the defendant out. He screamed and yelled at me. It was a disgusting scene.

If the magistrate decides to issue a summons or warrant, he also sets the bail amount according to a pre-fixed schedule. Should the magistrate determine there is no probable cause to issue a summons or warrant, he may tell the victim that nothing can be done or, in relationship cases, he may send the victim to the prosecutor's office for screening. The latter is done when the victim has no visible injuries or the victim's story does not seem credible. Unfortunately, no records are maintained on rejected and referred cases; therefore, the frequency on such occurrences is unknown.*

*Prior to last year, it was common practice to refer all relationship cases to the prosecutor who would "educate" the victim as to what the court was capable of ac-
(Footnote continued)

Victims referred to the district attorney are given a time to appear on Tuesday or Thursday afternoons. However, no record is kept of the appointments scheduled so victims may have to wait to see the prosecutor with several other victims also scheduled for the same time. Like the magistrate, the prosecutor questions the victim about the incident; however, this is done in a private office in a face-to-face conversation, hence the atmosphere is much more humanistic than in the magistrate's office. Also, the prosecutors are trained professionals, while the magistrates typically have only a high school education and minimal training. Therefore, the background and professionalism of the individuals questioning the victims varies significantly.

Victims who are interviewed by prosecutors may be advised in two ways. First, they may be informed that there is insufficient evidence to prosecute the case. Second, they may be instructed to return to the magistrate with a form signed by the prosecutor recommending that a complaint be drawn. For all victims interviewed by the prosecutor, an index card is completed noting the date of the interview, nature of the complaint, and outcome. These cards are filed and updated for any subsequent visits by the victim to establish a pattern to document the history of problems between the parties, or in some instances, a pattern in which victims file charges only to drop them later. In the latter case, victims may be admonished not to file charges unless they plan to follow through with the prosecution or they may be warned that no further summons or warrants will be issued for similar complaints.

Once a summons or warrant is issued, cases are placed on the court calendar for a week or two hence. Husband-wife cases are sent to Domestic Court, while all others go to the General Misdemeanor Court.

General Misdemeanor Court. Cases are processed quickly in the General Misdemeanor courtroom; one or sometimes two assistants are assigned to handle an average of 75-125 cases daily. They first see their cases an hour or so before court begins; therefore, there is little time for case preparation. Actually, very little information is contained in the official file, only the formal charges and defendant's and victim's names.

Most defendants are not represented by an attorney (only 40% of the case files we examined had defense lawyers -- 15% were public defenders, 25% were private, and a full 60% of all defendants had no attorneys). There is little discussion prior to the case being called. In some instances, attorneys will attempt to negotiate a plea with the prosecutor before the docket is called but these cases represent a minority of all cases processed. The usual routine is for the case to be called, at which time the defendant and any witnesses are requested to approach the bench. This is generally the first opportunity the victim has to speak with the prosecutor; sometimes truncated conversations occur at this point, but on occasion the judge will start to discuss the case with the prosecutor before

*(Footnote continued) completing for the victim. Victims were encouraged to choose another option about 50% of the time. However, pressure from women's groups stopped this practice. Claiming such handling of these cases was prejudicial and hence unconstitutional, they convinced the supervising judge to order magistrates to issue a summons or warrant whenever there was reason to believe a crime had been committed. Thus, only "questionable" cases are now referred to the prosecutor's office.

the victim has an opportunity to speak with the prosecutor. Of the cases we observed, interactions between prosecutors and victims occurred in only 14% of the cases.

The courtroom action is more informal than the popular stereotype. Victims expecting trials or lengthy considerations of their cases will be surprised by the rapid processing. There are no jury trials in the lower court and judge trials proceed quickly without a court reporter and with limited cross-examinations. Observers will no doubt be struck with the speed and minimal attention granted each case. Also, cases are not allowed to drag on in the Charlotte lower court. Victims are notified to appear on the second court date only;* those failing to do so will have their cases voluntarily dismissed by the prosecutor.

Domestic Relations Court. All misdemeanor cases involving spouses are sent to the Domestic Relations Court by the magistrates.** Although misdemeanors among strangers or spouses are not legally distinct, the Domestic Relations courtroom has been established to facilitate the processing of spousal cases. The presence of this specialized courtroom suggests that domestic cases are defined as "different" from other violence cases.

The courtroom is staffed by one assistant prosecutor, sometimes aided by a student intern assigned to the office. As in the General Misdemeanor courtroom, the prosecutor first sees his calendar shortly before court begins. If he is assisted by an intern, he usually has the intern speak with the victim in the hallway outside the courtroom. Otherwise, the victim will first be consulted when the case is called in court. Again, a brief conversation will generally be conducted by the prosecutor and victim a few feet from the defendant or, in some instances, direct conversations occur with the judge before the entire courtroom. In either case, victims are requested to reveal intimate details of the incident and their relationship with the defendant in a brief semi-private or public ceremony. Unlike the General Misdemeanor Court, however, the docket is not generally overloaded; therefore, cases are often given longer consideration. Frequently, victims appear simply to drop charges. Depending on the judge and prosecutor, those dropping charges may be questioned regarding their reasons for dropping charges, and, in some cases, will be discouraged from doing so. However, dropping charges is very common and usually occurs without much interrogation. Those victims who drop their charges are required to pay court costs (\$27.00) and are frequently admonished not to "use" the court system so lightly again in the future. This is especially common for "repeat" users.

The processing of cases is similar to those in the General Misdemeanor courtroom. Cases are processed with the minimal information included in the files; jury trials are not available but all cases may be appealed and tried before a jury.

*Victims are not subpoenaed for the first court appearance, which in principle is used only to inform defendants of their rights, but in practice guilty pleas are accepted on the first court appearance. Defendants wishing to plead not guilty are informed they must return on another date to allow the state to subpoena the victim.

** On occasion, cases involving parties living together but not legally married will incorrectly be assigned to this courtroom or spousal cases missed and assigned to the General Misdemeanor courtroom, but these are the exception.

Again, victims have only one opportunity to appear in court, those who fail to appear on their subpoena date will have their cases dismissed.

Los Angeles

The jurisdictional boundaries of prosecutors within the county of Los Angeles are complex and numerous. Within the county, the district attorney is responsible for the processing of all felony cases and misdemeanor cases except in those cities whose charters include the office of city attorney. Los Angeles is such a city; therefore, misdemeanors are handled by the Los Angeles city attorney. In fact, the city of Los Angeles is so large and dispersed that the city attorney maintains four offices -- central Los Angeles, Van Nuys, West Los Angeles, and San Pedro -- each with their own distinct profile. In order to maximize our study of one system and eliminate the counterbalancing nuances of various offices, we decided to limit our research to the downtown Los Angeles office, the largest office operated by the city attorney.

Within the downtown Los Angeles office, there are 43 assistant prosecutors in the criminal division, five of whom are in a supervisory position. Assistants serve at the pleasure of the city attorney who is elected to a four-year term of office. Assistant prosecutors rotate between the Arraignment, Master Calendar, and Trial Courtrooms every two to four weeks. They are not assigned to individual cases; rather, they handle any cases appearing in the courtroom where they are stationed.

Los Angeles City Attorney's Domestic Violence Program. The city attorney operates a Domestic Violence Program which was created in 1978 to "establish an understanding that crimes of violence which occur between persons in a continuing personal relationship are not less criminal than those involving strangers." The primary purpose of the program is to train prosecutors to successfully prosecute domestic violence cases and to monitor the outcomes of these cases. While some direct services are offered to victims, such as referral to other protective and legal resources and continuing support during prosecution, the majority of victims in Los Angeles do not have direct contact with the program. Included in this training are techniques to deal with victims who are reluctant or begin to waver about prosecuting their assailants.

Domestic* violence cases are tagged and monitored throughout the system. A deputy city attorney is assigned to screening all domestic violence cases. She examines the police report to determine if there is probable cause to file criminal charges. As an alternative, she may refer the case to the Hearing Officer Program, an alternative dispute resolution program discussed below. Indeed, a majority of the cases (60-65%) are handled by office hearings. The number of flat rejections is very small (1-2%). Originally, it was hoped that the deputy would be able to contact each victim to explain the court process and encourage the victim to prosecute. This quickly proved to be an impossible task; therefore, only the victims in more serious cases or those in which the facts are unclear are generally contacted by the deputy.

The screening deputy completes an index card for each case she reviews.

* Domestic cases are defined as those "between persons in a continuing personal relationship."

These cards contain important details of the case, characteristics of the victim and defendant, and a description of the events precipitating the incident. The cards are used to compile aggregate data about domestic violence cases and to monitor their dispositions. On each index card the deputy also writes a recommended disposition and she then attaches the card to the file. Assistants at every stage of the court process are instructed to follow the recommended disposition or to consult with the screening deputy or director of the program before revising the disposition. In addition, assistants are trained to deal with problems which might arise during the prosecution of the case and to address the needs of domestic violence victims. They are encouraged to seek the advice of the screening deputy or director of the program whenever special needs or problems surface.

Los Angeles City Attorney's Hearing Officer Program. As discussed above, many domestic violence cases are referred by the screening deputy to the Hearing Officer Program. The program was established in the early 1960s to handle a variety of cases, including those involving non-strangers. In 1974, the program was vastly reorganized and expanded and today screening prosecutors send cases to the program (a) when there is a question as to whether criminal charges should be filed, or (b) when the nature of the case (e.g., neighborhood disputes, domestic disputes, minor infractions of the law) appears better resolved by an informal hearing. Cases may be sent to the program in one of two ways. First, screening prosecutors may decide to send cases pre-filing to the program; i.e., instead of filing charges with the court, cases are diverted to the program. Over 95% of the cases the program handles arrive in this fashion. Second, cases already in court may be sent post-filing to the program, but this seldom happens.

In several respects, office hearings resemble mediation sessions conducted in other jurisdictions and for purposes of comparison with the mediation program in Minneapolis, we shall discuss our findings on the two programs as mediation versus court processing. However, the reader should be aware that the hearing officer program in Los Angeles is not a "true" mediation program as is generally referred to in the literature. Most mediation programs are designed to treat non-stranger cases involving underlying disputes in an informal setting. Sessions often run one to two hours and are guided primarily towards reaching a workable solution between the parties. The Los Angeles program differs in several important respects. First, the program handles both stranger-to-stranger and non-stranger cases. In stranger-to-stranger cases the goal often appears to be to inform the erring party that his conduct was wrong and to have him apologize for some infraction of the law. This is often accomplished by lecturing the individual rather than discussing the situation in a non-judgmental way. Secondly, the program has two often conflicting goals -- first, to determine if there is sufficient evidence to warrant criminal charges; and second, to help the parties resolve the dispute. The stated concern with examining cases for possible criminal prosecution may inhibit open discussion of cases and establish a tone inconsistent with a mediation process. Thirdly, the hearing officer program receives a wide variety of cases ranging from "nothing" cases rejected by the prosecutor, to those involving serious problems which prosecutors believe are best resolved outside the traditional court system. While other mediation type programs also process a range of cases, from our conversations with officials and observations, the Los Angeles program appears especially vulnerable to serving as a "dumping" ground for "garbage" cases.

The Los Angeles program is similar to other mediation programs in the way hearings are structured, especially those involving non-stranger cases. Although

the atmosphere is often one of admonishment in stranger-to-stranger cases, in non-stranger cases participants are urged to present their underlying problem and seek solutions as in other mediation programs. The hearings are informal and conducted in the city attorney's downtown offices. The parties are sent written notices to appear and are informed of their right to be represented by an attorney. They are also instructed to bring any witnesses who will appear on their behalf. When the parties are escorted into the hearing office, they are informed that the hearing officer has two responsibilities. First, to determine if there is sufficient evidence to warrant criminal charges. Second, to help the parties resolve the matter if they choose to do so. Respondents are read their Miranda rights and asked if they choose to waive them. If so, the hearing begins.

The complaining party usually presents his case first, followed by that of the respondent. Any witnesses are called after these presentations. Hearing officers generally encourage the parties to fully state their positions, including any problems with the other party not directly related to the immediate charge. Although styles vary among the hearing officers, they generally play an active part in the discussions, asking questions, clarifying issues, and suggesting solutions.

At the conclusion of the hearing, the hearing officer usually summarizes the session and gives his perception of the situation. Often he attempts to reconcile the parties, but this is not always possible. In many cases, the respondent, and sometimes the complainant, is chastised for his behavior. Unlike many mediation programs, no written agreements are made. Rarely (less than 5%) are cases recommended for court filing, but the respondent may be warned that any further misconduct will result in charges being filed at a later date.

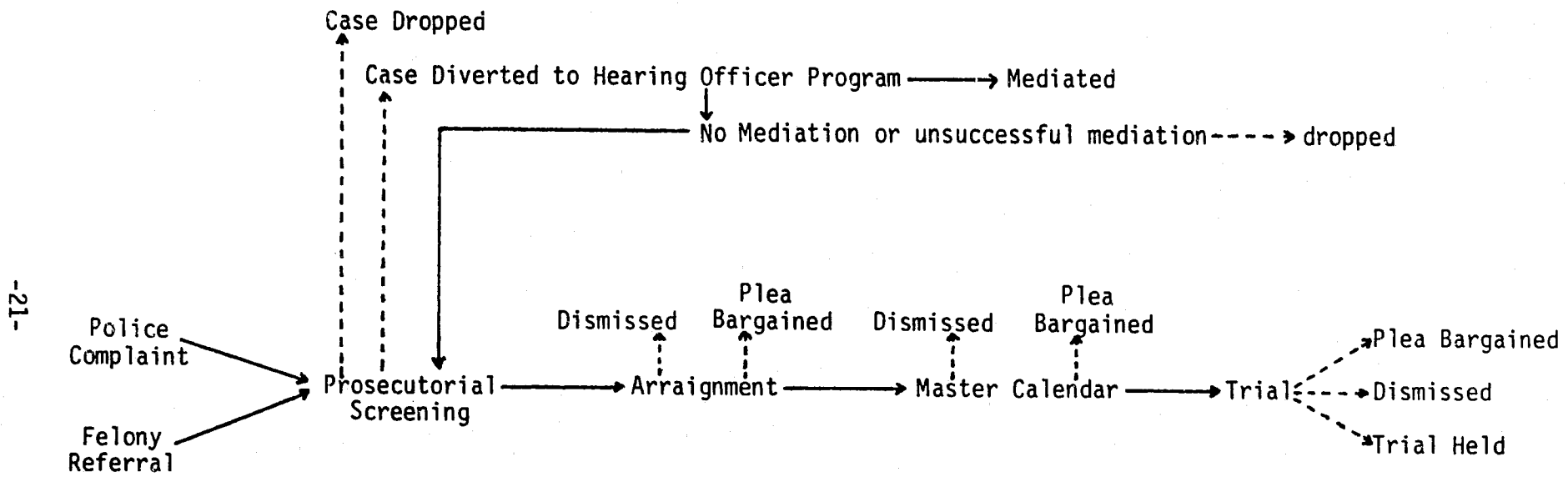
Office hearings are scheduled every half hour for each officer. They are generally scheduled two to four weeks after the incident. During 1979, 6,937 cases from the downtown office were referred to the Hearing Officer Program. However, not all of these cases were actually heard, as some parties did not appear. If both parties fail to appear, the case is placed off calendar (i.e., charges are not filed with the court). Cases are also put off calendar if only the complainant shows and does not wish to pursue the matter. However, if the complainant appears and wants to continue the matter, the respondent is sent another letter with a new date scheduled for the hearing. Should the respondent fail to appear the second time, the case will be reviewed to determine if criminal charges should be filed.

Misdemeanor cases are reviewed by the city attorney's office prior to their entering the court system. Cases which are accepted for prosecution may proceed through arraignment, master calendar, and trial courtrooms (see Illustration II-2).

Screening. Assistant city attorneys screen misdemeanors on a rotating basis. As discussed previously, all domestic violence cases are referred to the Domestic Violence Program deputy for review. Screening consists of a review of the charges brought by the police and a description of the incident. Cases may come to the attention of the city attorney either through a complaint drawn by the police or through a felony referral (this occurs when the district attorney determines the facts do not warrant felony prosecution but the case appears to warrant misdemeanor prosecution).

During the initial review, the screening deputy typically makes his determination based on the paperwork completed by the police. Seldom is the officer or

ILLUSTRATION II-2
MISDEMEANOR PROCESS - LOS ANGELES



victim contacted for further information. Unlike Charlotte, civilians may not bring their complaints directly to the court system; rather, they must bring all complaints to the attention of the police who then decide whether to write a formal complaint. The screening deputy has several options with the cases reviewed: (1) the case can be rejected outright, (2) the case can be referred to the Hearing Officer Program, or (3) the case may be accepted for prosecution either with the original charges or with amended charges. Although exact statistics are not available, the screening supervisor estimates that about 15% of the complaints presented to the city attorney are rejected while an additional 15% are diverted to the Hearing Officer Program.

Arraignment. Both arraignment and screening occurs in an old courthouse located next to the county jail, approximately two to three miles from the main courthouse and city attorney's office. Arraignment and screening are combined assignments for assistants who rotate every two to three weeks. Located in the arraignment courthouse is a permanent supervisor responsible for screening and arraignment procedures. There are four arraignment courtrooms which operate daily, Monday through Friday.

Prosecutors generally first see their cases as they appear for processing in the courtroom. In the morning there is generally a build-up of cases from the night before and as the day progresses, cases continue to trickle in. Arraignment is the first appearance for defendants and is primarily designed to inform them of the charges filed against them, determine bail or release on their own recognizance, and inform them of their rights. The atmosphere in the courtrooms is formal and legalistic. Very rarely do victims appear at arraignment -- they are never summoned to appear. Time and careful attention is typically given to informing defendants of their rights in detail and insuring that they comprehend them. Those requesting the services of the public defender are sent down the hall to their offices where eligibility forms are completed. Judges are particularly reluctant to accept pleas from unrepresented defendants and frequently urge those without counsel to see if they qualify for the public defender or to seek outside counsel. Almost all Los Angeles defendants do seek and qualify for the services of the public defender. In the 268 files we examined, 91% of the defendants were represented by the public defender, 5% had private counsel, and only 4% were without counsel.

Arraignment also serves to dispose those cases which can be quickly adjudicated. Overall, 73% of cases were resolved at arraignment last year either by plea or dismissal; however, the percentage is significantly lower for assault and battery cases: 23-35%. This is a good indication that these cases are either more complicated or more serious than those resolved early in the process, and also that prosecutors are reluctant to dismiss them before a more extensive review is conducted, including consultation with the victim.

Master Calendar. Cases not disposed at arraignment will be sent to the Master Calendar courtroom located in the main courthouse across the street from the city attorney's office. Four to five assistant city attorneys are assigned to the courtroom, again on a rotating basis. One is the supervisor who is responsible for all plea negotiations; one sits in the "hot" seat and is responsible for presenting the prosecutor's position on each case while two to three other assistants help with the paperwork during their training period. The senior assistant in the courtroom handles all plea negotiations. Unlike Charlotte, negotiated pleas are not uncommon -- of the 215 cases observed, 18% involved negotiated outcomes.

Master Calendar has a lengthy calendar to process each day (sometimes as many as 150 cases) and therefore rapid treatment of individual cases is the norm. In front of the rail dividing the public from legal officials, sit or stand 20-25 individuals including private defense attorneys, public defenders, prosecutors, and court clerks. From the public section behind the rail, it is difficult to hear the proceedings; indeed, even those conducting business before the bench must frequently ask for statements to be repeated and calls for silence in the courtroom are common. To the uninitiated, the exchange of paperwork and bustle of activity may appear chaotic, especially when two to three cases are simultaneously being discussed. It is frequently very difficult to distinguish the outcome of any individual case under consideration. Only cases which appear amenable to quick negotiation are discussed in Master Calendar; others are adjourned for another day or more commonly sent to a trial courtroom for trial or more intensive negotiations for resolution without trial. Continually the demand from the judge is to move the calendar.

Victims may be subpoenaed to appear in the Master Calendar but most victims are placed on telephone alert by the prosecutor's office. A witness coordinator is stationed full-time in the courtroom to contact those on alert to either obtain information requested by the prosecutor or to advise them to report to the courthouse. Those present in court will generally speak with one of the assistant prosecutors for a few minutes before the case is called, but rarely do they speak directly with the judge. If the case is not resolved and it is sent to a trial courtroom for further processing, victims are told to report to the appropriate room. When they arrive in the trial courtroom, their case will be handed to another assistant city attorney and they will usually be obligated to tell their story once again.

As in arraignment, a number of cases are adjudicated in the Master Calendar (13%). Combined with the 73% disposed at arraignment, this leaves only 13% remaining for the trial courts to process. However, a much larger percentage of violence cases proceed to the trial courtroom, 31-42%, which again indicates that more time and resources are expended on these cases.

Trial courtrooms. At any given time, four to six trial courtrooms may be in operation. Although designated trial courtrooms, this does not mean that all cases referred there end in trial. On the contrary, the majority are negotiated prior to trial. Unlike Arraignment and Master Calendar, there is more time for negotiations to occur. Each trial courtroom maintains its own calendar which results in 30-60 or more cases pending trial. Cases placed on the calendar may be adjourned numerous times before being resolved for a variety of reasons, e.g., the defendant wishes to contemplate the plea offer; the victim is temporarily unavailable for questioning; the defense attorney is unavailable, etc. While assistant city attorneys are not assigned to individual cases, they are stationed in one trial courtroom for several weeks and thus become familiar with the caseload. As a result, they have time to prepare their cases in advance of the court date. Frequently, this involves contacting victims to assess their availability and interest in the case, and notifying them of the status of the case. If at all possible, victims are placed on telephone alert rather than being asked to appear on each adjournment date. Nevertheless, many needless appearances occur because prosecutors are not always able to predict when a case will actually go to trial. As a result, we observed numerous victims make several trips to trial courtrooms only to be frustrated by continual delays.

For cases which result in trial, victims will observe the criminal justice

system operating in accordance with its most traditional stereotype. Full scale judge and jury trials are rare in any jurisdiction and Los Angeles is no exception; only 2% of all cases ever reach trial. However, it has long been recognized that the importance of the adversary trial system goes well beyond the sheer number of trials. A motivating factor in plea negotiations is often the consequences of failing to agree, i.e., staging a public trial with all its uncertainties and costs. And these costs and uncertainties may well be augmented in non-stranger as opposed to stranger-to-stranger violence cases.

Minneapolis

The city attorney in Minneapolis has responsibility for handling all misdemeanor and civil cases involving the city. He is appointed by the city council and chooses his criminal and civil division heads. All other staff are civil service selected and promoted primarily by written examinations. Last year, 15 assistant city attorneys processed 40,000 misdemeanor cases. Assistant prosecutors serve on a rotating basis in screening walk-in complaints, and staffing arraignment, pretrial conference, and several trial courtrooms. Individual cases are not assigned in Arraignment or Pretrial Conference courtrooms, rather assistants process all cases on the docket during their two-week assignment in these courtrooms. However, during their month's tour of duty in the trial courtrooms, they are randomly assigned to individual cases two to three weeks before the scheduled trial date to allow for case preparation.

The Minneapolis City Attorney's Citizens Dispute Settlement Project. The city attorney's office operates a mediation program, the Citizens Dispute Settlement Project (CDSP). The program began in August 1976, with the recognition that the criminal justice system (1) did not offer appropriate alternatives to victims of domestic violence; and (2) did not deal appropriately with cases where both parties to a dispute may be partly at fault. It also grew out of a concern that prosecutors had a limited knowledge of community resources which may be of assistance to victims. The project is staffed by a director, a court coordinator, secretary, three student interns, and five lay mediators.

Cases may be referred to the program either pre- or post-filing of charges in court. Pre-filing charges occurs in situations in which victims appear at the city attorney's office with a police report (if they don't have a report they are instructed to obtain one) to file a complaint. The receptionist questions the victim to determine if there is a relationship between the parties. All walk-in cases involving non-strangers are referred down the hall to CDSP. Once victims appear at CDSP they will be questioned by an intake worker to determine if they qualify for the program. Only cases where probable cause exists are eligible for the program. Also considered are the suspects' prior record, degree of injury, type of abuse, and wishes of the victim. The program generally excludes cases where the injury is severe, the suspect's records is extensive (in particular, CDSP will not take any cases where the suspect has been through the program previously), and rape and child abuse cases. Those not eligible for the program are referred back to the city attorney's office for screening by an assistant prosecutor.

During the CDSP screening, victims are advised of their options and of the likely consequences of filing criminal charges. Also, some short-term counseling is done with the victim as the project director feels it is vital to begin working with the victim to encourage the individual to participate in the program. The director estimates that 75% of non-stranger violence victims choose CDSP as an alternative to the court system. Those who do not wish to participate are referred

back to the city attorney's office. If the victim agrees to mediation, the other party is contacted to determine his willingness to participate. If the suspect is willing, a session will be scheduled for a week to ten days later. If he does not agree, the victim will be advised whether criminal charges can be filed. However, very few suspects reject the mediation offer.

The second way cases are referred to CDSP is after charges have been filed in court. A CDSP representative sits in arraignment and selects cases which meet the guidelines for the project. She then interviews the defendant, and the victim if present, to determine if they qualify and are interested in the project. If they agree to mediate, the court case will be adjourned for two weeks to allow time to contact the victim (if they are not in court) to ascertain their willingness to participate in the project. If the victim or defendant does not wish to participate in the project, the case will remain in court for adjudication. If they choose CDSP, a mediation session will be scheduled in a week to ten days. If one or both of the parties fail to attend the session the case will remain on the court calendar for adjudication; if both attend and an agreement is reached at the session, the CDSP representative will inform the court and the case will be dismissed.

The mediation sessions are informal and led by lay persons employed by the Minneapolis Urban Coalition. The sessions are conducted at the Coalition Office in the evenings. An average of 60 cases are scheduled for mediation each month. Unlike Los Angeles, the program more closely resembles mediation programs discussed in the literature. Only non-stranger cases are eligible for the program. The parties are encouraged to discuss their underlying problems and to present their desires regarding the future of the relationship. Sessions are scheduled for an hour, but sometimes run longer. The majority of sessions end with a written contract which both parties sign specifying their future behavior towards each other. Violations of the contract are to be reported to CDSP and if necessary an office hearing held to determine if charges should be reinstated or initiated. If there are no further problems reported, the case against the defendant will be dismissed in court after six months.

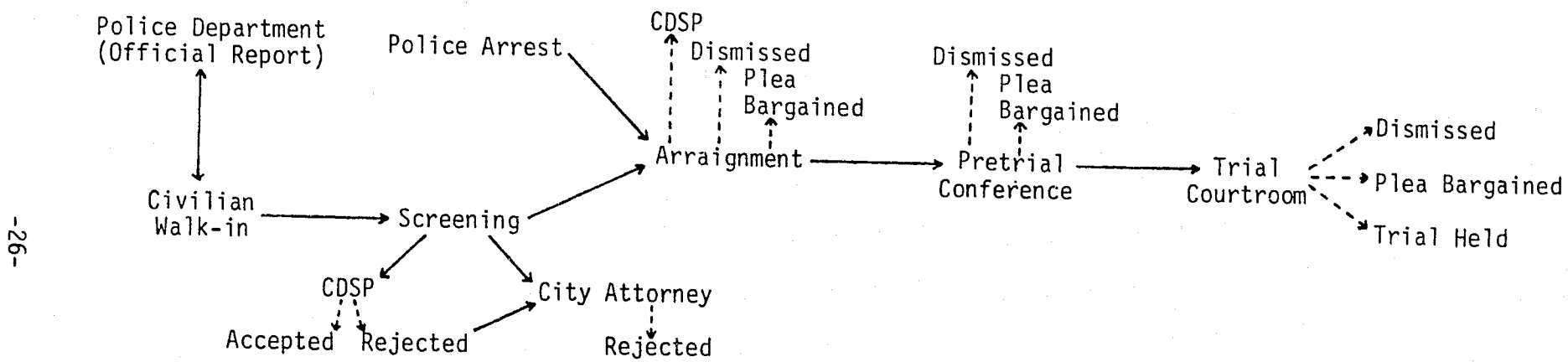
Cases may enter the system directly by the police following an arrest or charges may be filed by the city attorney following a complaint from civilian walk-ins. Cases may proceed through Arraignment, Pretrial Conference, and Trial courtrooms. The process is discussed below and graphically depicted in Illustration II-3.

Screening. Cases may enter the system through the police or civilian walk-ins. If the suspect is arrested, the police will file charges directly with the court. As an alternative, civilians may bring their complaints to the city attorney's office. The vast majority of the cases (75-90%) are initiated by police arrest. Of the 10-25% reviewed by the city attorney's office, only between 20-30% are accepted for prosecution.

Arraignment. All courtrooms are located in a modern building in downtown Minneapolis along with the city and district attorneys' offices. The arraignment courtroom is comfortably furnished with cushioned seats and carpeted floors and walls. The acoustics are excellent, therefore, it is easy to hear all of the proceedings. The courtroom is electronically wired to eliminate the need for a court reporter.

The courtroom is in session Monday through Friday from 9:00 a.m. to 4:00 p.m. One prosecutor is assigned to arraignment for approximately two weeks and is

ILLUSTRATION II-3
MISDEMEANOR PROCESS - MINNEAPOLIS



responsible for processing all cases appearing on the calendar. The pace is generally slow but may be hectic in the morning because of the number of cases with jailed defendants which must be processed from the previous night. Arraignment is primarily designed to inform defendants of the charges against them, their rights, and to determine bail or release on their own recognizance. Special care is taken in notifying defendants of their rights, including the services available from the public defender, should they be unable to afford counsel. However, most Minneapolis defendants represent themselves. In our examination of 82 case files, 78% of all defendants did not have counsel, 13% had public defenders, and 9% were represented by private attorneys. The small percentage of attorneys helps account for the infrequency of plea negotiations in Minneapolis. Less than 5% of the cases we observed in arraignment had negotiated outcomes, but in the pre-trial and trial stages discussed below, negotiated outcomes did occur in a minority of cases.

Victims are not required to appear at arraignment, although a few do attend. The few victims who do appear are usually related to the defendant. If the case is a candidate for CDSR, they will be interviewed by the CDSR representative and, in some instances, the prosecutor. Usually the CDSR representative speaks with the victim on a bench outside the courtroom. Since there are few individuals milling around the hallways, it is fairly easy to create a semi-private space to conduct the conversation.

As in the other sites, some cases are disposed at arraignment. However, the number is much smaller than in Los Angeles with only 5-10% resolved at this preliminary stage in the process in Minneapolis.

Pretrial Conference. Cases which are not disposed at arraignment will proceed to the Pretrial Conference courtroom. Cases are assigned either to the morning or afternoon session. Two prosecutors (one for traffic and one for misdemeanors) are assigned to the courtroom. They first see their files shortly before court begins in the morning. At that time, they will read through the police report which generally is fairly detailed about the incident. Defense attorneys and unrepresented defendants appear anytime during the morning or afternoon and approach the prosecutor to discuss the case. The workload is usually light (10-15 cases) and there is sufficient time to discuss and negotiate cases at length.

Proceedings vary depending on the judge assigned to the courtroom. Most judges remain in their chambers behind the courtroom. Defense and prosecuting attorneys retire to chambers to discuss the case. Defendants are also invited to participate in these discussions. A few judges prefer to sit on the bench and discuss the cases in open court. As might be imagined, these conversations are normally more formal and briefer than those which occur in private chambers outside the purview of the general public.

Victims are not subpoenaed to attend pretrial conferences and it is highly unusual to have them attend of their own volition. Since most cases (70%) are disposed of at this stage, most are adjudicated without the victim's attendance in court. Of the cases we observed, over 90% were resolved without the victim's presence at any stage of the proceedings. However, prosecutors do occasionally telephone victims at the pre-trial conference stage to learn more details about the case or to seek their opinions regarding proposed dispositions. Especially in serious cases, prosecutors are encouraged to contact the victim prior to accepting a proposed disposition, but this is an informal practice and appears largely dependent on the attitudes of the individual prosecutor.

Cases not disposed of in the Pretrial Conference courtroom are referred on to the trial courtrooms.

Trial Courtrooms. Assistant prosecutors are assigned to the trial courtrooms for about one month on a rotating basis. They are given their cases to prepare two to three weeks before their trial assignment begins. Case assignment is the prerogative of a trial supervisor who distributes cases fairly randomly, although particularly difficult cases are generally reserved for more experienced staff.

While prosecutors are preparing cases, they may telephone victims for further information or to ascertain their wishes in the case. Whether victims are contacted prior to trial or disposition depends largely on the seriousness of the case, clarity of the facts, and the individual work styles of the prosecutors. The assistants attempt to avoid unnecessary trips by victims to court, therefore, victims are generally not subpoenaed until the case appears ready to be tried. However, even cases which look ready may fall out at the last minute, resulting in futile appearances for some victims.

Summary

The size and complexity of the court systems varied considerably among our sites. In Charlotte, cases enter through the magistrates office and are processed through the courts rapidly and traditionally. Cases are automatically dismissed by the prosecutor if the victim fails to appear on the second court date. Domestic violence cases are processed in the Domestic Relations courtroom where the pace is slower and more time is given to individual cases. No alternative dispute resolution programs are available. In contrast, a mediation program is available in Minneapolis which handles a sizable proportion of all non-stranger cases. Those which remain in the court system are processed in courtrooms with light caseloads and more time and attention is given to individual cases than in the crowded Charlotte courtrooms. Los Angeles represents our largest and most complex system in terms of jurisdictional boundaries and specialization of courtrooms within the system. A Domestic Violence Program designed to train prosecutors to successfully prosecute cases and a Hearing Officer Program for mediation are available. As discussed, the type of mediation offered is substantially different from the Minneapolis program and is used in non-stranger and stranger-to-stranger cases. Cases appearing in court are first reviewed by screening prosecutors to determine if the case should be diverted, rejected, or accepted for prosecution. Those which are accepted proceed through a number of courtroom settings from arraignment to Master Calendar to trial courtrooms. The arraignment and Master Calendar courtrooms are formal and quick-paced, while cases proceeding to the trial courtrooms are processed more slowly, either during lengthy plea bargaining sessions or public trials.

How do victims respond to the various systems, legal officials, and environments they encounter in each site? We turn to this question in the next chapter.

III. ADEQUACY OF THE COURT'S RESPONSE: THE VICTIM'S PERSPECTIVE

The criminal justice system's response may exert an impact on the victim in two ways. First, there is the immediate reaction of the victim to their treatment by legal officials, their participation in the process, and their satisfaction with the outcome of the case. Second, whether the victim incurs renewed problems and violence in the future may be critically affected by how the court responds in the present case. In this chapter we will discuss the immediate impact. Are victims satisfied with their treatment? Do they feel the outcome is fair and just? From a societal perspective, we should be concerned whether those who have harm inflicted upon them believe the system responds adequately. From a pragmatic perspective, legal officials must be concerned with these questions because courts can ill-afford to breed dissatisfaction and alienation among the citizens whose cooperation (past and future) is vital to the continued functioning of the judicial system.

This chapter is divided into three major sections. First, for non-stranger violence cases processed in each of the sites, we examine the response of and satisfaction with the police, prosecutor, and court. We compare the combined reactions of the Charlotte, Minneapolis, and Los Angeles victims whose cases were disposed of in court with those whose cases were diverted to alternative dispute resolution programs in Minneapolis and Los Angeles. This is followed by a discussion of the differences among the sites in their treatment of cases. Although there are some important and interesting variations among the sites, there are more similarities than differences and when differences occur they usually are not large. This suggests that victims everywhere share some common reactions to the criminal justice system. In the second section of the chapter we discuss the processing of non-stranger compared with stranger-to-stranger cases in Los Angeles -- the only jurisdiction which handles sufficient numbers of stranger-to-stranger cases to permit such comparisons. Contrary to what we might expect, we found that the treatment of non-stranger victims is not inferior to the treatment of stranger-to-stranger victims; rather, non-stranger victims tended to be satisfied slightly more often than stranger-to-stranger victims. The third and final section contains a comparison of the treatment of cases in the lower criminal courts (Charlotte, Los Angeles, and Minneapolis) with the upper court in Brooklyn.* This allows another comparison of non-stranger and stranger-to-

* In a re-analysis of data collected from earlier Brooklyn lower court studies with the data collected for the present study, it was found that non-stranger victims in the lower court were equally satisfied with their treatment as stranger-to-stranger victims. However, it was also found that the processing of non-stranger cases in the Brooklyn court system differs from processing of cases involving strangers; more of the former cases are dismissed and, even when convicted, the former defendants received lesser sentences.

stranger victims since the lower court cases consist of non-strangers, while the upper court consists of stranger-to-stranger cases. Again, we found that as a group non-stranger victims feel similar to stranger-to-stranger victims about the court system and legal officials.

The System Responds: Victims' Satisfaction

There were no substantial differences between the extent of the victims' injury in the cases presented to the court or mediation programs. Over two-thirds of the victims sustained injuries with a full quarter requiring medical attention. Site differences in the extent of victims' injuries were slight and not statistically significant (Table 1, Appendix C). In the majority of cases in the court sample (64%) and mediation sample (77%), the assault was carried out by using fists or bodily force, but in some cases guns or knives were used (court cases - 14%; mediated cases - 12%) or other types of weapons including bludgeons, belts, and bottles (court cases - 24%; mediated cases - 12%). There were significant differences among the sites in the use of weapons in the court sample (Table III-1) -- weapons were used much more frequently in Charlotte and Los Angeles than in Minneapolis. Slight and insignificant differences in the use of weapons were found in the mediated sample. Throughout the remainder of this section we examine how legal officials responded to these non-stranger cases and victims' satisfaction with the response.

The police response. With the exception of Charlotte, where victims may bring their complaints directly to the magistrates, the victim's first encounter with the criminal justice system is with the police officer. Most of the victims (61-78%) in both the court and mediation samples summoned the police themselves. Of those who did not personally contact the police (often because the police arrived before the victim had an opportunity to request help), the vast majority reported that they did desire police intervention.

When the police were summoned, victims in both our court and mediation samples reported that they arrived between 80 and 97% of the time. Upon their arrival at the scene, the police responded in a variety of ways. Although between 81 and 94% of the victims in the court and mediation samples informed us that they wanted the police to make an arrest, arrests occurred only 49% of the time among the court sample, and a mere 27% of the time among the mediation sample (Table III-2). In lieu of an arrest, complaints were issued twice as often among the mediated sample compared with the court sample.

Three-quarters of the victims in the court sample were satisfied with the police but only one-half of the mediation sample expressed satisfaction while over a third reported dissatisfaction with the police response (Table III-3). This is not surprising given that victims in our mediated sample most frequently wanted arrests made and yet this seldom occurred. In fact, most victims who expressed dissatisfaction with the police cited the arrest decision as the key determinate of their negative opinion. While a few victims were upset because the police made arrests when they felt it was inappropriate, most victims complained about the lack of official action. Common remarks made during our interviews included:

"They laughed and made fun. They told him [the victim's husband] to go so he went to his mother's house. They said they had about 50 cases and couldn't help me. I went to a shelter without money and food."

TABLE III-1
WEAPON USED - COURT SAMPLE

	Charlotte	Los Angeles	Minneapolis
Fists/Bodily Force	51%	42%	79%
Gun/Knife	23%	20%	4%
Other*	26%	38%	17%
	(N=49)	(N=45)	(N=34)

$$\chi^2 = 16.99, df = 4, p = .00$$

*Includes bludgeons, belts, bottles, automobiles.

TABLE III-2
POLICE RESPONSE

	Court Sample	Mediation Sample
Arrest	49%	27%
Complaint Written	33%	65%
Victim Transferred for medical care	9%	--
Other*	9%	7%
	(N=106)	(N=65)

$$\chi^2 = 17.62, df = 3, p = .005$$

*Police took no action, police warned perpetrator, police told victim to go to the magistrates.

TABLE III-3
VICTIMS' SATISFACTION WITH POLICE

	Court Sample	Mediation Sample
Satisfied	74%	51%
Mixed Feelings	17%	14%
Dissatisfied	9%	35%
	(N=106)	(N=65)

$\chi^2 = 17.77, df = 2, p = .005$

"The police said for me to just stay away from him. I guess the police thought that I wouldn't go through with it -- love conquers all, you know! -- but I won't put up with it."

"They told me that they can't do anything about it because I'm married to him."

Differences among the sites in the police response. There were very slight differences among the sites in whether the victim summoned the police or wanted an arrest in both the court and mediation samples, as well as in the police response in the mediation sample (Tables 2, 3, and 4; Appendix C). However, there were significant differences among the sites in how the police responded to the incident in the court sample (Table III-4). Arrests were more common in Los Angeles and Minneapolis than in Charlotte, while transporting the victim for medical care occurred almost one-third of the time in Charlotte but never in Minneapolis and seldom in Los Angeles. Although the police response varied among the sites in the court sample, satisfaction rates with their response were very similar among the sites. In the mediation sample we also found similar rates of satisfaction with the police between the sites (Tables 5 and 6; Appendix C).

Court/Mediation Officials

Our findings on the interaction between victims and court officials, and victims' satisfaction with official conduct are based on interviews with victims in the court and mediation samples. Although we attempted to interview victims who failed to appear at the mediation session, very few could be reached for a telephone interview.* It is not surprising that we could not locate many of these victims since the failure to appear frequently resulted from the program's inability to find the individual for a mediation session. Ironically, the situation is slightly different in court cases. In these cases, court officials frequently adjudicated the case without summoning the victim to court. Therefore, the victim not appearing is not a strong indicator that they are difficult to locate and we were able to contact many victims who did not attend court. However, questions about their experiences in court were not applicable. Of the non-stranger victims we spoke with, 89% of the 49 Charlotte victims (N=44) appeared in court at least once, 67% of the 45 Los Angeles victims (N=30) and 24% of the 34 Minneapolis victims (N=8). Thus, in discussing our results for all the sites combined, we will be recounting the experiences of 82 victims. Due to the small number of Minneapolis victims who attended court, we will present only Ns and not percentages when comparing the processing of cases among sites. The experiences of our victims in court were as follows.

The prosecutor's response. Victims frequently told us that their impressions of the prosecutor were based on an assessment of their interaction or, in many cases, their lack of interaction with the prosecutor and the quality of that interaction. Approximately half the victims who came to court (51%) reported that the prosecutor spoke with them and slightly more than half (56%) reported

* In Los Angeles we were not permitted to speak with victims who did not appear at the Hearing Officer Program. For those who did not appear, it was uncertain whether they received the notification letter or not. Thus, they may not have known about the case and the program director told us that it would be inappropriate for us to contact them.

TABLE III-4
POLICE RESPONSE AMONG THE SITES
COURT SAMPLE

	Charlotte	Los Angeles	Minneapolis
Arrest	36%	51%	58%
Complaint Written	14%	40%	39%
Victim Transported for Medical Care	29%	--	3%
Other*	21%	9%	--
	(N=28)	(N=45)	(N=33)

$\chi^2 = 31.26, df = 4, p = .00$

satisfaction with the prosecutor. Victims' dissatisfaction often seems to stem from a feeling that the prosecutor did not care about their case or problem as evidenced in the following statements made to us:

"The prosecutor just didn't have any time for me."

"She didn't press the charges and made a plea bargain without consulting me. I'm the victim!"

"He just gave me a lot of bullshit."

"The prosecutor wasn't concerned. If he was, he would have called me to let me know how things were going."

On the other hand, those expressing positive feelings often commented about the concern the prosecutor demonstrated for them:

"He let me know it was as serious to them as it was to me."

"They were available and always answered my questions. They took the problem seriously, kept in touch with me, and acted quite professionally."

Differences among the sites in the prosecutor's response. There was a significant difference among the sites in the frequency with which prosecutors spoke with the victim but not in satisfaction rates. As demonstrated in Table III-5, victims spoke with the prosecutor much more often in Los Angeles and Minneapolis than in Charlotte, yet Los Angeles and Minneapolis victims were not more satisfied with the prosecutor (Table 6; Appendix C). It seems evident that conversations alone do not result in higher satisfaction rates, but from our observations and interviews with victims (such as the comments made above) it appears that satisfaction with the prosecutor resulted when prosecutors spoke with the victim and the victim believed these conversations reflected an interest in their case. Apparently, victims are judging the quality of the interaction in assessing the actions of the prosecutor.

The Court's Response

The judge/mediator. Conversations between the victim and the judge occurred infrequently -- only 26% of the victims reported any interaction with the judge. Victims' evaluations of the concern that judges versus mediators displayed for their interests and satisfaction rates with judges as compared with mediators were not significantly different -- 60% of the court victims thought that the judge was concerned and 73% of the mediation victims reported that the mediator was concerned, while 63% of the victims were satisfied with the judge and 59% with the mediator.

Comparison of the judge/mediator among the sites. There were no statistically significant differences between the frequency with which judges spoke to victims; the extent to which victims felt judges or mediators were concerned with their interests; or satisfaction rates with judges or mediators among the sites (Tables 7, 8, and 9; Appendix C). Although not statistically significant, we did find Charlotte judges spoke with victims twice as often as did judges in Los Angeles; Charlotte victims also expressed the highest satisfaction with the judges (both results were approaching significance; $p=.10$). From our observa-

TABLE III-5
PROSECUTOR SPOKE WITH VICTIM
SITE COMPARISONS

	Charlotte	Los Angeles	Minneapolis
Prosecutor Spoke with Victim	12	20	7
Prosecutor Did Not Speak with Victim	32 (N=44)	10 (N=30)	1 (N=8)

χ^2 comparing Charlotte and Los Angeles = 12.87, df = 1, p = .005

tions and interviews with victims, Charlotte judges appeared to engage in conversations and acquire slightly higher satisfaction rates because they spent time listening to victims and extending advice even when victims only stepped forward to drop charges. The following comments were typical during our interviews with Charlotte victims:

"He warned my husband not to hit me. He said he could go to jail next time. I guess he [my husband] listened because he hasn't hit me since."

[Victim dropped charges] -- "The judge explained to me what could happen if it continued this way; he made me realize that I needed to change."

[Victim dropped charges] -- "He advised us to go the counseling center on Brenard Street and not to take out a warrant again unless I go through with it. I wished I had [gone through with it] then."

Victims' participation in the process. We asked victims in our court and mediation samples if they had a chance to tell their side of the incident in court or at the mediation session. As we would expect, victims whose cases were mediated were much more likely to answer affirmatively -- 89% as compared with 59% in the court sample ($\chi^2=13.92$; df=1, p=.005). Another indication of the level of the victim's participation in the process is their evaluation of the influence they exerted on the final outcome. Again, victims in the mediated sample responded substantially different from those in the court sample (Table III-6) with over half the mediated victims reporting they exerted "a lot of influence" and less than one-fifth stating they had "little or no influence" on the final outcome. The responses were the reverse among the court sample with less than one-fifth stating they exerted "a lot of influence" and well over one-half reporting "little or no influence."

Differences in victims' participation in the process among the sites. There were no statistically significant differences among the sites in their responses to either participation question; i.e., whether they had the opportunity to tell their story or their influence on the ultimate outcome (Table 10, Appendix C).

Overall treatment. We asked victims how well they felt they were treated during their court appearance or mediation session. The responses were very similar in both groups -- 65% of the court sample and 66% of the mediated sample reported they were treated well; 23% of the court sample and 24% of the mediated sample reported fair treatment; 12% of the court sample and 10% of the mediated sample reported poor treatment.

Differences among the sites in overall treatment. In the mediated sample, only very minor variations occurred in how victims evaluated their treatment (Table 11; Appendix C). But in the court sample, victims in Charlotte (and the few victims in Minneapolis who appeared in court) felt they were better treated than those in Los Angeles (Table III-7). A full 25% of the Los Angeles victims reported poor treatment. A number of Los Angeles victims told us they were disappointed because they appeared in court once, only to have the case continued to and disposed of on the next court date without their being notified to appear on the disposition date. As a result, they felt they wasted their time in court during a useless court session only to be excluded from participation when the critical decisions were made.

TABLE III-6
VICTIMS' INFLUENCE ON THE DISPOSITION

	Court Sample	Mediation Sample
A lot of influence	17%	57%
Some influence	17%	29%
Little or no influence	66%	14%
	(N=113)	(N=49)
Missing Data	15 cases	17 cases

$\chi^2 = 39.79, df = 2, p = .005$

TABLE III-7
VICTIMS' OVERALL TREATMENT -- COURT SAMPLE
SITE COMPARISONS

	Charlotte	Los Angeles	Minneapolis
Victim treated well	32	14	4
Victim treated fair	10	7	1
Victim treated poor	2	7	--
	(N=44)	(N=28)	(N=5)
Missing Data	5 cases	2 cases	3 cases

χ^2 comparing Charlotte and Los Angeles = 7.12, df = 1, p = .05

Case outcomes. Most of the non-stranger cases in our sample resulted either in a guilty plea/verdict (48%) or a dismissal (47%); very few (5%) terminated with a not guilty verdict. Defendants who were found or pled guilty received jail sentences in 29% of the cases; some combination of monetary sentences with probation, suspended jail time, probation, counseling orders, and/or orders to stay away from the victim were given in the remainder of the cases. The vast majority of cases referred to mediation in our sample were mediated -- all the Los Angeles cases went to mediation and 82% of the Minneapolis cases.*

Differences among the sites in case outcomes. Considerable differences among the sites exist in the disposition of cases. While not guilty verdicts were rare everywhere (Los Angeles - 2%, Minneapolis - 5%, Charlotte - 8%), the proportion of guilty pleas and dismissals in each site varied dramatically. The vast majority of cases in Minneapolis terminated with guilty pleas/verdicts, but this occurred in only one-half of the Los Angeles cases and one-third of the Charlotte cases (Table III-8). Defendants who pled or were found guilty received very different sentences among the sites. Jail time was imposed in slightly over one-half of the Los Angeles cases, and one-fifth of the Minneapolis cases, but in less than one-tenth of the Charlotte cases (Table III-9). Caution should be exercised in interpreting these findings. It appears Los Angeles judges are much harsher on defendants in non-stranger cases than their colleagues elsewhere, but there are other explanations for the large number of defendants in Los Angeles who were sentenced to jail. Although our sample is too small to control for many of the factors which might affect the sentence decision (prior record, severity of the injury, pretrial release decision, etc.), in several respects, Los Angeles defendants differed from those in Charlotte and Minneapolis -- they tended to have more prior criminal offenses, frequently used weapons and, perhaps most important, were frequently in jail at the time the case was decided. While the vast majority of Charlotte and Minneapolis defendants appeared on complaint orders, the majority of Los Angeles defendants were arrested. Most of the jail time imposed in Los Angeles involved very short periods of incarceration (3-10 days was not uncommon) and often involved retaining defendants who were already in jail at the time of the decision. Certainly being retained in jail is punishment, but to hold a defendant for another few days is substantially different than incarcerating a defendant at liberty or ordering a defendant to several months in jail. Charlotte and Minneapolis judges were more often faced with the decision as to whether to incarcerate a defendant at liberty than those in Los Angeles. When defendants were sentenced in Charlotte and Minneapolis it was often to 30, 60, or 90 days; indeed, the rate with which these longer jail terms were imposed was similar to the Los Angeles rates. Thus, the primary difference between the sentence decision among the sites was the decision of Los Angeles judges to retain already incarcerated defendants for several days -- an option not commonly available to the Charlotte and Minneapolis judges as the defendant was not in custody when the sentence was imposed.

Satisfaction with outcomes. Victims in the mediated sample were satisfied with the outcome of their cases slightly more often than those in the court sample, but the differences were not large or statistically significant (Table III-10). Victims in the court and mediation sample were satisfied slightly more than one-

* As discussed earlier, victims in Los Angeles who did not appear were ineligible for interviewing, while those in Minneapolis who failed to appear proved extremely difficult to locate for an interview.

TABLE III- 8
CASE DISPOSITIONS AMONG THE SITES*
COURT SAMPLE

	Charlotte	Los Angeles	Minneapolis
Guilty	32%	54%	93%
Dismissed	68%	46%	7%
	(N=44)	(N=44)	(N=32)

$\chi^2 = 29.06, df = 2, p = .005$

* Not guilty verdicts were found in four Charlotte cases, one Los Angeles case, and one Minneapolis case.

TABLE III-9
SENTENCES AMONG THE SITES

	Charlotte	Los Angeles	Minneapolis
Jail	8%	58%	20%
Other*	92%	42%	80%
	(N=14)	(N=24)	(N=30)

$\chi^2 = 13.82, df = 2, p = .005$

* Includes monetary conditions, suspended jail, time served, counseling, orders to stay away from the victim, and/or probation.

TABLE III-10
VICTIMS' SATISFACTION WITH OUTCOME

	Court Sample	Mediation Sample
Satisfied	54%	65%
Mixed Feelings	15%	20%
Dissatisfied	31%	15%
	(N=124)	(N=51)
Missing Data	4 cases	15 cases
N.S.		

half the time. Satisfaction levels were not correlated with the disposition of the case in the court sample.* Whether the case resulted in a guilty plea/verdict or a dismissal, victims reported similar rates of satisfaction (Table III-11). During the interview we asked victims why they were satisfied or dissatisfied with the outcome and discovered that the disposition is frequently less important than the victim's perception of how the disposition affected the defendant's behavior towards them after the case or the victim's assessment of the appropriateness of the sentence. In other words, it is not the disposition itself that generally counts, but whether or not victims believe that the courts' action stopped the physical abuse and/or the defendant received the appropriate punishment or treatment. To summarize, victims reported they were satisfied with the outcome when (a) the defendant no longer bothers them, (b) the defendant received the appropriate sentence, or (c) the court followed their wishes. Conversely, they were not satisfied when (a) the defendant still bothers them or did not get the treatment (psychiatric, drug, alcohol, etc.) which they feel he needs, (b) the defendant receives what they perceive as an inappropriate sentence (almost always the victims felt the sentence should be more severe), or (c) when the court did not follow their wishes.

Differences among the sites in victims' satisfaction with the outcome. Site differences in the rate of victims' satisfaction were very slight in both the court and mediated samples (Table 12, Appendix C).

Conclusion

To summarize, most victims were satisfied with the police, especially those in the court sample. Among the sites, arrests were made in one-half of the court cases and one-quarter of the mediated cases. Arrests were much more frequent in Los Angeles and Minneapolis than in Charlotte. Victims were not as satisfied with court officials as they were with the police. Prosecutors spoke with victims in approximately one-half of the cases and slightly over one-half of the victims were satisfied with the prosecutors. There were no significant differences among the sites in the victims' satisfaction with the prosecutors. Judges spoke with victims in only one-fourth of the cases. Three-fifths of the victims thought the judge was concerned with their interests and were satisfied with the judge; similar rates were found for the mediators. Charlotte court victims tended to be more satisfied with the judges. It was suggested this was a result of the advice and counsel these judges offered to the victims. Only the victims in the mediation sample frequently felt that they had a chance to tell their side of the story and that they exerted an influence on the final outcome. Court victims typically reported that they had little opportunity to participate in the process. Overall, three-fifths of the victims in both the court and mediation samples felt that they were well treated while in court or at the mediation session. Charlotte and Minneapolis court victims reported better treatment than those in Los Angeles.

Generally, we found more similarities than differences in the experiences of the victims among our sites. The major difference among the sites was in case outcomes. The majority of the cases in Charlotte were dismissed as were one-half of the Los Angeles cases, but less than one-tenth of the Minneapolis cases. Sentences among the sites also varied with jail being imposed much more often in

*The number of victims in our sample whose cases were not mediated was too small to compare satisfaction levels between unmediated and mediated cases.

TABLE III-11
VICTIMS' SATISFACTION BY OUTCOME
COURT SAMPLE

	Guilty Plea/Verdict	Dismissed
Satisfied	59%	59%
Mixed Feelings	19%	14%
Dissatisfied	29%	27%
	(N=107)	(N=51)
N.S.		

Los Angeles than elsewhere, although the incarceration frequently involved very small periods of time. Jail sentences for extended periods (30, 60, 90 days) were handed out in few Los Angeles cases, at rates similar to those in Charlotte and Minneapolis. Despite the differences among the sites in the disposition of cases, no significant differences appeared in victims' satisfaction with the outcome.

While it is important to note that at least one-half of the victims were satisfied with legal officials, the court or mediation process, their overall treatment, and case outcomes, we should not lose sight of the significant proportion -- one-quarter to one-half of the sample in some instances -- who were dissatisfied.

Non-Stranger Versus Stranger-to-Stranger Cases

We compared the experiences of non-stranger victims in the Los Angeles court system with stranger-to-stranger victims.* Previous literature has suggested that non-stranger cases are not taken as "seriously" as stranger-to-stranger cases, i.e., the police are reluctant to arrest in such cases; the prosecutors are reluctant to expend time and effort on such cases as they believe the victim will be unwilling to cooperate in the prosecution; judges give more lenient sentences because they view non-stranger crimes as less serious than stranger-to-stranger crimes. As a result, we might expect the treatment of non-stranger victims would be inferior to that extended to stranger-to-stranger victims. This is not what we found. On the contrary, the experiences of our non-stranger victims were generally as favorable, and in some instances more favorable, than those of our stranger-to-stranger victims.

The police response. There were no substantial differences in the police response to non-stranger as opposed to stranger-to-stranger cases (Tables 13, and 14; Appendix C). The only variation which approached significance was the satisfaction rates of victims and the difference was not in the expected direction -- non-stranger victims were slightly more satisfied (77%) with the police than stranger-to-stranger victims (58%; $p=.10$).

The court's response. More non-stranger victims appeared in court (30 of 45) than stranger-to-stranger victims (16 of 25). For those who attended court, there was no statistically significant difference in the rate with which prosecutors spoke with non-stranger and stranger-to-stranger victims (Table 15, Appendix C). However, non-stranger victims were more often consulted about their wishes when conversations did occur. This may help explain the higher rates of satisfaction among non-stranger victims -- over half of these victims reported satisfaction and one-third dissatisfaction, compared with stranger-to-stranger victims, who were satisfied only one-quarter of the time and dissatisfied three-fourths of the time (Table III-12).

Judges spoke with non-stranger and stranger-to-stranger victims with approximately the same frequency and both groups of victims thought the judges were equally concerned with their interests (Tables 16 and 17; Appendix C). Non-stranger victims were more often satisfied with the judge, although this finding is highly tentative because only eight stranger-to-stranger victims expressed an

* Only in Los Angeles were there sufficient numbers of stranger-to-stranger victims to permit comparisons with non-stranger victims.

TABLE III-12
NON-STRANGER AND STRANGER-TO-STRANGER VICTIMS
SATISFACTION WITH THE PROSECUTOR

	Non-Stranger	Stranger-to-Stranger
Satisfied	17	3
Mixed Feelings	4	--
Dissatisfied	9	9
	(N=30)	(N=12)
Missing Data		4 cases

$$\chi^2 = 7.45, df = 2, p = .025$$

opinion concerning their satisfaction with the judge (Table III-13). It is unclear why non-stranger victims were more satisfied given that they did not speak with the judge more often than stranger-to-stranger victims nor were they more likely to report that the judge was concerned with their interests.

To our questions -- did you have a chance to tell your side of the story? and how much influence did you have on the final outcome? -- non-stranger and stranger-to-stranger victims responded similarly (Tables 17 and 18; Appendix C). Non-Stranger cases were dismissed significantly more often than stranger-to-stranger cases (Table III-14). However, the sentences imposed in cases which terminated in a guilty plea/sentence were similar (non-stranger jail sentence - 58%, other sentence - 42%; stranger-to-stranger jail sentence - 61%, other sentence - 39%). Despite the major differences in the outcomes of their cases, non-stranger and stranger-to-stranger victims were equally satisfied with the outcome (Table 19; Appendix C). On the question of overall treatment, non-stranger victims more often felt they were treated well -- although the results were not significantly different, the variations in the responses approached significance ($p=.10$ -- see Table III-15).

In summary, the major difference between non-stranger and stranger-to-stranger cases is in the dispositions of the cases, with non-stranger cases being dismissed three times as often as stranger-to-stranger cases. Non-stranger victims did not perceive their interactions with officials, the outcomes of their cases, or their overall treatment more negatively than stranger-to-stranger victims. On the contrary, they tended to be more satisfied with the police, prosecutor, and judge, and how they were treated than other victims. However, it is important to note that while satisfaction levels tended to be higher among non-stranger victims, a sizable minority, and in some instances, more than one-half of all victims, non-stranger and stranger-to-stranger, emerged from their court experience with negative feelings about the officials and the process.

Non-stranger and stranger-to-stranger victims in the mediated sample. Comparisons between the experiences of non-stranger and stranger-to-stranger victims among the mediated sample in Los Angeles are highly tenuous since there were only ten stranger-to-stranger victims in our sample. Even though the number is small, we recount their experiences because it is interesting to explore how victims who are not related feel about mediation -- an alternative usually offered only to non-stranger victims. All the stranger-to-stranger victims we interviewed reported they were given a chance to tell their story; they were satisfied with the mediator and their overall treatment. Most of the victims were also satisfied with the outcome and one-half thought they exerted a "lot of influence" on the outcome. The majority of non-stranger victims in the mediated sample were also satisfied with the process and the mediation, similar to the satisfaction levels of their non-stranger counterparts in court. However, the experience of the stranger-to-stranger victims in our mediation sample contrasts sharply with the stranger-to-stranger victims in our court sample -- these victims frequently reported dissatisfaction with the officials, the process, and the outcome. From our observations and interviews with victims, these trends are understandable. Victims in court were often frustrated by appearances in court which ended only in adjournments; by their lack of participation in the process; and/or by the leniency of the outcomes. On the other hand, the stranger-to-stranger victims whose cases were mediated often listened to the mediator lecture the other party on their unacceptable behavior and frequently received a verbal apology. This official reprimand, coupled with the remorse frequently displayed by the other party, appears to satisfy many victims in the minor types of incidents handled by

TABLE III-13
NON-STRANGER AND STRANGER-TO-STRANGER CASES
SATISFACTION WITH THE JUDGE

	Non-Stranger	Stranger-to-Stranger
Satisfied	13	--
Mixed Feelings	2	3
Dissatisfied	7	5
Missing Data	(N=22) 8 cases	(N=8) 8 cases

$\chi^2 = 8.95, df = 2, p = .025$

TABLE III-14
NON-STRANGER AND STRANGER-TO-STRANGER VICTIMS
CASE OUTCOMES

	Non-Stranger*	Stranger-to-Stranger*
Guilty Plea/Verdict	54%	87%
Dismissed	46% (N=44)	13% (N=23)
N.S.		

* Not guilty verdicts resulted in one non-stranger case and two stranger-to-stranger cases.

TABLE III-15
NON-STRANGER AND STRANGER-TO-STRANGER CASES
VICTIMS' OVERALL TREATMENT

	Non-Stranger	Stranger-to-Stranger
Victim treated well	14	1
Victim treated fair	7	4
Victim treated poor	7	6
	(N=28)	(N=11)
Missing Data	2 cases	5 cases
N.S.		

the mediation program.

Lower Court Versus Upper Court

The processing of cases in the lower criminal courts across the nation has typically been described as rapid and rather lax with cases being called and adjudicated every few minutes. Under these circumstances, we might expect a sizable proportion of victims would be dissatisfied with the process. In contrast, upper criminal courts have been described as slower paced and more methodical in processing cases thus we might imagine victims would be treated better than in the crowded lower courts. Are they? We addressed this question by interviewing stranger-to-stranger victims whose cases were disposed of in the Brooklyn Supreme Court. We originally planned to compare the upper court treatment of non-stranger with stranger-to-stranger victims, but quickly discovered that too few non-stranger victims were processed in the Supreme Court to permit comparisons -- just the reverse of the situation in the lower courts among our other sites where too few stranger-to-stranger victims were processed to compare with non-stranger victims anywhere but Los Angeles. In Los Angeles, we found little difference between the reactions of non-stranger and stranger-to-stranger victims, which suggests that lower court processing impacts similarly on both groups of victims. But what happens in upper court? Is the treatment of stranger-to-stranger victims better in upper court than the treatment of non-stranger victims in the lower courts? If this were true, then satisfaction among victims in all stranger-to-stranger cases could be higher than satisfaction among non-stranger victims simply because more stranger-to-stranger cases are disposed in the upper court rather than the lower court. In this section we explore that possibility by examining the responses of our 128 non-stranger lower court victims in Charlotte, Los Angeles, and Minneapolis with our 95 stranger-to-stranger upper court victims in Brooklyn.

It is not just the relationship (if any) between the parties that distinguishes the upper from the lower court cases. In many respects, the upper court cases were more serious; they involved felony charges rather than misdemeanors. The majority of the cases were robberies (75%) or felonious assaults (8%); the remainder (14%) included attempted murder, attempted robbery, kidnapping, arson, and so on. Weapons were used much more frequently -- guns and knives were employed in 67% of the upper court cases, weapons such as bludgeons, matches, broken bottles in 16% of the cases and fists/bodily force in only 2% of the cases, compared with the lower court where guns/knives were used in only 14% of the cases, other weapons in 24% of the cases, and fists/bodily force in a full 64% of the cases. Injuries occurred with about the same frequency in the upper court as in the lower court (59% of the upper court victims were injured, compared with 66% of the lower court victims) but for those injured among the upper court sample, emergency care treatment or hospitalization was much more common. Thus, the cases processed in the upper court were more serious in several respects; coupled with the fact that the victims were not related to their assailants, we might expect better treatment of the victims. We address this issue in the next section.

The vast majority of stranger-to-stranger victims in Brooklyn, like the non-stranger victims in our other sites, wanted the police to make an arrest. Although this happened more often in Brooklyn, the differences were small (61% compared with 49% elsewhere) and not significant. While the victims in the upper court were dissatisfied with the police much more often than those in the lower court, it is important to note that the vast majority of both non-stranger and stranger-to-stranger victims reported satisfaction (Table III-16).

TABLE III-16
LOWER AND UPPER COURT CASES
VICTIMS' SATISFACTION WITH THE POLICE

	Lower Court (Non-Strangers)	Upper Court (Stranger-to-Stranger)
Satisfied	74%	78%
Mixed Feelings	17%	8%
Dissatisfied	9%	14%
	(N=115)	(N=83)

N.S.

Victims in Brooklyn came to court less often than those in our lower courts (38 of 95 in Brooklyn attended court; 82 of 128 in the lower courts). When they did attend in Brooklyn, prosecutors spoke with them slightly more often than the non-stranger victims in the lower courts (65% compared with 49%, $\chi^2=3.03$, $df=1$, $p=.10$) but the judges spoke with them less often (8% compared with 26% ($\chi^2=4.83$, $df=1$, $p=.05$)). The stranger-to-stranger victims were not more satisfied with the prosecutor or judge nor did they feel the judge was concerned with their interests more often than the lower court stranger-to-stranger victims (Tables 20, 21, and 22; Appendix C). The Brooklyn victims did feel they had a chance to tell their story much more frequently than the lower court victims (86% compared with 57%; $\chi^2=8.91$, $df=1$, $p=.005$). This probably results from Brooklyn victims testifying more often than our lower court victims. Although we did not ask victims whether they gave testimony in court, it is the policy of the Brooklyn District Attorney's Office only to summon witnesses when their testimony appears necessary -- a policy not shared by our lower courts. Thus it is likely that Brooklyn victims perceived their testifying as their opportunity to tell their story. However, like their counterparts in the lower courts, they did not feel that they exerted much influence on the final outcome (Table 23, Appendix C).

There were only very slight differences between the Brooklyn stranger-to-stranger victims' satisfaction with their overall treatment and that of the non-stranger victims in the lower court (Table 24; Appendix C). Given the seriousness of the cases, we would expect very different outcomes among the upper court cases than we found among the lower court cases. That expectation was met. While almost one-half of the lower court cases terminated with a dismissal, only one-tenth of the upper court cases were dismissed, a full 90% resulted in a guilty plea/verdict. While jail sentences were rare among our lower courts anywhere except in Los Angeles, they were imposed in the vast majority of the upper court cases -- 88% of the defendants were sent to prison, 75% for over a year and 20% of the defendants were placed on formal probation. Although the dispositions and outcomes varied so dramatically between the upper and lower courts, victims' satisfaction with the outcome were similar with approximately one-half of the victims dissatisfied (Table III-17). However, the reasons for the dissatisfaction varied considerably. Non-stranger lower court victims tended to be dissatisfied if the court's response did not terminate their problems with the other party or stop the abuse, especially for victims involved in ongoing relationships with the defendant. Those who no longer wanted a continuing relationship were more likely to mention that they were dissatisfied because the punishment was too lenient, which was the overwhelming reason for dissatisfaction among stranger-to-stranger victims. Even though most of the defendants in the upper court were sentenced to prison, many victims were dissatisfied because they felt the incarceration period was too short considering the harm inflicted upon them.

To summarize, the outcomes of the cases in the upper court were substantially more severe than those in our lower courts -- more terminated with guilty pleas/verdicts and jail sentences predominated. Yet victims' satisfaction with case outcomes, legal officials, and the court process paralleled those of our victims in the lower court. Thus, at least from their perspective, stranger-to-stranger victims were not treated better than non-stranger victims regardless of the court.

Conclusion

Victims in the court and mediation samples reported similar rates of

TABLE III-17
 LOWER AND UPPER COURT CASES
 VICTIMS' SATISFACTION WITH THE OUTCOME

	Lower Court (Non-Stranger)	Upper Court (Stranger-to-Stranger)
Satisfied	54%	43%
Mixed Feelings	15%	17%
Dissatisfied	31%	40%
	(N=124)	(N=80)
Missing Data	4 cases	15 cases
N.S.		

satisfaction with officials and the process. One-half to three-quarters of the victims were satisfied with legal officials, the court or mediation process, their overall treatment and case outcomes. Approximately one-half of the non-stranger cases resulted in dismissals and one-half in guilty pleas/verdicts. As we might expect, victims whose cases were mediated reported higher rates of participation in the process than those who went to court.

There were more similarities than differences among the sites in the treatment of non-stranger cases, although Charlotte and Minneapolis victims tended to be more satisfied with the judge and their overall treatment than those in Los Angeles. The major difference among the sites was in the ultimate disposition of cases -- one-half of the cases were dismissed in Charlotte and Los Angeles compared with less than one-tenth in Minneapolis.

We compared the treatment of non-stranger with stranger-to-stranger cases in Los Angeles and the treatment of non-stranger cases in the lower courts with stranger-to-stranger cases in the Brooklyn upper court. We did not find what we expected -- non-stranger victims were not more negative about officials and the process than stranger-to-stranger victims. However, non-stranger cases were dismissed more often than other cases. Unfortunately, we could not compare the treatment of non-stranger and stranger-to-stranger cases among the lower courts because too few stranger-to-stranger cases are handled in the Charlotte and Minneapolis courtrooms. To allow such a comparison, we designed a set of hypothetical cases which are discussed in the next chapter.

IV: THE HYPOTHETICAL CASES

In each site we administered a set of hypothetical cases to the prosecutors. The primary purpose of these cases was to directly compare the treatment of stranger as opposed to non-stranger cases both within and between our sites -- a goal which could not be achieved by examining actual cases since so few stranger-to-stranger cases appear in the Charlotte and Minneapolis court systems. We attempted to administer the cases to all the prosecutors who have responsibility for processing misdemeanor cases in each site and succeeded in Charlotte (N=11) and Minneapolis (N=14); in Los Angeles we reached the vast majority of the prosecutors (N=40), while in Brooklyn approximately one-third of the prosecutors (N=25) responded to the cases.* The cases were administered by the project director during a scheduled staff meeting; all responses were anonymous. Prosecutors were informed that we were interested in their processing of violence cases and were instructed to respond to the cases as they believed they would be handled in their jurisdiction. After each case, prosecutors were asked a standard set of questions focusing on filing decisions, evaluations of the strength of the case, predictions about ultimate dispositions, and reasons for their decisions (see Appendix A for the standard questionnaire completed for each case).

Although they were unaware of it, one-half of the prosecutors in each site received hypothetical case set A while the other received set B. The case descriptions were similar in the five cases included in sets A & B with one crucial difference -- in the first four cases one version described the parties as non-strangers, while in the other cases they were strangers**; in the fifth case (a domestic relationship) the description of the incident changed from a minor assault to a major one.

* Unlike the other research methods -- victim interviews, court observations, and historical case review -- we included Brooklyn lower court prosecutors in our hypothetical case sample since hypotheticals had not been administered in previous Brooklyn studies. In Brooklyn, prosecutors are assigned to one of three shifts and rotate assignments on a 24-hour basis. One shift of the Brooklyn prosecutors responded to our cases. The one-third we administered the cases to were those on the day shift. There are no seniority nor experience differences between the shifts, therefore, there is no reason to assume those answering our questions are significantly different from their other colleagues.

** In Case 1A the parties had been married, in Case 1B they were strangers; in Case 2A they were neighbors and former friends, while in 2B they only recognized each other from the neighborhood; in Case 3A they were former boyfriend/girlfriend, while in 3B they were strangers; in 4A they were strangers, while in 4B they were married.

In designing the cases, we attempted to present prosecutors with a variety of situations and facts. The first four cases were developed to examine the differences in the treatment of non-stranger violence cases. We designed cases which we believed had a large potential for discretionary decisions, i.e., ones which involved relatively minor incidents with few injuries and no independent witnesses. In the fifth case, we included two "typical" domestic cases, one with substantial injuries inflicted by a knife and the other with relatively minor injuries. The fifth case was included to allow us to explore the responses of prosecutors to a minor versus a major assault. The cases as given to the prosecutors read as follows:

Case No. 1A

The police arrived at the scene of an automobile accident. They are told by a female that she was assaulted by the driver of the other car who is her ex-husband. According to the victim, her ex-husband arrived at her house and began threatening her. He said he had learned she was sleeping with another man and he wanted it to stop or he would kill her. She became frightened as he has assaulted her in the past. She ran to her car and drove away. He chased her in his car and they collided, causing minor damage to each car. After the collision, the female claims that the man verbally abused her. When she continued to insist she had done nothing wrong, he allegedly pushed her to the ground causing bruises on her arms and legs. Her ex-husband denies the earlier threat, as well as shoving her after the accident. He claims she fell as she was attempting to strike him.

The suspect's record consists of two prior misdemeanor assault charges within the last year, both of which were dismissed.

Case No. 1B

The police arrived at the scene of an automobile accident. They are told by a female that she was assaulted by the male driver of the other car. Both parties claim they had the right of way when their cars collided, causing minor damage to each car. After the collision, the female claims that the man verbally abused her. When she continued to insist she had done nothing wrong, he allegedly pushed her to the ground causing bruises on her arms and legs. The man denies shoving her. He claims she fell as she was attempting to strike him.

The male suspect's record consists of two prior misdemeanor charges within the last year, both of which were dismissed.

Case No. 2A

The police responded to a call from a thirty-year old male. When they arrived at the victim's house, they were told by the victim that he had been assaulted by a female in the neighborhood. According to the victim, the suspect approached him in his backyard. The suspect who is the victim's neighbor claimed that the victim's son had been bothering and threatening the suspect's son. The victim states it is actually the suspect's son who is causing the problems. The victim says he and his wife had been friends with the suspect, as had their sons, but numerous arguments have broken out and they are no longer

friendly with her. On this particular day, the victim claims that he turned away from the suspect to enter his house when the suspect picked up a shovel lying on the ground and threw it at him. He was struck in the back and claims to be in great pain as a result. When the victim was hit he cried out and his son ran out of the house. The victim's son saw the suspect running out of the yard.

The victim called the police to report the incident. The police went to the suspect's house. She admitted a verbal argument had occurred over the threats being made against her son. However, she denied throwing the shovel. The police arrested the suspect and after a record check found she has no prior record.

The victim was x-rayed by his family doctor, who diagnosed his condition as "lower back syndrome." One week after the incident, the victim claims he is still having back pains and he has missed several days of work.

Case No. 2B

The police responded to a call from a thirty-year old male. When they arrived at the victim's house, they were told by the victim that he had been assaulted by a female in the neighborhood. According to the victim, the suspect approached him in his backyard. The suspect, who the victim only recognized from the neighborhood, claimed that the victim's son had been bothering and threatening the suspect's son. The victim denied the allegation and the suspect became adamant. The victim claims that he turned away from the suspect to enter his house when the suspect picked up a shovel lying on the ground and threw it at him. He was struck in the back and claims to be in great pain as a result. When the victim was hit he cried out and his son ran out of the house. He saw the suspect running out of the yard.

The victim called the police to report the incident. The police went to the suspect's house. She admitted a verbal argument had occurred over the threats being made against her son. However, she denied throwing the shovel. The police arrested the suspect and after a record check found she has no prior record.

The victim was x-rayed by his family doctor, who diagnosed his condition as "lower back syndrome." One week after the incident the victim claims he is still having back pains and he has missed several days of work.

Case No. 3A

While on routine patrol, the police observed a female in her mid-forties on the sidewalk. They pulled up to investigate and noticed a male running away from the female. The female shouted "he hit me" at which time the police chased the suspect and apprehended him two blocks away. The police returned to the victim. She identified the suspect and told the police that she was walking down the sidewalk when he approached her and shouted "I'm going to get you." He then punched her in the face and she fell to the ground. The victim states she used to date the suspect, but she has no idea why he struck her. She says he

has never assaulted her prior to this incident.

The victim was transported to the emergency room, where she was treated for lacerations to the face, and released.

The suspect made no statement. His prior record consists of a misdemeanor assault three years prior to this incident for which he received probation; a robbery two years ago for which he served one year in jail; a drug charge ten months ago for which he was sent to an out-patient drug program; and a disorderly conduct charge two months ago which was dismissed.

Case No. 3B

While on routine patrol, the police observed a female in her mid-forties on the sidewalk. They pulled up to investigate and noticed a male running away from the female. The female shouted "he hit me" at which time the police chased the suspect and apprehended him two blocks away. The police returned to the victim. She identified the suspect and told the police that she was walking down the sidewalk when he approached her and shouted "I'm going to get you." He then punched her in the face and she fell to the ground. The victim states she has never seen the suspect before.

The victim was transported to the emergency room, where she was treated for lacerations to the face, and released.

The suspect made no statement. His prior record consists of a misdemeanor assault three years prior to this incident for which he received probation; a robbery two years ago for which he served one year in jail; a drug charge ten months ago for which he was sent to an out-patient drug program; and a disorderly conduct charge two months ago which was dismissed.

Case No. 4A

The police responded to a radio call to investigate a disturbance outside a local bar. When the police arrived, they found a twenty-eight year old female with knife wounds on her face and right hand. She told them that she was stabbed by a man she had met for the first time earlier that night in the bar. While in the bar, she had engaged in a conversation with him, but as he continued to drink he became loud and insulting. She told him to leave her alone. He left her table and proceeded to the bar where he had a couple more drinks prior to leaving. When she left a little while later, she saw the man outside the bar. He approached her and she told him to leave. When he continued to come towards her, she shoved him away. He then pulled a knife and cut her hand and face.

The police drove the victim to the emergency room, where she received six stitches in the face. The wounds to the hand were superficial. The police returned to the bar to search for the suspect. They apprehended a male who fit the description given by the victim a few blocks from the bar. The suspect was intoxicated and made no statements to the police. He was arrested and later identified by the

victim by photograph.

The suspect's prior record includes a disorderly conduct charge to which he pled guilty and received a fine two years prior to this incident and a misdemeanor assault charge one year prior to which he pled guilty and received time served.

Case No. 4B

The police responded to a radio call to investigate a disturbance outside a local bar. When the police arrived, they found a twenty-eight year old female with knife wounds on her face and right hand. She told them her husband stabbed her after she left the bar. They had been in the bar earlier that night and he became loud and insulting as he continued to drink. She told him to leave her alone. He left her table and proceeded to the bar, where he had a couple more drinks prior to leaving. When she left a little while later, she saw her husband outside the bar. He approached her and she told him to leave. When he continued to come towards her, she shoved him away. He then pulled a knife and cut her hand and face.

The police drove the victim to the emergency room where she received six stitches in the face. The wounds to the hand were superficial. The police returned to the bar to search for the suspect. They apprehended a male who fit the description given by the victim. The suspect was intoxicated and made no statements to the police. He was arrested and later identified by the victim by photograph.

The suspect's prior record includes a disorderly conduct charge to which he pled guilty and received a fine two years prior to this incident, and a misdemeanor assault charge one year prior to which he pled guilty and received time served.

Case No. 5A

Upon receiving a call from a woman reporting an assault, the police arrived at the woman's house. They found a female with bruises on her face and a male smashing dishes in the kitchen. The victim told the police that her husband had been drinking since he arrived home from work several hours earlier. She asked him to stop drinking but he only became more irritated and abusive. He said that she was the reason he had to drink so much because all she did was nag. At that point he smashed a dish and threw it at her. She ducked and then he began punching her in the face. She ran and called the police.

The police arrested the suspect who was too intoxicated to respond clearly to their questions. A check of the suspect's record revealed two prior drunk driving convictions.

Case No. 52

The police received a disturbance call about a loud argument in process at a neighbor's house. When they went to investigate, they knocked at the door and a male responded "go away." The police again identified themselves and after several minutes a male answered the

door. He told them there was no problem, but they said they would have to investigate a complaint call. He reluctantly let them in and they observed a female lying on the ground with blood stains on her back and chest. They asked her what happened and she said her husband beat her with a bat after they got in a verbal argument over their children. He claimed that she attacked him with a kitchen knife and he was only defending himself. The police did not observe a knife in the vicinity of the suspect or victim.

The police arrested the suspect and transported the victim to the hospital. She was admitted for internal injuries and a cracked rib.

The suspect's record includes two prior felony assaults which were dismissed in the last year; a prior rape which was reduced to a sexual abuse for which he received probation several years ago; and a prior misdemeanor assault for which he received time served a few months ago.

Two central questions were addressed in our analyses. First, did the relationship between the parties (if any) affect the way prosecutors responded to the cases? Second, were there differences among the sites in their reactions to the cases? In addressing these questions, three key responses were analyzed. How often did the prosecutors indicate they would accept the case for prosecution? How strong did they rate the case? How did they predict the case would ultimately be disposed? The reasons prosecutors gave for responding to each of these three questions were then examined to understand why they responded as they did.

Non-Stranger Compared with Stranger-to-Stranger Cases

A total of 90 prosecutors (44 to case set A and 46 to case set B) responded to the hypotheticals. The first four cases presented to the prosecutors contained similar facts except that in one version of the case the parties were related while in the other they were strangers. Did prosecutors react differently to the non-stranger cases? We found very small differences between their responses to the hypothetical non-stranger and stranger-to-stranger cases for any of the three key responses (Table IV-1). Most prosecutors stated they would accept both the non-stranger and stranger-to-stranger cases for prosecution. Non-stranger as well as stranger-to-stranger cases resulted in evenly divided ratings on overall case strength -- approximately one-third of the cases were rated by the prosecutors as strong, one-third moderate, and one-third weak. Finally, regardless of the relationship, most prosecutors predicted that the case would result in a guilty plea, but a minority of prosecutors predicted dismissals or trials.

Although the combined set of cases yielded little difference between the treatment of non-stranger versus stranger-to-stranger cases, the question remained whether some of the individual hypothetical cases resulted in differential treatment. That is, given a particular set of circumstances, did the relationship make a difference in the prosecutors' responses? Comparing their reactions to each individual non-stranger versus stranger-to-stranger case, we found statistically significant differences only in their filing decision in Cases 1 and 2 and in their prediction of the outcome in Case 4. Differences in the treatment of Case 3 were very minimal (Tables IV-2, 3, 4, and 5). The differences we did find failed to follow any consistent pattern. In Case 1 prosecutors stated they would more often file the non-stranger case for prosecution than the stranger-to-stranger case, while in Case 2 they more often accepted the stranger-to-stranger case than

TABLE IV-1
TREATMENT OF NON-STRANGER AND STRANGER-TO-STRANGER
CASES -- ALL SITES

		<u>Non-Stranger*</u>	<u>Stranger-to-Stranger*</u>
WOULD FILE CHARGES ^(a)		86% N=178	85% N=181
CASE STRENGTH ^(b)	Strong	31%	39%
	Moderate	38%	37%
	Weak	31% N=176	24% N=180
PREDICTED ^(c) OUTCOME	Dismissed	12%	8%
	Guilty Plea	70%	63%
	Trial	18% N=178*	29% N=182*

- (a) N.S.
(b) N.S.
(c) N.S.

*The first four cases were used to compare the treatment of non-stranger cases with stranger-to-stranger cases. A total of 44 prosecutors responded to Case Set A which contained three non-stranger (3 x 44 = 132 total cases), and one stranger-to-stranger case (1 x 44 = 44 total cases), while 46 prosecutors responded to Case Set B which contained one non-stranger case (1 x 46 = 46 total cases) and three stranger-to-stranger cases (3 x 46 = 138 total cases) for a total of 178 non-stranger cases and 182 stranger-to-stranger cases. Variable Ns appear in this table due to the exclusion of "don't know" responses and incompletes.

TABLE IV-2
TREATMENT OF NON-STRANGER AND STRANGER-TO-STRANGER
CASES -- ALL SITES, CASE 1

		<u>Non-Stranger</u>	<u>Stranger-to-Stranger</u>
WOULD FILE CHARGES ^(a)		84% N=44	63% N=46
CASE STRENGTH ^(b)	Strong	5%	4%
	Moderate	41%	33%
	Weak	54% N=44	63% N=46
PREDICTED ^(c) OUTCOME	Dismissed	12%	17%
	Guilty Plea	74%	67%
	Trial	14% N=43	16% N=45
	Missing Data	1 case	1 case

- (a) $\chi^2 = 5.09$; $df = 1$; $p = .025$
(b) N.S.
(c) N.S.

TABLE IV-3
TREATMENT OF NON-STRANGER AND STRANGER-TO-STRANGER
CASES -- ALL SITES, CASE 2

		<u>Non-Stranger</u>	<u>Stranger-to-Stranger</u>
WOULD FILE CHARGES ^(a)		64% N=44	83% N=46
CASE STRENGTH ^(b)	Strong	12%	18%
	Moderate	42%	55%
	Weak	46% N=43	27% N=45
	Missing Data	1 case	1 case
PREDICTED ^(c) OUTCOME	Dismissed	17%	11%
	Guilty Plea	54%	67%
	Trial	29% N=41	22% N=46
	Missing Data	3 cases	

- (a) $\chi^2 = 4.138$; $df = 1$; $p = .05$
(b) N.S.
(c) N.S.

TABLE IV-4
TREATMENT OF NON-STRANGER AND STRANGER-TO-STRANGER
CASES -- ALL SITES, CASE 3

		<u>Non-Stranger</u>	<u>Stranger-to-Stranger</u>
WOULD FILE CHARGES ^(a)		98% N=44	100% N=46
CASE STRENGTH ^(b)	Strong	52%	67%
	Moderate	43%	28%
	Weak	5%	5%
		N=44	N=46
PREDICTED ^(c) OUTCOME	Dismissed	4%	2%
	Guilty Plea	75%	61%
	Trial	21%	37%
			N=44

(a) N.S.

(b) N.S.

(c) N.S.

TABLE IV-5
TREATMENT OF NON-STRANGER AND STRANGER-TO-STRANGER
CASES -- ALL SITES, CASE 4

		<u>Non-Stranger</u>	<u>Stranger-to-Stranger</u>
WOULD FILE CHARGES ^(a)		96% N=46	95% N=43
Missing Data			1 case
CASE STRENGTH ^(b)	Strong	53%	65%
	Moderate	31%	28%
	Weak	16%	7%
		N=45	N=43
Missing Data		1 case	1 case
PREDICTED ^(c) OUTCOME	Dismissed	11%	2%
	Guilty Plea	75%	58%
	Trial	14%	40%
			N=44
Missing Data		2 cases	1 case

(a) N.S.

(b) N.S.

(c) $\chi^2 = 9.018$; $df = 2$; $p = .05$

the non-stranger case. These decisions were apparently made independently of their evaluations of case strength and predictions of ultimate outcomes since these factors did not vary substantially between the non-stranger and stranger-to-stranger version of either Case 1 or Case 2. In Case 4, there were significant differences only in the prosecutors' predicted outcomes -- although over one-half to three-fourths of all the prosecutors predicted guilty pleas in both the non-stranger and stranger-to-stranger case, dismissals were predicted more often in the non-stranger case and trials in the stranger-to-stranger case.

Apparently whether the parties were described as related or not did affect the treatment of some of the hypothetical cases, however, with only four cases, it is difficult to determine which circumstances critically affected their decisions. The reasons prosecutors gave for their decisions were not substantially different across cases; generally, they cited the lack of independent witnesses, lack of evidence, insubstantial injuries, and lack of credibility in victim's story. Even though some individual cases resulted in differential treatment of non-stranger and stranger-to-stranger cases, it is important to note that this occurred only in certain responses to individual cases. As a whole, there were no substantial differences in the treatment of non-stranger and stranger-to-stranger cases and certainly there was not a general tendency to less often file non-stranger cases, to rate them substantially weaker than other cases, or to be more pessimistic about their eventual outcome -- a finding that is somewhat surprising given previous literature and the actual outcomes of non-stranger violence cases in our sites.

In the fifth case given to prosecutors we presented two versions of very different types of "domestic" cases -- in Case 5A the incident occurred while the husband was drunk and the injury consisted of bruises, while in Case 5B a knife was employed during a much more violent attack which resulted in internal injuries and a cracked rib. In the former case the perpetrator had only two prior drunk driving charges, while in the latter the prior record consisted of numerous violent acts. Comparing the responses of the prosecutors, we found significant differences in their filing decisions and predictions of the ultimate outcome but not in their evaluations of case strength (Table IV-6). Prosecutors stated they would less often file the more minor assault case and they more often predicted dismissals than in the more serious assault case. However, even the less serious case resulted in four-fifths of the prosecutors stating a willingness to file charges and one-half of the prosecutors predicting the outcome would be a guilty plea. Thus, the relatively minor incident was not generally shunned by the prosecutors, nor foreseen as doomed to fail in the court system -- again, a somewhat surprising finding, given previous research and speculations that relatively minor "domestic" cases are not taken seriously by prosecutors.

Site Differences

Two central questions were addressed in analyzing site differences. First, were there differences among the prosecutors within each site in their response to non-stranger as compared with stranger-to-stranger cases. For example, did Charlotte prosecutors treat non-stranger and stranger-to-stranger cases differently? We found only minor variations in the responses of prosecutors in any of the sites; none of the differences approached statistical significance (see Tables 1, 2, 3, and 4, Appendix D). However, our second central question -- were there differences among the sites in their response to the cases -- did yield significant differences. We examined site differences in the treatment of all cases and differences in their handling of non-stranger as compared with stranger-

TABLE IV-6
TREATMENT OF CASE 5 -- ALL SITES

	Case 5A	Case 5B
WOULD FILE CHARGES ^(a)	81%	96%
	N=42	N=46
Missing Data	2 cases	
CASE STRENGTH ^(b)		
Strong	53%	52%
Moderate	30%	35%
Weak	17%	13%
	N=40	N=46
Missing Data	4 cases	
PREDICTED ^(c) OUTCOME		
Dismissed	36%	15%
Guilty Plea	51%	49%
Trial	13%	36%
	N=39	N=41
Missing Data	5 cases	5 cases

(a) $\chi^2 = 4.708$; df = 1; p = .05

(b) N.S.

(c) $\chi^2 = 8.153$; df = 2; p = .025

to-stranger cases (Table IV-7 and Table IV-8). Similar findings persisted for both the combined case analysis and the comparison of non-stranger with stranger-to-stranger cases. First, although most prosecutors stated that they would accept the case for prosecution, slightly more prosecutors in Brooklyn and Charlotte answered affirmatively for all five cases and for non-stranger as compared with stranger-to-stranger cases. Minneapolis prosecutors most often replied that they would reject non-stranger cases for filing. Secondly, Brooklyn prosecutors were much more likely to evaluate the cases as weak or moderate than those in Charlotte, Los Angeles, and Minneapolis and again this was true for all five cases as well as the comparison of non-stranger with stranger-to-stranger cases. Third, guilty pleas were predicted by the majority of all the prosecutors everywhere except in Charlotte, where trials were anticipated much more frequently -- for all the cases, trials were predicted almost half the time, while in the stranger-to-stranger cases they were anticipated over 60% of the time, two to three times more often than in any other site. These findings, coupled with the lack of statistical difference between the processing of non-stranger and stranger-to-stranger cases across sites, suggest that the relationship between the parties (if any) was not a critical factor in the prosecutors' decisions about the hypothetical cases. Rather, they were responding to all the cases in consistent patterns -- patterns that differed substantially among the sites.

Discussion and Conclusion

Perhaps the most surprising result of our analyses of the hypothetical cases was that the prosecutors did not treat non-stranger violence cases substantially differently than stranger-to-stranger cases. Although some variations occurred in individual cases, there was no strong or consistent pattern to their responses, and particularly there was no general tendency to treat non-stranger cases less seriously than other cases, nor to be more pessimistic about their eventual outcome.

How do these results compare with actual outcomes of cases in the sites? The hypothetical cases yielded more optimistic predictions of case outcomes than the actual outcomes we found in the lower courts in Charlotte and Los Angeles, and more pessimistic predictions in Minneapolis.* In the last chapter we reported that non-stranger cases in Charlotte resulted in dismissals 68% of the time, 54% of the time in Los Angeles, and 7% of the time in Minneapolis, and yet prosecutors in the hypothetical cases predicted the non-stranger hypothetical cases would be dismissed only 14% of the time in Charlotte, 5% of the time in Los Angeles, and 21% of the time in Minneapolis. Only in Minneapolis did the hypothetical outcomes correspond with the actual outcomes and then the tendency was to predict more dismissals for the hypothetical non-stranger cases than for the actual cases in our sample.

Why the large discrepancy between the hypothetical outcomes and the reality in Los Angeles and Charlotte? Two explanations appear feasible. First, the hypothetical cases appeared stronger to the prosecutors than the actual cases they processed in our sample. This is certainly possible, as five cases cannot represent the entire universe of non-stranger cases processed in any jurisdic-

* Recall that the Brooklyn lower court was not the focus of the data collected for the present research, therefore comparisons with lower court outcomes are not possible.

TABLE IV-7
TREATMENT OF ALL CASES AMONG SITES

		Los Angeles	Brooklyn	Minneapolis	Charlotte
WOULD FILE CHARGES ^(a)		83% N=199	93% N=123	74% N=70	95% N=55
CASE STRENGTH ^(b)	Strong	44%	19%	47%	47%
	Moderate	36%	42%	30%	36%
	Weak	20% N=196	39% N=121	23% N=70	16% N=55
PREDICTED ^(c) OUTCOME	Dismissed	9%	16%	16%	15%
	Guilty Plea	62%	74%	69%	39%
	Trial	29% N=187*	11% N=121*	16% N=70*	46% N=54*

(a) $\chi^2 = 16.85$; df = 1; p = .005

(b) $\chi^2 = 30.38$; df = 6; p = .005

(c) $\chi^2 = 35.72$; df = 6; p = .005

* A total of 11 prosecutors responded to the five cases in Charlotte (55 total cases), 40 in Los Angeles (200 total cases), 14 in Minneapolis (70 total cases), and 25 in Brooklyn (125 total cases). Variable Ns appear in this table due to the exclusion of "don't know" responses and incompletes.

TABLE IV-8
TREATMENT OF NON-STRANGER AND STRANGER-TO-STRANGER
CASES AMONG SITES

		Non-Stranger			
		Los Angeles	Brooklyn	Minneapolis	Charlotte
WOULD FILE CHARGES ^(a)		77% N=78	98% N=49	75% N=28	100% N=23
CASE STRENGTH ^(b)	Strong	36%	15%	36%	39%
	Moderate	40%	40%	29%	48%
	Weak	24% N=77	45% N=48	35% N=28	13% N=23
PREDICTED ^(c) OUTCOME	Dismissed	5%	12%	21%	14%
	Guilty Plea	68%	83%	72%	45%
	Trial	27% N=74*	5% N=48*	7% N=28*	41% N=22*

(a) $\chi^2 = 17.07$; df = 1; p = .005

(b) $\chi^2 = 14.45$; df = 6; p = .025

(c) $\chi^2 = 23.76$; df = 6; p = .005

* The first four cases were used to compare the treatment of non-stranger with stranger-to-stranger cases. Case Set A contained three non-stranger cases and one stranger-to-stranger case, while Case Set B contained one non-stranger case and three stranger-to-stranger cases. In Los Angeles, 19 prosecutors responded to Case Set A, 21 to Case Set B, for a total of 78 non-stranger and 82 stranger-to-stranger cases. In Brooklyn, 12 prosecutors responded to Case Set A, 13 to Case Set B, for a total of 49 non-stranger and 50 stranger-to-stranger cases. In Minneapolis, seven prosecutors responded to Case Set A and seven to Case Set B, for a total of 28 non-stranger and 28 stranger-to-stranger cases. In Charlotte, six prosecutors responded to Case Set A, five to Case Set B, for a total of 23 non-stranger cases and 21 stranger-to-stranger cases. Variable Ns appear in the table due to the exclusion of "don't know" responses and incompletes.

CONTINUED

1 OF 3

TABLE IV-8 (CONTINUED)

		<u>Stranger-to-Stranger</u>			
		<u>Los Angeles</u>	<u>Brooklyn</u>	<u>Minneapolis</u>	<u>Charlotte</u>
WOULD FILE CHARGES ^(a)		84% N=82	90% N=50	75% N=28	91% N=21
CASE STRENGTH ^(b)	Strong	44%	24%	50%	33%
	Moderate	32%	42%	36%	38%
	Weak	24% N=81	34% N=50	14% N=28	29% N=21
PREDICTED ^(c) OUTCOME	Dismissed	9%	8%	7%	10%
	Guilty Plea	63%	74%	71%	28%
	Trial	28% N=81*	18% N=50*	22% N=28*	62% N=21*

(a) N.S.

(b) N.S.

(c) $\chi^2 = 15.95$; $df = 6$; $p = .025$

*The first four cases were used to compare the treatment of non-stranger with stranger-to-stranger cases. Case Set A contained three non-stranger cases and one stranger-to-stranger case, while Case Set B contained one non-stranger case and three stranger-to-stranger cases. In Los Angeles, 19 prosecutors responded to Case Set A, 21 to Case Set B, for a total of 78 non-stranger and 82 stranger-to-stranger cases. In Brooklyn, 12 prosecutors responded to Case Set A, 13 to Case Set B, for a total of 49 non-stranger and 50 stranger-to-stranger cases. In Minneapolis, seven prosecutors responded to Case Set A and seven to Case Set B, for a total of 28 non-stranger and 28 stranger-to-stranger cases. In Charlotte, six prosecutors responded to Case Set A, five to Case Set B, for a total of 23 non-stranger cases and 21 stranger-to-stranger cases. Variable Ns appear in the table due to the exclusion of "don't know" responses and incompletes.

tion. Second, prosecutors may have exaggerated their potential treatment of the non-stranger cases, because they were aware that we were studying such cases.* Again, this is a plausible explanation, however, during our many months of data collection in each site our presence had become accepted and rather routine. Prosecutors were told that this was a final phase of our research, only one part of our "study" of their site; therefore their motivation to exaggerate their perceptions of the non-stranger cases were not as strong as it may have been in a "one-shot" glimpse of their jurisdiction. Certainly, during the course of our other data collection efforts, particularly the court observations, prosecutors were more than willing to present their views on the problems they encounter with successfully prosecuting non-stranger violence cases and the major weaknesses these cases frequently present. Consequently, we feel it is unlikely that their anonymous responses to the hypothetical cases were largely exaggerated to make them appear more optimistic about non-stranger cases than they actually felt. Therefore, it is likely the first explanation is more plausible -- the non-stranger hypothetical cases appeared stronger to the prosecutors, at least in Charlotte and Los Angeles, than the actual cases they encountered. Even so, there were important site differences in their responses to the hypotheticals.

The same cases presented to the prosecutors in the sites did not yield the same results. Brooklyn prosecutors were much more likely to rate all the cases, including both non-stranger and stranger-to-stranger, as weak or moderate yet they were very likely to predict guilty pleas. Charlotte prosecutors thought the cases were stronger, yet predicted that cases would go to trial much more often than prosecutors elsewhere. These findings suggest that the decision whether to file charges, evaluations of case strength and predictions regarding ultimate outcomes are not highly correlated in Brooklyn and Charlotte. In Los Angeles and Minneapolis, prosecutors thought as a whole the cases were about evenly divided in strength, overall the cases were rated as strong about one-third of the time, as moderate one-third of the time, and as weak one-third of the time although individual cases varied somewhat. In both Los Angeles and Minneapolis, guilty pleas were most commonly predicted although Minneapolis prosecutors more often thought non-stranger cases would result in dismissals than prosecutors in other sites.

Our findings indicate that the most critical differences in the responses to the hypotheticals was not between non-stranger as compared with stranger-to-stranger cases but among our sites in their reactions to all cases. That is, the same case was not perceived similarly among the sites. This suggests that the prosecutors within the individual sites share some common notions about how strong cases are and how cases would be disposed of in their site -- notions which vary in consistent patterns from site to site. (Rosett & Cressey (1976) discuss these shared norms and expectations in terms of local "subcultures of justice.")

*The extent to which individual prosecutors knew the purpose of the study varied -- some had seen our analysts in court or using the files and had engaged in conversations about the purposes of the research. Others were fairly distant from our data collection efforts and may have held only vague notions about the research. In either event, when the hypotheticals were administered, prosecutors were simply told we were interested in their perceptions of how the set of cases would be processed in their jurisdiction -- our interest in non-stranger cases was not discussed.

V: IMPACT ON THE VICTIM AND RENEWED VIOLENCE

In this chapter we explore the impact of the violent incident on non-stranger victims and the frequency of renewed violence between the parties several weeks after the incident, and again two and one-half years later. In Charlotte, Los Angeles, and Minneapolis two questions were addressed. First, what trauma was endured by the victim during a two-to-three month period after the incident? Second, how did the court's response affect the likelihood of renewed problems, especially violent ones, between the parties. In Brooklyn, we were able to examine the impact over a longer period -- two and one-half years after the incident -- by reinterviewing respondents from an earlier study and checking rearrest records. We found that for a significant minority of victims, problems, sometimes violent ones, are continuing long after the case has been closed by the criminal justice system.

Short-term Problems

Victims' problems. We asked victims in our court and mediated sample if they experienced specific problems at any time during two-to-three months after the incident. Victims were asked the following:

- Has the injury caused you any problems? [If yes, is it a major or minor problem for you?]
- Have you experienced any nervousness or lack of sleep? [If yes, is it a major or minor problem for you?]
- Have you had any problems dealing with friends or family as a result of this incident? [If yes, is it a major or minor problem for you?]
- Has the incident caused you any financial problems? [If yes, is it a major or minor problem for you?]
- Have other people suggested that you were to blame for the crime? [If yes, is this a major or minor problem for you?]
- Do you feel responsible for the crime? [If yes, is this a major or minor problem for you?]
- Do you fear revenge from _____? [If yes, is this a major or minor problem for you?]

- Do you feel less safe in your home? [If yes, is it a major or minor problem?]
- Are there any other problems as a result of the incident? [If yes, are they major or minor?]
SPECIFY.

Many victims reported problems following the incident in both the court and mediated samples. Most commonly mentioned were problems associated with increased nervousness -- over half of both the mediated and court victims told us nervousness was a problem, with many stating it was a major one. Among the victims whose cases were disposed of in the court system, they most frequently endured the following problems: nervousness (56%), financial problems (35%), fear of revenge (29%), concerns about their safety (28%), family problems (27%), other problems (13%), being blamed for the incident (11%), and feeling responsible for the incident (8%) (Table V-1). Victims whose cases were diverted to alternative mediation programs reported problems in the same proportions as those in the court sample and the leading problem was again nervousness (56%), although the types of problems most often experienced varied somewhat -- nervousness (56%), fear of revenge (41%), concerns about safety (36%), financial problems (27%), family problems (23%), other problems (14%), feeling responsible for the incident (9%), being blamed for the incident (8%). When victims experienced problems, they more often reported that the problem was "major" as opposed to "minor". It is interesting to note that in both the court and mediation samples few victims reported that they either felt responsible for the incident or were blamed for its occurrence -- a finding that is somewhat surprising given previous literature which suggests non-stranger victims frequently believe, or are told, they contributed to the assault. On the other hand, we found a large number of victims who experienced nervousness as a major problem -- nervousness that often extended beyond the circumstances of the actual assault and individual perpetrator into their daily lives, thus creating an environment of general vulnerability and fear. Some of the problems frequently mentioned are illustrated in these comments:

Nervousness

- "I don't sleep much."
- "I'm afraid of everything now."
- "I'm always depressed and upset."
- "I'm afraid he'll hurt my son."

Financial Problems

- "I had to come to court and miss work [pay]."
- "I had to sell the car to pay for medical bills."
- "I lost my job because of it."

Fears Revenge

- "I think he's out to get me. I thought about killing him but I don't want to go to jail."
- "He wants to take it out on me -- he's very unpleasant to be around."
- "He's got the kids now. I'm afraid what he will do to them because of what happened."

TABLE V-1
PROBLEMS FOLLOWING VICTIMIZATION

Court Sample		Mediated Sample	
Nervousness - 56% (N=128)	Major-65% Minor-35%	Nervousness - 56% (N=66)	Major-54% Minor-96%
Financial - 35% (N=128)	Major-58% Minor-42%	Financial - 27% (N=66)	Major-78% Minor-22%
Fears Revenge - 29% (N=128)	Major-52% Minor-48%	Fears Revenge - 41% (N=66)	Major-59% Minor-41%
Concerns About Safety - 28% (N=128)	Major-81% Minor-19%	Concerns About Safety - 36% (N=66)	Major-67% Minor-33%
Family Problems - 27% (N=128)	Major-67% Minor-33%	Family Problems - 23% (N=65)*	Major-57% Minor-43%
Other Problems - 13% (N=128)	Major-80% Minor-20%	Other Problems - 14% (N=66)	Major-89% Minor-11%
Blamed for Incident - 11% (N=127)*	Major-31% Minor-69%	Blamed for Incident - 8% (N=65)*	Major-20% Minor-80%
Feels Responsible for Incident - 8% (N=127)*	Major-57% Minor-43%	Feels Responsible for Incident - 9% (N=66)	Major-23% Minor-77%

*Data missing on one case.

Family Problems

- "All my family stays away now."
- "I'm afraid to tell my family. We don't talk much anymore."
- "I can't have family or friends over."

Concerns About Safety

- "He's so unpredictable when he drinks."
- "My kids and I are afraid of him."

Among our sites, victims in Los Angeles reported more problems than those in Charlotte or Minneapolis, while those in Minneapolis reported the fewest number of problems (Table V-2). Although Los Angeles court victims endured more severe trauma than those elsewhere, Los Angeles mediation victims did not report more problems than their counterparts in Minneapolis. Rather, Los Angeles victims in the mediated sample reported some types of problems more often than Minneapolis victims and some types less often. None of the differences were large or statistically significant except for problems with nervousness which Los Angeles victims reported much more frequently than Minneapolis victims and victims' increased concerns about their safety -- in this instance, Minneapolis victims more frequently had problems (Appendix E, Table 1).

Problems with the other party. In addition to the general problems victims experienced after the crime, we inquired about any problems they had or were experiencing with the other party during the two-to-three months since their case was disposed in court or mediation. A total of 22% of the non-stranger victims in Los Angeles, Minneapolis and Charlotte reported renewed problems with the other party in the court sample and 15% in the mediation sample reported problems. Of those reporting problems, the most frequently mentioned were arguing and fighting; also reported were financial and drinking problems. In each site, approximately one-half of the victims reported violent problems. Among our sites, a significantly higher proportion of Charlotte victims in the court sample reported problems after the incident than did those in Los Angeles and Minneapolis (Table V-3); only slight differences which were not significant emerged in the mediation sample -- 22% of the 32 Minneapolis victims reported problems as compared with 10% of the 41 Los Angeles victims.

Based on previous literature, we believed that the closer the relationship between the parties, the greater the likelihood of continued problems. Therefore, we examined the incidence of renewed problems among those involved in domestic relationships among the court sample* (husband, wife; boyfriend, girlfriend; nuclear family members) and found a slightly higher rate of renewed problems -- 28% -- than for the entire population of non-strangers (24%). Again, more Charlotte victims (32%) were experiencing problems than those in Los Angeles (16%) and Minneapolis (25%) -- the differences approached statistical significance (p=.10). Thus, in all the sites a sizable minority of victims continued to

*The number of victims involved in the domestic relationships among the mediated sample was 20% (N=21). Comparisons between Minneapolis and Los Angeles were not possible due to the small number of domestic violence victims in Los Angeles (N=5).

TABLE V-2
 PROBLEMS FOLLOWING VICTIMIZATION
 DIFFERENCES AMONG THE SITES -- COURT SAMPLE

	<u>Charlotte</u>	<u>Los Angeles</u>	<u>Minneapolis</u>
Nervousness ^(a)	53%	79%	31%
Financial ^(b)	35%	53%	15%
Fears Revenge ^(c)	38%	48%	21%
Concerns About Safety ^(d)	34%	36%	--
Family Problems ^(e)	31%	36%	14%
Other Problems ^(f)	4%	16%	18%
Blamed for Incident ^(g)	14%	20%	--
Feels Responsible for Incident ^(h)	6%	16%	3%
	(N=49)	(N=45)	(N=34)

(a) $\chi^2 = 18.83$, $df = 4$, $p = .005$

(b) $\chi^2 = 13.42$, $df = 4$, $p = .01$

(c) N.S. (Data missing on one Minneapolis case)

(d) $\chi^2 = 14.61$, $df = 4$, $p = .01$ (Data missing on one Minneapolis case)

(e) N.S.

(f) N.S. (Data missing on one Minneapolis case)

(g) N.S. (Data missing on one Minneapolis case)

(h) N.S. (Data missing on one Minneapolis and one Los Angeles case)

TABLE V-3
 RENEWED PROBLEMS
 COURT SAMPLE

	<u>Charlotte</u>	<u>Los Angeles</u>	<u>Minneapolis</u>
Yes	36%	12%	16%
No	64%	88%	84%
	(N=36)	(N=34)	(N=25)
Missing Data	13 cases	11 cases	9 cases

$\chi^2 = 6.82$, $df = 2$, $p = .05$

experience problems with the other party, many of which involved violence, well after the case was disposed of by the criminal justice system.

Obviously, the potential for problems increases as the frequency of interaction increases. Among our sample of cases involving domestic relationships, we found most victims (except in Minneapolis) maintained contact with defendants after the case was disposed. Of the 25 domestic cases in Charlotte, 23 or 92% of the victims reported interaction with the other party since the case was disposed -- at the time of our interview seven were living with the defendant and another 16 were seeing them on a regular basis. Similarly, in Los Angeles 96% of the 19 domestic victims told us they were still interacting with the other party, including seven reporting living with the other party, eight seeing the other party regularly, while only four reporting no contact with the other party. More victims in Minneapolis reported no contact than in the other sites -- of the 14 domestic cases in Minneapolis, one-half of the victims told us they no longer see the other party, while three said they are living together, and four reported regular contact. This contrasts with the Minneapolis mediation sample where only three of the 16 (19%) domestic violence victims said they have never seen the other party since the case was mediated, while one-half see them regularly, and five of the 16 (31%) are living with the disputant. The number of Los Angeles domestic cases from our mediated sample (N=5) is too small to make any generalization.

In addition to the frequency of contact, the nature of the relationship established between the parties is a good indicator of the possibility for renewed violence. A majority of those victims who were experiencing recurring problems reported previous violence in the relationship -- 67% (N=14 of 21). For these victims, a pattern of violence had been established which was not broken by the intervention of the criminal justice system.

How did the criminal courts' response impact on the likelihood of renewed problems? Of the 75 non-stranger cases we interviewed, 31% of the victims whose cases were dismissed reported new problems with the other party, compared with 15% of the victims whose cases resulted in a guilty verdict/plea, but the difference was not statistically significant. Sentences were too varied and imposed in too few non-stranger cases to examine how the sentence affected the likelihood of renewed problems. We did, however, ask victims whether they believed the court system's response was helpful in resolving their problems with the other party. Even for those victims who reported problems several months after the case was disposed, many believed that the court's treatment of the case was helpful or at least somewhat helpful in improving their relationship with the other party. Of the 25 domestic cases in Charlotte, 20 victims (92%) reported the court's treatment was helpful or somewhat helpful, as did 14 of the 17 victims (82%) in Los Angeles, and seven of the 16 victims (44%) in Minneapolis. Victims from the mediated sample (N=13 of 15 or 86%) in Minneapolis more frequently reported that mediation was helpful in their relationship with the other party. (Again, the number of Los Angeles domestic cases disposed of by mediation is too small for comparison.)

These findings suggest that even when the treatment afforded the case is not wholly effective in deterring renewed problems, it may lessen the frequency and/or seriousness of recurring problems. It is easy to become cynical about the ability of the court to change a pattern of violence, especially once the pattern becomes established, but the experiences of some victims in our sample are encouraging. Even if for only a small minority of victims, the court's action did terminate deep-rooted violent behavior for at least several months after the disposition of

the case as illustrated by the following examples:

Case 1. The victim reported at the time of the initial interview that she had been beaten about the face and body by her husband. She told us this had happened many times in the past but this was the first time she reported it. When the victim appeared in court, the judge asked what she wanted the court to do in her case. The victim stated she wanted her husband to stop beating her. The judge admonished the defendant and told him he could go to jail for two years but he would suspend the sentence and he would have to pay a fine of \$50. He further warned the defendant that if he hit his wife again he could be put in jail. At the time of our follow-up interview, the victim said she was still living with her husband but he had not hit her since the case "because he knows if he hits me again I will take him back to court and he's afraid of what the court might do."

Case 2. The victim reported in the initial interview that the problems with her husband had been dragging on for 23 years. She said her husband has a drinking problem and he gets violent when drunk. In the past, he had attacked her many times, once with a sledge hammer. In the present case, she dropped the charges but she still felt the court was helpful in resolving her problems with her husband because "I think everyone has a little bit of respect and fear of the law" and she believed her taking the case as far as court was enough to scare him. When we interviewed her several months later, she was still seeing her husband (on weekends, rather than daily) and no further violence had occurred.

The last case example resembles numerous others, especially in Charlotte, in which the victim dropped charges but still believed that by bringing the case to the attention of the system they had sufficiently demonstrated to the abuser that they had no intention of allowing the beatings to continue.

Conclusion. In the short term follow-up interviews we found that one-quarter of the victims had problems after the case was decided. Many of those victims maintained contact with the other party and they reported arguing, fighting, financial and drinking problems which plagued their relationship. The disposition of the court cases -- dismissals or guilty pleas -- was not correlated with the incidence of renewed problems. While many victims mentioned problems, it is important to note that even some victims experiencing problems viewed the treatment of their case as helpful in their relationship with the other party. Therefore, we should not automatically assume that the persistence of problems indicates that the court's response had no positive results. However, given the number of cases involving domestic relationships in our sample it is difficult to make generalizations. We can increase the certainty of our findings by comparing them with those found in Brooklyn where a larger sample of respondents were interviewed. The Brooklyn data can also be used to examine the long-term impact of the court's response.

Long-Term Impact

Respondents (victims and defendants) from the first year evaluation of the

Brooklyn Dispute Resolution Center were reinterviewed approximately 2.5 years after their cases were disposed. The original sample was drawn from an experimental sample of cases referred to the Brooklyn Dispute Resolution Center (N=259) and a control sample of cases forwarded to the lower criminal court (N=206). The control sample consisted of cases that were approved for mediation by the screening prosecutor, but which, as a result of a random assignment process, were not diverted from the ordinary prosecution process. (Refer to Appendix F for a more detailed description of both the first year evaluation and the follow-up study methodologies.)

As part of the original evaluation, respondents were interviewed four months after their cases were disposed. At that time, a generally low incidence of renewed problems was found -- only one disputant in five reported having any further problems with the other party; calls to the police occurred in only 12% of the cases, and new arrests of disputants for crimes against each other occurred in only 4% of the cases. As we found in Charlotte, Los Angeles, and Minneapolis, there was a group of cases in which the likelihood of recidivism was fairly high. Cases characterized by strong interpersonal ties and in which the police had been summoned before were far more likely to result in subsequent problems, calls to the police, and arrests than cases which lacked these characteristics. But the four-month interval may not accurately reflect the future course of disputants' relationships; therefore, the goals of the long-term follow-up were:

- 1) To determine if the rate of renewed hostilities among the disputants continued to be low over a longer interval of time;
- 2) To ascertain whether those cases which were mediated resulted in a lower rate of recidivism than those which were processed through the court; and
- 3) To develop a typology of those cases which were least likely to be successfully resolved in either court or mediation and most likely to result in renewed hostilities.

We gathered two types of data for the follow-up study: interviews with disputants and information on arrests of the disputants. The interviews and the arrest information were gathered at approximately the same time, an average of 2.5 years following the case dispositions.

We attempted interviews for those disputants with whom a four-month follow-up interview had been conducted in the earlier study. Interviews were completed with 80 complainants and 45 defendants who were involved in a total of 107 (23%) of the original cases. We compared the complainants and defendants who were interviewed with those who were not interviewed to determine whether they could be regarded as representatives. Appendix F contains a discussion of the possible biases of these samples.

Information on arrests of either disputant between July 1, 1978, and May 1, 1980, was collected for 170 (37%) of the original cases. (These cases were also compared with the remainder in the sample to determine if they were representative -- refer to Appendix F.) These data were gathered to supplement the arrest data obtained for the four-month follow-up of the earlier study. Unfortunately, arrest information was not available for an average of 3.7 months (occurring between the

four-month follow-up and July 1, 1978) in these cases.* The arrest rate for this period was projected from the existing data, and these projections are included in the results reported here. (See Appendix F for a more thorough discussion of the arrest rate projections.)

Recidivism rates. The follow-up study interviews revealed that only a small number of disputants were still experiencing interpersonal problems an average of 2.5 years after their cases were disposed. Fewer than 8% of the complainants and 7% of the defendants reported that they still had problems with the other disputant in the original case. This appeared to result partially from the trend towards a lessening of contact between disputants, which was originally identified in the first year evaluation. At the four-month interview only 58% of disputants reported regular contact with the other party; two years later, the proportion who maintained regular contact had declined to 42% (see Table V-4). The decrease in contact occurred primarily among disputants who reported seeing the other party "weekly or monthly" on the four-month interview. But there was little change in the proportion of disputants who earlier reported living together or seeing each other daily, and most (76%) of the disputants who still maintained contact with each other appeared to believe that the others' behavior had improved. Thus, it appears that the majority of the disputants ultimately either resolved their differences or ceased contact with each other.

The follow-up interviews also suggested that the number of disputants who ever experienced renewed hostilities increased only slightly after the four-month interviews. In 27% of the cases at least one of the two disputants reported having experienced problems with the other at some time on the four-month follow-up interview. By the time of the second follow-up interview, this figure had increased only 6% (see Table V-5).

Among our lower courts in Charlotte, Los Angeles, and Minneapolis, we addressed the question of how the courts' response affected the incidence of renewed problems among the parties. We attempted to address the same issue in Brooklyn, i.e., whether case outcomes and sentences were correlated with renewed problems, but a comparison of outcomes and sentences was not possible. Of the 107 cases in our interview sample, a guilty plea or verdict had occurred in only seven cases; the remainder of the cases had been dismissed or given ACD's.** Thus, comparisons by outcomes or sentences are not possible. We did examine whether an immediate dismissal or an ACD more often resulted in renewed problems, but we found no difference.

The arrest data collected for the follow-up study (from the records of the New York City Criminal Justice Agency) suggested a similar decline in the recurrence of problems. At the time of the four-month follow-up, arrests of either disputant for a crime committed against the other had occurred in five (7%) of the cases -- a rate of 2.25 to 3 new arrests per month. (Differences between

* The data were available for an average of 3.7 months for some cases as the records had been archived and could not be retrieved.

** An ACD is an adjournment in contemplation of dismissal. If the defendant stays out of trouble with the law for a six-month period, his case is automatically dismissed by the court.

TABLE V-4
FREQUENCY OF DISPUTANTS' CONTACT

	<u>4 Months After Case Disposition</u>	<u>An Average of 2.5 Years After Case Disposition</u>
<u>Complainants' Reports:</u> (a)		
Live Together or See Daily	20%	20%
See Weekly or Monthly	33%	19%
See Rarely or Never	48%	61%
	(N=80)	(N=80)
<u>Defendants' Reports:</u> (b)		
Live Together or See Daily	22%	24%
See Weekly or Monthly	44%	24%
See Rarely or Never	33%	51%
	(N=45)	(N=45)

(a) $\chi^2 = 7.84$, $df = 2$, $p < .02$

(b) $\chi^2 = 8.42$, $df = 2$, $p < .02$

TABLE V-5
DISPUTANTS' REPORTS OF PROBLEMS

	<u>Complainants</u>	<u>Defendants</u>	<u>Cases (Either Disputant)</u>
Problems reported four months after case disposition	21%	20%	27%
Problems reported at either the four-month or the 2.5 year follow- up interview	28%	29%	33%
	(N=80)	(N=45)	(N=107)

maximum and minimum figures reflect inability in some cases to establish with certainty that defendant or complainant in a new case was one of the parties to the original case. See Appendix F for details.) Data from the two and one-half year follow-up indicated that new arrests had occurred at a rate of .09 to .32 arrests per month between July 1, 1978, and May 1, 1980. Thus, approximately two and one-half years after disposition of the original case, arrests had occurred at least one out of 10 (15%) of the cases.

Violent incidents were reported by only 4% of the complainants (or 36% of those reporting problems) on the two and one-half year follow-up interview. None of the defendants interviewed reported incidents of violence. The arrest data suggested that arrests for violent acts against each other occurred in seven (10%) of the disputants' cases during the two and one-half year follow-up interval.

Although the rearrest rate was low for crimes committed against the same party as in the original dispute, the rate of all new arrests among defendants was high (see Table V-6); 32% of the defendants were rearrested at least once over the 2.5 year follow-up interval. Among these defendants, one-half were rearrested for violent crimes.* This finding somewhat challenges the notion that defendants in non-stranger cases pose a potential threat only to the victim, and not to other members of the community. It also suggests that a sizable minority of defendants develop patterns of violence which are vented both within their home and among their family and friends and outside their home among strangers.

Recidivism in court and mediation cases. Comparisons of recidivism in the two and one-half year follow-up between cases referred to mediation and cases referred to court paralleled the findings from the four-month follow-up reported by Davis, Tichane, and Grayson (1980). That is, disputants' reports and arrest records both indicated that recidivism was less in cases referred to mediation than in cases referred to court, but the differences between the groups fell far short of statistical significance (see Table V-7).

Approximately the same proportion of disputants in both groups of cases reported maintaining regular contact with each other (43% for cases referred to mediation, compared to 42% for cases referred to court).

Davis, Tichane, and Grayson (1980) reported that 73% of complainants and 77% of defendants whose cases were referred to mediation were satisfied with the outcomes of their cases immediately following disposition, compared to 54% of complainants and 67% of defendants whose cases were referred to court. But two and one-half years later, when disputants were asked whether they felt that either court or mediation had been helpful in resolving their problems, there was little difference between cases referred to mediation and cases referred to court (see Table V-8). It is notable, however, that a large number of disputants in both the mediation and the court groups perceived that the court or mediation process had been helpful; overall, 77% of the disputants reported that the process (court or mediation) had been "helpful" or "somewhat helpful." This finding contrasts

* Again, it was not possible to compare various court outcomes and sentences with rearrest rates. Of the 170 cases in the rearrest sample, the overwhelming majority had their original case dismissed (N=41) or were given ACD's (N=102); only 22 cases originally involved guilty pleas, of which only two defendants were sentenced to jail.

TABLE V-6
ARRESTS OF DISPUTANTS DURING 2.5 YEAR FOLLOW-UP*

	Percentage Arrested for any Crime	Percentage Arrested for a Crime Against the Other
Defendants	32%	9-12%
Complainants	4-9%	2-3%
	(N=170)	(N=170)

* These figures all include projections for the period over which arrest data were not available (refer to Appendix F).

TABLE V-7
COMPARISON OF RECIDIVISM IN THE MEDIATION
AND COURT SAMPLES IN 2.5 YEAR FOLLOW-UP

	<u>Cases Referred to Mediation</u>	<u>Cases Referred to Court</u>
<u>Arrests</u>		
Cases in which disputants were arrested for a crime against the other between July 1, 1978 and May 1, 1980 ^(a)	0-4% (N=106)	3-6% (N=64)
<u>Disputants' Reports</u>		
Cases in which either disputant ^(b) ever reported problems over an average of 2.5 years after the case disposition*	32%	34%
Cases in which violence was ^(c) reported to have ever occurred between the disposition and the second follow-up interview	4%	3%
Cases in which disputants ^(d) reported continuing problems at the time of the second follow-up interview	6% (N=72)	14% (N=35)

- (a) N.S.; Chi-square statistic computed with Yates' correction.
 (b) N.S.
 (c) N.S.; Chi-square statistic computed with Yates' correction.
 (d) N.S.; Chi-square statistic computed with Yates' correction.

*Based on both complainants' and defendants' reports at either the four-month
or the follow-up study interviews.

TABLE V-8
DISPUTANTS' PERCEPTIONS OF WHETHER COURT/MEDIATION
WAS HELPFUL IN RESOLVING THEIR PROBLEMS ON
2.5 YEAR FOLLOW-UP INTERVIEW

	<u>Cases Referred to Mediation</u>	<u>Cases Referred to Court</u>
Complainants who reported ^(a) that court/mediation was helpful	77% (N=52)	79% (N=28)
Defendants who reported ^(b) that court/mediation was helpful	75% (N=35)	80% (N=10)
(a) N.S. (b) N.S.		

sharply with the notion that the court process has little to offer to disputants in non-stranger cases. Nevertheless, it is understandable, given the findings of this study. The data have suggested that most disputants resolved their problems -- in many cases through avoidance of each. These data suggest that it is not so much the process, but the symbolic impact of seeking outside intervention which is "helpful" to the disputants. Calling the police against a husband, a friend or even a causal acquaintance is a fairly drastic step to take. It is a strong statement that "things have gone too far."

Continuing problems. In the report by Davis, Tichane, and Grayson (1980), a case typology was developed which predicted the likelihood of recidivism. It was found that recidivism was far more likely (regardless of method of dispute resolution -- mediation or court) in cases in which interpersonal ties between disputants were strong and disputants had requested police intervention in the past.

The same two factors -- strength of ties and previous calls to the police-- were examined against the data from the two and one-half year follow-up. Both factors were found to be significantly related to the likelihood of disputants' reports of problems on either the four-month or two and one-half year follow-up interview (41% of disputants with strong ties reported problems, compared to 27% of disputants with weak or moderate ties; 63% of disputants in cases where the police had been called previously reported problems, compared to 19% of disputants in cases where the police had not been called). However, when the joint probabilities of problems were examined the effect of strength of ties disappeared (see Table V-9). It is principally previous calls to the police that predict the likelihood of new problems; strength of interpersonal ties between disputants is associated with the likelihood of new problems because disputants with strong ties are more likely to have called the police previously.

Other factors were also examined to determine if they predicted the likelihood of continuing problems between disputants, but neither the type of charge in the original case (whether a violent offense or a property offense) nor the severity of the charge predicted post-adjudication problems between disputants. However, complainants' fear of the defendant at the onset of the case (as measured by an interview administered prior to mediation or prosecution in court) did predict the likelihood of later problems between disputants; 48% of complainants who feared the defendants experienced subsequent problems, compared to 24% of complainants who did not fear the defendant ($\chi^2=6.10, p=.02$). It is likely that complainants' fear predicted later problems because fear was higher in cases in which the police had been requested to intervene previously.

Conclusion. In both the short-term follow-up in Charlotte, Los Angeles, and Minneapolis, and the long-term follow-up in Brooklyn we found that the continuation of hostilities between disputants -- particularly those serious enough to result in new arrests -- is the exception rather than the rule, regardless of whether cases are referred to mediation or to court. But the exception is important, for at least a minority of victims (those who had a previous history of serious interpersonal problems) the violence continues for months, even years, after the case is closed. For these cases, it appears greater attention and intervention is needed than is normally received either in mediation or in court. We also found that while few defendants were rearrested for crimes against the same person, a full one-third of the defendants were rearrested for other crimes, one-half of these crimes involved violence. Thus, it appears defendants in non-stranger cases pose a threat not only to those they know but also to other members

TABLE V-9
LIKELIHOOD OF RECIDIVISM BY NATURE OF
DISPUTANTS' RELATIONSHIP AND BY WHETHER
THE POLICE HAD BEEN CALLED PREVIOUSLY

	Percent of Cases in Which Either Disputant Ever Reported Problems*		
	Strong Ties	Moderate or Weak Ties	Totals
Police had been called previously	65% (N=26)	56% (N=9)	63% (N=35)
Police had not been called previously	18% (N=28)	20% (N=35)	19% (N=63)**
TOTALS	41% (N=54)	27% (N=44)	35% (N=98)**

*Based upon complainants' and defendants' reports of problems at both the four-month and the follow-up study interviews.

**Data Missing on nine cases.

of the community.

VI: CONCLUSIONS AND IMPLICATIONS

This chapter presents a summary and discussion of our major findings along with suggestions for improving the courts' response to non-stranger violence cases and the implications of the findings for future research. Our primary goal was to describe the processing of non-stranger violence cases in several jurisdictions in order to explore the adequacy of various courts' responses and to identify responses which are effective in resolving interpersonal violence cases. We found the following.

Profile of Cases and Courts

All of the cases in our Charlotte, Minneapolis, and Los Angeles samples involved misdemeanor assaults. Over two-thirds of the victims sustained injuries with a full quarter requiring medical attention. In the majority of cases, the assault was carried out by using fists or bodily force, but over one-quarter of the assaults involved gun, knives, bludgeons, or other weapons.

In Charlotte and Minneapolis, the vast majority of assaults handled by the lower courts are between those who know each other. Only Los Angeles processes a sizable minority of stranger-to-stranger cases. In all the sites, victims reported many problems resulting from the assault. Especially common were problems associated with increased nervousness. The nervousness often extended beyond the circumstances of the actual assault and individual perpetrator into their daily lives, thus creating an environment of general vulnerability and fear.

The size and complexity of the court systems varied considerably among our sites. In Charlotte, cases are processed rapidly and traditionally. Cases are automatically dismissed by the prosecutor if the victim fails to appear on the second court date. A Domestic Relations courtroom handles domestic violence cases with a lighter caseload and cases are given more time and attention than in the General Misdemeanor court. No alternative dispute resolution programs are available. In contrast, a mediation program exists in Minneapolis which handles a sizable proportion of all non-stranger cases. Those which remain in the court system are processed in courtrooms with light caseloads and more time and attention is given to individual cases than in the crowded Charlotte courtrooms. Los Angeles represents our largest and most complex system in terms of jurisdictional boundaries and specialization of courtrooms within the system. A Domestic Violence Program designed to train prosecutors to successfully prosecute cases and a Hearing Officer Program for mediation are available. As discussed in Chapter III, the type of mediation offered is substantially different from the Minneapolis program and is used in non-stranger and stranger-to-stranger cases. Before cases appear in court, they are reviewed by screening prosecutors to determine if the case should be diverted, rejected, or accepted for prosecution. Those which are accepted proceed through a number of courtroom settings; the arraignment and Master Calendar courtrooms are formal and quick-paced, while cases proceeding to the trial courtrooms are processed more slowly, either during lengthy plea bargaining sessions or public trials.

The Court's Response and its Immediate Impact on the Victim

Non-stranger violence cases -- the findings. We asked victims in our court and mediation samples about their experiences and satisfaction with legal officials and the process. Most victims were satisfied with the police, especially those in the court sample. Victims were satisfied with the police more often than with court/mediation officials. Prosecutors spoke with victims in approximately one-half of the cases and slightly over one-half of the victims were satisfied with the prosecutors. Judges spoke with victims in only one-fourth of the cases. Three-fifths of the victims thought the judge was concerned with their interests and were satisfied with the judge; similar rates were found for the mediators. Only the victims in the mediation sample frequently felt that they had a chance to tell their side of the story and that they exerted an influence on the final outcome. Court victims typically reported that they had little opportunity to participate in the process. Overall, three-fifths of the victims in both the court and mediation samples felt they were well treated while in court or at the mediation session.

One-half of the cases resulted in a guilty plea/verdict, the other half were dismissed. Jail sentences were imposed in one-third of the cases; most defendants were incarcerated for very short periods (less than 30 days). Victims in the mediated sample were satisfied with the outcome of their cases slightly more often than those in the court sample, but the differences were not large or statistically significant. Victims in the court and mediation sample were satisfied slightly more than one-half the time. Satisfaction levels were not correlated with the disposition of the case in the court sample. Whether the case resulted in a guilty plea/verdict or a dismissal, victims reported similar rates of satisfaction. During the interview we asked victims why they were satisfied or dissatisfied with the outcome and discovered that the disposition is frequently less important than (a) the victim's perception of how the disposition affected the defendant's behavior towards them after the case or (b) the victim's assessment of the appropriateness of the sentence. In other words, it is not the disposition itself that generally counts, but whether or not victims believe that the court's action stopped the physical abuse and/or the defendant received the appropriate punishment or treatment.

Generally, we found more similarities than differences in the experiences of the victims among our sites. The major difference among the sites was in case outcomes. The majority of the cases in Charlotte were dismissed as were one-half of the Los Angeles cases, but less than one-tenth of the Minneapolis cases. Sentences among the sites also varied with jail being imposed much more often in Los Angeles than elsewhere, although the incarceration frequently involved very small periods of time. Jail sentences for extended periods (30, 60, 90 days) were handed out in few Los Angeles cases, at rates similar to those in Charlotte and Minneapolis.

Some site differences in victims' satisfaction with legal officials and the process emerged among the court sample. Although the rates of satisfaction with the police and prosecutors were similar everywhere, Charlotte victims tended to perceive judges as concerned with their interests more often than those in Minneapolis and Los Angeles, and were also more satisfied with the judge. Overall, Charlotte and Minneapolis court victims felt they were treated better than those in Los Angeles.

Non-stranger violence cases -- a discussion of the findings. Victims in the

court and mediation samples reported similar rates of satisfaction with officials and the process. As we might expect, victims whose cases were mediated reported higher rates of participation in the process than those who went to court. Although not statistically significant, mediated victims also reported higher rates of satisfaction with their treatment and the mediators than did court victims, but the differences were not large. While it is important to note that at least one-half of the victims were satisfied with legal officials, the court or mediation process, their overall treatment, and case outcomes, we should not lose sight of the significant proportion -- one-quarter to one-half of the sample in some instances -- who were dissatisfied. It is reassuring that at least one-half of the victims were satisfied with the system's response, but for a sizable minority of the victims there clearly is room for improvement. What improvements can be made? We look to some of the differences among our sites for the answer.

Charlotte victims thought the judge was more often concerned with their interests and were also more satisfied with the judge than those elsewhere. Overall, Charlotte and Minneapolis victims felt they were treated better than Los Angeles victims. What can we learn from this? From our observations and conversations with victims, two related phenomena appear to be operating. First, the interactive style of the judge may impact on the victim's satisfaction and ultimately on the cessation or resumption of violence. Second, the courtroom atmosphere and the speed with which cases are adjudicated may impact on how well victims feel they are treated.

Victims were exposed to very different courtroom environments in Charlotte, Los Angeles, and Minneapolis. The greater satisfaction of Charlotte victims with the judge and their overall treatment seems to result from the specialized courtroom developed to handle domestic violence cases -- the Domestic Relations courtroom. The establishment of a separate courtroom to handle domestic assaults has potential for discrimination and inferior treatment if these cases are removed from the traditional courtrooms because they are seen as less important than "real" assaults or less worthy of the court's time. However, quite the opposite appears to be true in Charlotte. Because these cases are consolidated in one courtroom, legal officials are immediately "flagged" when the case is called that this involves a domestic assault with complexities that frequently extend beyond the single incident. Consequently, they are immediately aware of the problems frequently associated with such an incident and the potential for renewed hostilities. Of course, simply being aware is not enough; officials must also make an effort to grapple with the complexity of the cases and attempt to forestall further violence. It appears such an attitude existed among the two judges who presided over the Domestic Relations courtroom during our observations and data collection period. These judges specifically volunteered for this assignment and sat in the courtroom for periods of several months. From what we observed and what victims reported, these judges were especially careful, professional, and courteous in their treatment of victims and their cases. They also verbally warned and/or lectured defendants about the consequences of their actions and the possibility of harsher punishment if they were violent in the future. Even when victims only stepped forward to drop charges, the judge frequently expressed concern about the incident and counseled the victim. Therefore, it is little wonder that Charlotte victims reported the highest rates of satisfaction with the judge and judicial concern for their interests. In some cases they also believed that the judge's warning was effective, that is, that the abuse stopped because the defendant had been warned. We will return to this point later in this section.

The courtroom atmosphere and speed of the disposition may also affect

victims' satisfaction. Overall, Charlotte and Minneapolis victims felt they were better treated than Los Angeles victims. We have already discussed the specialized Charlotte courtroom where judges tended to spend time with victims. This also occurred in Minneapolis courtrooms, but it was not so much the interactive style (indeed, many different judges handle the cases in our sample, each with different styles) as the clarity of the formal proceedings which seemed to make a difference.* Among our courts, Minneapolis had the lightest caseload, which helps to account for the higher rate of satisfaction among Minneapolis victims than among Los Angeles victims. Light caseloads allowed the judge to spend more time explaining the procedures and to handle each case distinctly. Also, light caseloads meant that victims did not have to spend several hours waiting for their case, a common complaint among our Los Angeles victims who not only had to wait for prolonged periods, but also were subjected to a busy chaotic atmosphere where numerous cases were being considered almost simultaneously. Picture the difference between victims who sat for brief moments in small Minneapolis courtrooms, carpeted on the floor and walls for improved acoustics, in which cases are considered for several minutes, as opposed to Los Angeles victims who sat for long periods in large courtrooms where numerous prosecutors and defense attorneys mingled in front of the rail while two or more cases were being presented and considered in rapid succession. Is it any wonder that Minneapolis victims more frequently stated that they understood the proceedings and were satisfied with their overall treatment?

Although case outcomes were significantly different among the sites, victims' satisfaction with the outcome was similar because satisfaction was not correlated with the outcome. Rather, victims tended to be satisfied if the violence stopped and dissatisfied if it did not, regardless of the outcome.

The treatment of non-stranger and stranger-to-stranger cases -- the findings. We compared the treatment of non-stranger with stranger-to-stranger cases in Los Angeles -- the only jurisdiction which processes sufficient numbers of stranger-to-stranger cases to permit comparisons. We also compared our lower court non-stranger cases with the stranger-to-stranger cases in the Brooklyn upper court. Finally, to directly compare the treatment of both types of cases we also administered a set of hypothetical cases in each site. We did not find what we expected -- non-stranger victims were not more negative about officials and the process than stranger-to-stranger victims.

In Los Angeles, we found that the major difference between non-stranger and stranger-to-stranger cases was in the disposition of the cases, with non-stranger cases being dismissed three times as often as stranger-to-stranger cases. Non-stranger victims did not perceive their interactions with officials, the outcomes of their cases, or their overall treatment more negatively than stranger-to-stranger victims. On the contrary, they tended to be more satisfied with the police, prosecutor, and judge and how they were treated than other victims.

*The most striking finding about case processing in Minneapolis is that it is accomplished largely without the appearance of the victim. One might suspect that this would lead to a high dismissal rate, but less than one-tenth of the Minneapolis cases terminated in dismissals. It is unclear why so many Minneapolis defendants, unlike those in Charlotte and Los Angeles, were willing to plead guilty before the victims demonstrated a willingness to prosecute by appearing in court.

We also compared the treatment of our non-stranger lower court victims with stranger-to-stranger victims in Brooklyn's upper court, because we believed that victims whose cases were processed in an upper court might receive better treatment. The processing of cases in lower criminal courts across the nation has typically been described as rapid and rather lax with cases being called and adjudicated every few minutes. Under these circumstances, we might expect a sizable proportion of victims would be dissatisfied with the process. In contrast, upper criminal courts handle more serious cases and have been described as slower paced and more methodical in processing cases. Thus, we might imagine victims would be treated better than in the crowded, and often chaotic, lower courts. If this were true, then satisfaction among victims in all stranger-to-stranger cases could be higher than satisfaction among non-stranger victims simply because more stranger-to-stranger cases are disposed of in the upper court rather than the lower court. But this is not what we found. While the outcomes of the cases in the upper court were substantially more severe than those in our lower courts (more terminated with guilty pleas/verdicts and jail sentences predominated), victims' satisfaction with case outcomes, legal officials, and the court process paralleled those of our victims in the lower court. Thus, at least from their perspective, stranger-to-stranger victims were not treated better than non-stranger victims regardless of the court.

Finally, we directly compared how the prosecutors in our sites responded to hypothetical cases. Perhaps the most surprising result of our analyses of the hypothetical cases was that prosecutors did not treat non-stranger violence cases substantially differently than stranger-to-stranger cases. Although some variations occurred in individual cases, there was no strong or consistent pattern to their responses, and particularly there was no general tendency to treat non-stranger cases less seriously than other cases, nor to be more pessimistic about their eventual outcome.

However, we did find that the same cases presented to the prosecutors in the sites did not yield the same results. Brooklyn prosecutors were much more likely to rate all the cases, including both non-stranger and stranger-to-stranger, as weak or moderate yet they were very likely to predict guilty pleas. Charlotte prosecutors thought the cases were stronger, yet predicted that cases would go to trial much more often than prosecutors elsewhere. These findings suggest that the decision whether to file charges, evaluations of case strength and predictions regarding ultimate outcomes are not highly correlated in Brooklyn and Charlotte. In Los Angeles and Minneapolis, prosecutors thought as a whole the cases were about evenly divided in strength; overall the cases were rated as strong about one-third of the time, as moderate one-third of the time, and as weak one-third of the time, although individual cases varied somewhat. In both Los Angeles and Minneapolis, guilty pleas were most commonly predicted, but Minneapolis prosecutors more often thought non-stranger cases would result in dismissals than prosecutors in other sites.

Our findings indicate that the most critical differences in the responses to the hypotheticals was not between non-stranger as compared with stranger-to-stranger cases, but among our sites in their reactions to all cases. That is, the same case was not perceived similarly among the sites. This suggests that the prosecutors within the individual sites share some common definitions of case strength and predictions regarding ultimate disposition -- notions which vary in consistent patterns from site to site. (Rosett & Cressey (1976) discuss these shared norms and expectations in terms of local "subcultures of justice.")

The treatment of non-stranger and stranger-to-stranger cases -- a discussion of the findings. Non-stranger victims did not perceive court officials or the process more negatively than other victims. Quite the contrary, they were somewhat more satisfied than other victims, but it is important to note that while satisfaction levels tended to be higher among non-stranger victims, a sizable minority, and in some instances, more than one-half of all victims, non-stranger and stranger-to-stranger, emerged from their court experience with negative feelings about the officials and the process. This suggests that courts need to respond better to all victims. Some "surface" improvements are obvious. To begin with, victims could be treated with more respect and courtesy than they currently are. Many victims complained about long waiting periods, unnecessary trips, lack of interaction with officials, general neglect, and lack of consideration for their feelings. If officials decided that these were legitimate complaints that should be addressed, many of these problems could be remedied with better management and by sensitizing officials to the needs of victims. It would be much more problematic to find remedies for victims' dissatisfaction with case outcomes.

Reasons for victims' dissatisfaction with the outcome varied considerably. Non-stranger lower court victims tended to be dissatisfied if the court's response did not terminate their problems with the other party or stop the abuse, especially for victims involved in ongoing relationships with the defendant. Those who no longer wanted a continuing relationship were more likely to report that they were dissatisfied because the punishment was too lenient, which was the overwhelming reason for dissatisfaction among stranger-to-stranger victims. Many victims felt the court's response was nothing more than "a slap on the wrist" and even when defendants were incarcerated, some victims remained dissatisfied because they felt that the incarceration period was too short considering the harm inflicted upon them. Thus, to substantially increase the number of victims who are satisfied with the court's response would require much more than "surface" changes; fundamental changes in case outcomes and sentences would have to be implemented. Whether these changes should be forthcoming or would serve the goals of justice is beyond the scope of an empirical study. However, our research does have implications for the rates of satisfaction among non-strangers. The majority of non-stranger victims report that they are satisfied when they perceive the court's response deterred further problems. Which court responses resulted in the cessation of problems in various types of non-stranger cases, i.e., what was the long-term impact of the court's response on the victim?

The Long-Term Impact of the Court's Response on the Victims and Renewed Violence

We examined the frequency of renewed violence between the parties several weeks after the incident in Charlotte, Los Angeles, and Minneapolis and two and one-half years after the incident in Brooklyn. We found that for a significant minority of victims, problems, sometimes violent ones, are continuing long after the case has been closed by the criminal justice system.

Short-term problems -- the findings. Two-to-three months after the case was closed, 22% of the non-stranger victims in Los Angeles, Minneapolis, and Charlotte reported renewed problems with the other party in the court sample, while 15% in the mediation sample reported problems. The rate of renewed problems was slightly higher among those victims involved in intimate or close relationships with the other party -- 24%. More Charlotte victims were experiencing problems than those in Los Angeles or Minneapolis. A majority of those victims who were experiencing

recurring problems reported previous violence in the relationship. For these victims, a pattern of violence had been established which was not broken by the intervention of the criminal justice system.

How did the criminal courts' response impact on the likelihood of renewed problems? Of the 75 non-stranger cases we interviewed, 31% of the victims whose cases were dismissed reported new problems with the other party, compared with 15% of the victims whose cases resulted in a guilty plea/verdict, but the difference was not statistically significant. We did, however, ask victims whether they believed the court system's response was helpful in resolving their relationship with the other party. Even for those victims who reported problems several months after the case was disposed, many believed that the court's treatment, including the decision to divert the case to mediation, was helpful or at least somewhat helpful in improving their relationship with the other party. Thus, even when the court's treatment is not entirely effective in deterring problems, it may lessen the frequency and/or seriousness of recurring problems.

Long-term problems -- the findings. In Brooklyn we examined long-term problems by reinterviewing victims whose cases were disposed of in court or by mediation approximately 2.5 years after their cases were closed. We found that fewer than 8% of the complainants and 7% of the defendants reported that they still had problems with the other disputant in the original case. This appeared to result partially from the trend towards a lessening of contact between disputants, which was originally identified in the four-month interview administered in the first year evaluation.

In examining the long-term impact of the court's response, we also checked the rearrest rates of the defendants. Although the rearrest rate was low for crimes committed against the same party or in the original dispute (9-12%), the rate of all new arrests among defendants was high (32%). Among these defendants, one-half were rearrested for violent crimes. This finding somewhat challenges the notion that defendants in non-stranger cases pose a potential threat only to the victim, and not to other members of the community. It also suggests that a sizable minority of defendants develop patterns of violence which are vented both within their home and among their family and friends and outside their home among strangers in the society.

In which cases were there continuing problems? In the first year evaluation, a case typology was developed which predicted that recidivism was far more likely (regardless of the method of dispute resolution -- mediation or court) in cases in which interpersonal ties between disputants were strong and disputants had requested police intervention in the past. The same two factors were found to be significantly related to the likelihood of disputants' reports of problems on the follow-up interview 2.5 years later. However, when the joint probabilities of problems were examined, the effect of strength of ties disappeared. It is principally previous calls to the police that predict the likelihood of new problems; strength of interpersonal ties between disputants is associated with the likelihood of new problems because disputants with strong ties are more likely to have called the police previously.

The courts' impact -- a discussion of the short and long-term findings. In both the short-term follow-up in Charlotte, Los Angeles, and Minneapolis, and the long-term follow-up in Brooklyn, we found that the continuation of hostilities between disputants is the exception rather than the rule, regardless of whether cases are referred to mediation or to court. We also found in the short-term

follow-up that renewed problems were slightly more prevalent in cases which had been resolved with a guilty plea rather than a dismissal, but even cases that were dismissed infrequently resulted in renewed problems. In Brooklyn, the vast majority of all the cases had been dismissed or given ACD's and again we found that only a minority of victims reported renewed problems either four months or 2.5 years after the incident. This suggests that dismissals may not be "failures" of the system but may help many victims to resolve their problems. Some commentators have suggested that victims who call the police but fail to follow through with the prosecution are using the court system frivolously and inappropriately. On the contrary, we found that victims called the police and wanted arrests because they felt seriously threatened by the defendants in their cases. Even though some of these victims subsequently requested that charges be withdrawn, it does not mean that the victim should not have brought the case to the attention of the system in the first place or that the court has been misused and served no useful purpose. The informal resolutions that may have been reached outside of the courtroom and the cessation of the violence in many cases may have been possible because the victim communicated the message to the abuser that "things have gone too far." Especially for the first time offender, the prospect of prosecution may be sufficiently frightening to alter his conduct towards the victim; particularly for those defendants who were warned by the judge about consequences of any future assaults. At least this is what many victims told us. This is not to suggest that dismissals are appropriate responses in all cases, nor that how the courts respond makes no difference. Some defendants do continue their violent behavior both against those they know and against strangers. Clearly, for these defendants, a simple warning is unlikely to have much impact, especially if the warning is never carried out.

While only a minority of victims reported problems, these victims represent an important minority because for them the violence continues for months, even years, after the case is closed. For these cases, it appears greater attention and intervention is needed than is normally received either in mediation or in court.

Topics for Further Research

Our findings have implications for three areas for further research. First, informal sanctions available to judges (such as lectures) appear to be effective in deterring future violence in some cases. Although not a direct focus of our research, we discovered during our observations and conversations with victims that the judge's demeanor and conduct sometimes had a profound impact on victims and defendants. According to some victims, judges were critical in deterring future violence in two ways. First, judicial warnings and/or lectures to defendants concerning the inappropriateness and seriousness of their violent behavior apparently improved the future conduct of some defendants. Second, judges occasionally counseled victims by telling them that they should not tolerate violent abuse and/or suggesting counseling programs. For some victims, this official affirmation that they did not deserve to be hit helped them to realize that the abuse was not something which they simply had to tolerate. It seems likely that the judges' conduct would be especially critical to those individuals, both victims and defendants, appearing in court for the first time. This is worthy of further study because it has potential for reducing violence between those who know each other.

Second, further research refining and testing the typology we developed for predicting renewed violence between non-strangers should continue. This is critical because we know some victims are subjected to violence long after the

case is closed by the criminal justice system. The more precise and tested the typology becomes, the greater the potential for developing treatment alternatives beyond those normally available either in mediation or in court. However, the search for alternatives need not and should not be delayed in the interim. We know that cases involving close interpersonal ties with a history of violence and previous calls to the police are likely to result in renewed problems in the future unless something is done beyond the usual court response. Thus, our third and strongest suggestion is that the search for innovative ways of treating such cases continue among theoreticians and practitioners. Demonstration models should be developed, implemented, and evaluated, because it is clear that an important minority of victims will continue to endure years of violent abuse unless some new and more effective approaches are adopted.

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Master # _____

COVER SHEET
Court Observation

ID# _____ DOCKET # _____
DATE _____ # TIMES ON _____
COURT ROOM _____ CHARGES _____

	DEFENDANT'S NAME	ADDRESS	PHONE #	IN JAIL
1.	_____	_____	_____	Y N
2.	_____	_____	_____	Y N

	V/W/PO	VICTIM'S NAME	VICTIM'S ADDRESS	PHONE #	Pres/Abs/Not Called
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____

PROSECUTOR _____
JUDGE _____
DEFENSE ATTORNEY _____ TYPE _____

PLEA NEGOTIATION _____ Y _____ N
VICTIM/PROSECUTOR INTERACTION _____ Y _____ N
COURT DISCUSSION _____ Y _____ N
HEARING/TRIAL HELD _____ Y _____ N

TODAY'S OUTCOME _____
NEXT ADJOURN DATE _____
REASON FOR OUTCOME _____

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APPENDIX A
Survey Instruments

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ID# _____
DEFENDANT _____

FILE INFORMATION

Criminal Record _____ Y _____ N

Summons or Warrant _____ S _____ W

Bond Posted _____ Y _____ N _____ NA Amount _____

Released Without Bond _____ Y _____ N _____ NA

Case Description _____

Any Miscellaneous Information _____

Relationship between Victim & Defendant _____

Date of Arrest/Summons Served _____

Weapon _____

Defendant's Age _____

Victim's Age _____

Defendant's Sex _____

Victim's Sex _____

Defendant's Ethnicity _____

Victim's Ethnicity _____

Final Outcome _____

Date of Disposition _____

Master # _____

INITIAL VICTIM INTERVIEW
Court Cohort

ID No. _____

Name _____

Date of Interview _____

Length of Interview _____

1. Can you tell me briefly what your case was about?

a. Extent of Injury:

- (1) None
- (2) Minor (no medical attention)
- (3) Treated and released
- (4) Hospitalized - how long _____

b. Did you have any medical bills?

- (1) None
- (2) Yes \$ _____
Amount reimbursed \$ _____

c. Was _____ injured as well?

- (1) Yes
- (2) No
- (3) Don't Know

IF YES, Extent of injuries:

- (1) None
- (2) Minor (no medical attention)
- (3) Treated and released
- (4) Hospitalized - how long _____

d. Relationship - victim is defendant's _____

Relationship Codes

- 01 - don't know defendant at all (stranger)
- 02 - spouse/common-law spouse
- 03 - girlfriend/boyfriend - cohabitating
- 04 - girlfriend/boyfriend - not cohabitating
- 05 - ex-spouse/common-law
- 06 - ex-girlfriend/boyfriend - cohabitating
- 07 - ex-girlfriend/boyfriend - not cohabitating
- 08 - sister/brother
- 09 - mother/father
- 10 - daughter/son
- 11 - other relative (include in-laws)
- 12 - friend
- 13 - a friend of other family member/relative
- 14 - acquaintance
- 15 - seen before/defendant known from neighborhood
- 16 - business associate/co-worker
- 17 - neighbor
- 18 - other - SPECIFY _____
- 99 - don't know

2. Sometimes people have problems as a result of the crime. I would like to ask you if you have experienced any of the following problems as a result of the [assault/robbery], and if so, whether the problem has been a major or a minor one.

		No	Major Problem	Minor Problem
_____	a. Has the injury caused you any problems? [If yes, is it a major or minor problem for you?]	1	2	3
_____	b. Have you experienced any nervousness or lack of sleep? [If yes, is it a major or minor problem for you?]	1	2	3
_____	c. Have you had any problems dealing with friends or family as a result of this incident? [If yes, is it a major or minor problem for you?]	1	2	3
_____	d. Has the incident caused you any financial problems? [If yes, is it a major or minor problem for you?]	1	2	3
_____	e. Have other people suggested that you were to blame for the incident? [If yes, is this a major or minor problem for you?]	1	2	3
_____	f. Do you feel responsible for the incident? [If yes, is this a major or minor problem for you?]	1	2	3
_____	g. Do you fear revenge from _____? [If yes, is this a major or minor problem for you?]	1	2	3
_____	h. Do you feel less safe in your home? [If yes, is it a major or minor problem?]	1	2	3
_____	i. Are there any other problems as a result of the incident? [If yes, are they major or minor?] SPECIFY _____	1	2	3

3. RELATIONSHIP CASES ONLY: Before this case, did you have other problems with _____?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

IF YES, ASK a & b:

a. Can you describe the problems you have experienced?

b. Have any of these problems resulted in violence between you?

- 1. Yes
- 2. No
- 8. Not Applicable
- 9. Don't Know

IF YES, ASK c-f:

c. What injuries did either of you have?

d. Did one of you call the police?

- 1. Yes
- 2. No
- 8. Not Applicable
- 9. Don't Know

What happened?

e. CHARLOTTE ONLY: Did one of you go to the magistrates?

- 1. Yes
- 2. No
- 8. Not Applicable
- 9. Don't Know

What happened?

f. Did the case go to court?

- 1. Yes
- 2. No
- 8. Not Applicable
- 9. Don't Know

What happened?

4. In the present case, did you call the police?

- (1) Yes
- (2) No
- (9) Don't Know

IF NO: Did you want the police called?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

5. Did the police come?

- (1) Yes
- (2) No
- (9) Don't Know

What happened?

Did you want the police to arrest the defendant?

- (1) Yes
- (2) No
- (9) Don't Know

IF NO: What did you want?

6. How satisfied are you with the way the police handled your case? [READ RESPONSES]

- (1) Satisfied
- (2) Mixed Feelings
- (3) Dissatisfied
- (8) Not Applicable
- (9) Don't Know

7. CHARLOTTE ONLY: Did you go to the magistrates?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

IF YES: What happened?

8. ASK IN RELATIONSHIP CASES ONLY: At the time the police came (or you initiated the complaint), what did you want to happen to your relationship with _____? [PROBES: Did you want to end the relationship? Did you want to continue the relationship with some changes?]

9. What did you want the court to do in your case? (Allow two responses.)

- (1) Put the defendant in jail (for how long _____)?
- (2) Stop the defendant from bothering the victim
- (3) Get restitution
- (4) Minor punishment for defendant (specify: probation, fine)
- (5) Drop charges
- (6) Defendant get treatment/rehabilitation
- (7) Other - specify _____
- (9) Don't know

10. Did you ever discuss this case with _____ before it went to court?

- (1) Yes
- (2) No
- (9) Don't Know

IF YES: Did you and _____ reach an agreement on your own?

- (1) Yes
- (2) No
- (3) Didn't Attempt It
- (4) Other _____
- (8) Not Applicable
- (9) Don't Know

What did you agree to?

11. Did you ever come to court?

- (1) Yes
- (2) No
- (9) Don't Know

IF YES: How many times?

- (1) 1
- (2) 2
- (3) 3
- (4) 4....

FOR VICTIMS WHO NEVER APPEARED IN COURT, SKIP TO 22

12. Did you understand what was happening while you were in court?

- (1) Yes
- (2) No
- (3) Somewhat
- (8) Not Applicable
- (9) Don't Know

____ 13. Did the prosecutor ever talk to you about your case on the day you were in court?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

____ → IF YES: Did you and the prosecutor talk about what you wanted the court to do in your case?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

____ 14. Did the prosecutor encourage you to press charges?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

____ → IF YES: What did he say?

____ 15. Did the prosecutor explain what happened in your case the day(s) you were in court?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

____ 16. Overall, how satisfied were you with the way the prosecutor handled your case? [READ RESPONSES]

- (1) Satisfied
- (2) Mixed Feelings
- (3) Dissatisfied
- (8) Not Applicable
- (9) Don't Know

____ 17. Did the judge talk to you about your case?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

____ → IF YES: What did he say?

____ 18. Do you think the judge was concerned about your interests in the case?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

____ 19. How satisfied were you with the way the judge handled your case? [READ RESPONSES]

- (1) Satisfied
- (2) Mixed Feelings
- (3) Dissatisfied
- (8) Not Applicable
- (9) Don't Know

____ 20. Do you feel you had a chance to tell your side of the story on the day(s) you were in court?

- (1) Yes
- (2) No
- (3) Didn't Need To (e.g., court already had relevant facts)
- (4) Other _____
- (8) Not Applicable
- (9) Don't Know

____ 1. Overall, how well do you feel you were treated on the day(s) you were in court?

- (1) Well
- (2) Fair
- (3) Poor
- (8) Not Applicable
- (9) Don't Know

_____ 22. Do you know the outcome of your case?

- (1) Yes
- (2) No
- (9) Don't Know

_____ IF YES: What is it? [Tell victim outcome if he doesn't know it or if he is inaccurate; note whether victim is inaccurate.]

_____ 23. Are you satisfied with this outcome? [READ RESPONSES]

- (1) Satisfied
- (2) Mixed Feelings
- (3) Dissatisfied
- (9) Don't Know

_____ Why?

_____ 24. Do you think you had much influence in deciding the outcome of the case? [READ RESPONSES]

- (1) Had a lot of influence
- (2) Had some influence
- (3) Had very little or no influence
- (8) Not applicable
- (9) Don't know

_____ 25. RELATIONSHIP CASES ONLY: Now that your case is over, what has happened to your relationship with _____?

_____ 26. RELATIONSHIP CASES ONLY: What do you want to happen to your relationship with _____? [PROBE: Do you want it to end? Do you want it to continue with changes?]

_____ a. Do you think this will happen?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

_____ 27. Now that you have been through this experience, would you:

a. Call the police if you had a similar problem in the future?

- (1) Yes
- (2) No
- (9) Don't Know

_____ IF NO: Why not?

_____ b. CHARLOTTE ONLY: Would you go to the magistrates?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

_____ → IF NO: Why not?

_____ c. Would you go to court?

- (1) Yes
- (2) No
- (9) Don't Know

_____ → IF NO: Why not?

Now I would like to ask you a few background questions.

_____ 28. What is your marital status?

- (1) Married
- (2) Divorced/separated/widowed
- (3) Single
- (7) Refused to answer

_____ 29. Do you have any children?

- (1) Yes
- (2) No
- (7) Refused to answer

_____ 30. What is your racial background?

- (1) Black
- (2) Hispanic
- (3) White
- (4) Other _____
- (7) Refused to answer

_____ 31. How old are you? _____

- (7) Refused to answer

_____ 32. Sex

- (1) Female
- (2) Male

_____ 33. Are you working now?

- (1) Yes - full time
- (2) Yes - part time
What kind of work do you do? _____
- (3) Student
- (4) Retired
- (5) Not working
What kind of work did you do? _____
- (7) Refused to answer

_____ 34. What is the last year of school you completed?

- (01) 0-8 years
- (02) Some high school
- (03) High school graduate/No diploma
- (04) High school graduate/With diploma
- (05) Some college
- (06) College graduate
- (07) Post College
- (08) Presently in _____ grade
- (77) Refused to answer

Thank you very much for talking with me. I would like to speak with you again in a few months to find out how you are doing. How can I best contact you then?

Master # _____

FOLLOW-UP INTERVIEW
(Victims and Defendants in Relationship Cases)
Court Cohorts

ID # _____

Name _____

Date of Interview _____

Length of Interview _____

Hello, my name is _____. I am from the Institute for Social Analysis. We spoke several weeks ago about your case with _____. If it is convenient, I would like to speak with you for a few minutes about any problems you have experienced since that case was decided. You are free not to answer any of the questions, but your cooperation may help criminal justice officials respond better to other cases similar to yours. All of your answers will be kept strictly confidential. Is it a good time to talk?

1. First of all, can you tell me if you have had any problems with _____ since your case was mediated (decided in court)?

- (1) Yes*
- (2) No → skip to 3
- (9) Don't know

*IF YES: What was the problem(s)?

Did any of these problems result in violence between you and _____?

- (1) Yes*
- (2) No → skip to 2
- (8) Not Applicable
- (9) Don't know

*If violence: What injuries did you receive?

- (1) No injuries
- (2) Minor - no medical treatment
- (3) Emergency room treatment
- (4) Hospitalized (_____ number of days)
- (8) Not applicable
- (9) Don't know

*If violence: What injuries did _____ receive?

- (1) No injuries
- (2) Minor - no medical treatment
- (3) Emergency room treatment
- (4) Hospitalized (_____ number of days)
- (8) Not applicable
- (9) Don't know

IF THERE WAS A PROBLEM WHICH RESULTED IN VIOLENCE:

Did you do anything about the problem? (PROBE: Were the police called?)

If the police were called: What happened? (PROBE: Was an arrest made? Who was arrested?)

If an arrest was made: Did the case go to court?

- (1) Yes*
- (2) No → skip to 2
- (8) Not applicable
- (9) Don't know

*If yes: What happened in court? (PROBE: What did the court do?)

IF THERE HAVE BEEN ANY PROBLEMS:

2. Are the problems continuing now?

- (1) Yes*
- (2) No → skip to 3
- (8) Not applicable
- (9) Don't know

*IF YES: Are you or have you done anything about it? (PROBE: Have you called the police?)

- (1) Yes*
- (2) No → skip to 3
- (8) Not applicable
- (9) Don't know

*If police called: What happened?

- (1) Arrest made*
- (2) CHARLOTTE ONLY: Told to go to magistrates*
- (3) Police came -- no arrest made
- (4) Police didn't come
- (5) Other
- (8) Not applicable
- (9) Don't know

*If arrest made: Did the case go to court?

- (1) Yes*
- (2) No → skip to 3
- (8) Not applicable
- (9) Don't know

*What happened in court?

3. How often do you see _____ now?

- (1) Living together
- (2) Daily
- (3) Once a week or more
- (4) Once a month or more
- (5) Less than once a month
- (6) Never → skip to 4
- (9) Don't know

IF SEEING THE OTHER PARTY:

Is that more often or less often than before the case was decided?

- (1) More often
- (2) Same
- (3) Less often
- (8) Not applicable
- (9) Don't know

At the present time, do you think the other party's behavior towards you has improved, remained the same, or gotten worse as a result of what the court (mediator) did?

- (1) Improved
- (2) Remained the same
- (3) Gotten worse
- (8) Not applicable
- (9) Don't know

At this time, what do you want to happen to your relationship with _____? (PROBES: Do you want it end the relationship? Do you want it to continue with some changes?)

Do you think this will happen?

- (1) Yes
- (2) No
- (8) Not applicable
- (9) Don't know

4. Do you feel the way your case was handled was helpful in resolving your problem(s) with _____?

- (1) Yes
- (2) Somewhat
- (3) No
- (9) Don't know

5. How was (wasn't) it helpful?

6. As a result of the incident that occurred between you and _____, are you experiencing any of the following problems, and if so, are they major or minor problems?

	No	Major Problems	Minor Problems
a. Are you feeling nervous or having difficulty sleeping because of the incident? IF YES: Is this a major or minor problem?	1	2	3
b. Are you have problems dealing with friends/family as a result of the incident? IF YES: Is this a major or minor problem?	1	2	3
c. Are there any other problems you've had because of this incident? IF YES: What? Is this a major or minor problem?	1	2	3

Thank you very much for speaking with me.

Master # _____

VICTIM INTERVIEW
Minneapolis
Court Cohort

ID No. _____

Name _____

Date of Interview _____

Length of Interview _____

____ 1. Can you tell me briefly what your case was about?

____ a. Extent of Injury:

- (1) None
- (2) Minor (no medical attention)
- (3) Treated and released
- (4) Hospitalized - how long _____

____ b. Did you have any medical bills?

- (1) None
- (2) Yes \$ _____
Amount reimbursed \$ _____

____ c. Was _____ injured as well?

- (1) Yes
- (2) No
- (3) Don't Know

→ IF YES, Extent of injuries:

- (1) None
- (2) Minor (no medical attention)
- (3) Treated and released
- (4) Hospitalized - how long _____

____ d. Relationship - victim is defendant's _____

Relationship Codes

- 01 - don't know defendant at all (stranger)
- 02 - spouse/common-law spouse
- 03 - girlfriend/boyfriend - cohabitating
- 04 - girlfriend/boyfriend - not cohabitating
- 05 - ex-spouse/common-law
- 06 - ex-girlfriend/boyfriend - cohabitating
- 07 - ex-girlfriend/boyfriend - not cohabitating
- 08 - sister/brother
- 09 - mother/father
- 10 - daughter/son
- 11 - other relative (include in-laws)
- 12 - friend
- 13 - a friend of other family member/relative
- 14 - acquaintance
- 15 - seen before/defendant known from neighborhood
- 16 - business associate/co-worker
- 17 - neighbor
- 18 - other - SPECIFY _____
- 99 - don't know

2. Sometimes people have problems after the crime occurs. I would like to ask you if you have experienced any of the following problems as a result of the assault, and, if so, whether the problem has been a major or a minor one.

	No.	Major Problem	Minor Problem
_____ a. Has the injury caused you any problems? [If yes, is it a major or minor problem for you?]	1	2	3
_____ b. Have you experienced any nervousness or lack of sleep? [If yes, is it a major or minor problem for you?]	1	2	3
_____ c. Have you had any problems dealing with friends or family as a result of this incident? [If yes, is it a major or minor problem for you?]	1	2	3
_____ d. Has the incident caused you any financial problems? [If yes, is it a major or minor problem for you?]	1	2	3
_____ e. Have other people suggested that you were to blame for the incident? [If yes, is this a major or minor problem for you?]	1	2	3
_____ f. Do you feel responsible for the incident? [If yes, is this a major or minor problem for you?]	1	2	3
_____ g. Do you fear revenge from _____? [If yes, is this a major or minor problem for you?]	1	2	3
_____ h. Do you feel less safe in your home? [If yes, is it a major or minor problem?]	1	2	3
_____ i. Are there any other problems as a result of the incident? [If yes, are they major or minor?] SPECIFY _____	1	2	3

_____ 3. RELATIONSHIP CASES ONLY: Before this case, did you have other problems with _____?

- (1) Yes
- (2) No - Skip to 4
- (8) Not Applicable
- (9) Don't Know

→ IF YES, ASK a & b:

_____ a. Can you describe the problems you have experienced?

_____ b. Have any of these problems resulted in violence between you?

- 1. Yes
- 2. No
- 8. Not Applicable
- 9. Don't Know

→ IF YES, ASK c-e:

_____ c. What injuries did either of you have?

_____ d. Were the police called?

- 1. Yes
- 2. No
- 8. Not Applicable
- 9. Don't Know

→ What happened?

_____ e. Did the case go to court?

- 1. Yes
- 2. No
- 8. Not Applicable
- 9. Don't Know

_____ What happened?

_____ 4. In the present case, did you call the police?

- (1) Yes
- (2) No
- (9) Don't Know

_____ IF NO: Did you want the police called?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

_____ 5. Did the police come?

- (1) Yes
- (2) No - Skip to 6
- (9) Don't Know

_____ What happened?

_____ Did you want the police to arrest the defendant?

- (1) Yes
- (2) No
- (9) Don't know

_____ IF NO: What did you want?

_____ 6. How satisfied are you with the way the police handled your case?
(READ RESPONSES)

- (1) Satisfied
- (2) Mixed feelings
- (3) Dissatisfied
- (8) Not applicable
- (9) Don't know

_____ 7. ASK IN RELATIONSHIP CASES ONLY: At the time that the incident occurred and the police came, what did you want to happen to your relationship with _____? (PROBES: Did you want to end the relationship? Did you want to continue the relationship with some changes?)

_____ 8. What did you want the court to do in your case? (Allow two responses.)

- (1) Put the defendant in jail (for how long _____)?
- (2) Stop the defendant from bothering the victim
- (3) Get restitution
- (4) Minor punishment for defendant (specify: probation, fine)
- (5) Drop charges
- (6) Defendant get treatment/rehabilitation
- (7) Other - specify _____
- (9) Don't know

_____ 9. Did you ever discuss this with _____ before it went to court?

- (1) Yes
- (2) No → skip to 10
- (9) Don't know

_____ IF YES: Did you and _____ reach an agreement on your own?

- (1) Yes
- (2) No
- (3) Didn't attempt it
- (4) Other _____
- (8) Not applicable
- (9) Don't know

_____ What did you agree to?

____ 10. Did the prosecutor ever talk to you by telephone or in person about your case?

- (1) Yes
- (2) No - SKIP TO #14
- (8) Not Applicable
- (9) Don't Know

____ IF YES: Did you and the prosecutor talk about what you wanted the court to do in your case?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

____ IF YES: What did he say?

____ 12. After your case was over, did the prosecutor explain what happened?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

____ 13. Overall, how satisfied were you with the way the prosecutor handled your case? (READ RESPONSES)

- (1) Satisfied
- (2) Mixed Feelings
- (3) Dissatisfied
- (8) Not Applicable
- (9) Don't Know

____ 14. Did you ever come to court?

- (1) Yes
- (2) No
- (9) Don't Know

____ IF YES: How many times?

- (1) 1
- (2) 2
- (3) 3
- (4) 4....

FOR VICTIMS WHO NEVER APPEARED IN COURT, SKIP TO 21

____ 15. Did you understand what was happening while you were in court?

- (1) Yes
- (2) No
- (3) Somewhat
- (8) Not Applicable
- (9) Don't Know

____ 16. Did the judge talk to you about your case?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

____ IF YES: What did he say?

____ 17. Do you think the judge was concerned about your interests in the case?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

____ 18. How satisfied were you with the way the judge handled your case? (READ RESPONSES)

- (1) Satisfied
- (2) Mixed Feelings
- (3) Dissatisfied
- (8) Not Applicable
- (9) Don't Know

____ 19. Do you feel you had a chance to tell your side of the story on the day(s) you were in court?

- (1) Yes
- (2) No
- (3) Didn't Need To (e.g., court already had relevant facts)
- (4) Other _____
- (8) Not Applicable
- (9) Don't Know

20. Overall, how well do you feel you were treated on the day(s) you were in court?

- (1) Well
- (2) Fair
- (3) Poor
- (8) Not Applicable
- (9) Don't Know

21. Do you know the outcome of your case?

- (1) Yes
- (2) No
- (9) Don't Know

IF YES: What is it? [Tell victim outcome if he doesn't know it or if he is inaccurate; note whether victim is inaccurate.]

22. Are you satisfied with this outcome? [READ RESPONSES]

- (1) Satisfied
- (2) Mixed Feelings
- (3) Dissatisfied
- (9) Don't Know

Why?

23. Do you think you had much influence in deciding the outcome of the case? [READ RESPONSES]

- (1) Had a lot of influence
- (2) Had some influence
- (3) Had very little or no influence
- (8) Not applicable
- (9) Don't Know

VICTIMS IN STRANGER-TO-STRANGER CASES -- SKIP TO 29

24. RELATIONSHIP CASES ONLY: Have you had any problems with _____ since your case was decided in court?

- (1) Yes -- If yes, ask a-b
- (2) No → skip to 26
- (9) Don't Know

a. What was the problem(s)?

b. Did any of these problems result in violence between you and _____?

- (1) Yes -- If yes, ask c-d
- (2) No → skip to 26
- (8) Not Applicable
- (9) Don't know

c. What injuries did you receive?

- (1) No injuries
- (2) Minor - no medical treatment
- (3) Emergency room treatment
- (4) Hospitalized (_____ number of days)
- (8) Not applicable
- (9) Don't know

d. What injuries did _____ receive?

- (1) No injuries
- (2) Minor - no medical treatment
- (3) Emergency room treatment
- (4) Hospitalized (_____ number of days)
- (8) Not applicable
- (9) Don't know

e. Did you do anything about the problem? (PROBE: Were the police called?)

- (1) Police called -- if yes, ask f
- (2) No → skip to 25
- (3) Other _____
- (9) Don't know

f. If the police were called: What happened? (PROBE: Was an arrest made? Who was arrested?)

- (1) Arrest made -- if yes, ask g
- (2) Police came -- no arrest made → skip to 25
- (3) Police didn't come → skip to 25
- (4) Other _____
- (8) Not applicalbe
- (9) Don't know

g. If an arrest was made: Did the case go to court?

- (1) Yes -- If yes, ask h
- (2) No → skip to 26
- (8) Not applicable
- (9) Don't know

h. What happened in court? (PROBE: What did the court do?)

IF THERE HAVE BEEN ANY PROBLEMS:

25. Are the problems continuing now?

- (1) Yes
- (2) No
- (8) Not applicable
- (9) Don't know

26. How often do you see _____ now?

- (1) Living together
- (2) Daily
- (3) Once a week or more
- (4) Once a month or more
- (5) Less than once a month
- (6) Never → skip to 27
- (9) Don't know

a. Is that more often or less often than before the case was decided?

- (1) More often
- (2) Same
- (3) Less often
- (8) Not applicable
- (9) Don't know

b. At the present time, do you think the other party's behavior towards you has improved, remained the same, or gotten worse as a result of what the court (mediator) did?

- (1) Improved
- (2) Remained the same
- (3) Gotten worse
- (8) Not applicable
- (9) Don't know

27. At this time, what do you want to happen to your relationship with _____? (PROBES: Do you want to end the relationship? Do you want it to continue with some changes?)

Do you think this will happen?

- (1) Yes
- (2) No
- (8) Not applicable
- (9) Don't know

28. Do you feel the way your case was handled was helpful in your relationship with _____?

- (1) Yes
- (2) Somewhat
- (3) No
- (8) Not applicable
- (9) Don't know

How was (wasn't) it helpful?

29. Now that you have been through this experience, would you:

a. Call the police if you had a similar problem in the future?

- (1) Yes
- (2) No -- skip to 30
- (9) Don't know

IF NO: Why not?

b. Would you go to court?

- (1) Yes
- (2) No
- (9) Don't know

IF NO: Why not?

Now I would like to ask you a few background questions

30. What is your marital status?

- (1) Married
- (2) Divorced/separated/widowed
- (3) Single
- (7) Refused to answer

_____ 31. Do you have any children?

- (1) Yes
- (2) No
- (7) Refused to answer

_____ 32. What is your racial background?

- (1) Black
- (2) Hispanic
- (3) White
- (4) Other _____
- (7) Refused to answer

_____ 33. How old are you? _____

- (7) Refused to answer

_____ 34. Sex

- (1) Female
- (2) Male

_____ 35. Are you working now?

- (1) Yes -- full time
- (2) Yes -- part time
What kind of work do you do? _____
- (3) Student
- (4) Retired
- (5) Not working
What kind of work did you do? _____
- (7) Refused to answer

_____ 36. What is the last year of school you completed?

- (01) 0-8 years
- (02) Some high school
- (03) High school graduate
- (04) Some college
- (05) College graduate
- (06) Post college
- (07) Presently in _____ grade
- (77) Refused to answer

Thank you very much for speaking with me.

Master # _____

Victim Interview
Mediation Cohort

ID. No. _____

Name _____

Date of Interview _____

Length of Interview _____

Hello, my name is _____, I am from the Institute for Social Analysis, an independent research company. We sent you a letter about a week ago describing a study we are doing in _____. Did you receive it? _____ Basically, we are trying to find out how well you feel your case was handled and about any problems you may be having as a result of the incident. Your participation in our study may help legal officials respond better to other cases like yours. All of your answers will be kept strictly confidential. Is it convenient to speak with me now?

1. Can you tell me briefly what your dispute was about?

a. Extent of Injury:

- (1) None
- (2) Minor (no medical attention)
- (3) Treated and released
- (4) Hospitalized - how long _____

b. Did you have any medical bills?

- (1) None
- (2) Yes \$ _____
Amount reimbursed \$ _____

c. Was _____ injured as well?

- (1) Yes
- (2) No
- (3) Don't Know

IF YES, Extent of injuries:

- (1) None
- (2) Minor (no medical attention)
- (3) Treated and released
- (4) Hospitalized - how long _____

d. Relationship - victim is defendant's _____

Relationship Codes

- 01 - don't know defendant at all (stranger)
- 02 - spouse/common-law spouse
- 03 - girlfriend/boyfriend - cohabitating
- 04 - girlfriend/boyfriend - not cohabitating
- 05 - ex-spouse/common-law
- 06 - ex-girlfriend/boyfriend - cohabitating
- 07 - ex-girlfriend/boyfriend - not cohabitating
- 08 - sister/brother
- 09 - mother/father
- 10 - daughter/son
- 11 - other relative (include in-laws)
- 12 - friend
- 13 - a friend of other family member/relative
- 14 - acquaintance
- 15 - seen before/defendant known from neighborhood
- 16 - business associate/co-worker
- 17 - neighbor
- 18 - other - SPECIFY _____
- 99 - don't know

2. Sometimes people have problems following a dispute. I would like to ask you if you have experienced any of the following problems as a result of the incident, and if so, whether the problem has been a major or a minor one.

	No Problem	Major Problem	Minor Problem
___ a. Has the injury caused you any problems? (If yes, is it a major or minor problem for you?)	1	2	3
___ b. Have you experienced any nervousness or lack of sleep? (If yes, is it a major or minor problem for you?)	1	2	3
___ c. Have you had any problems dealing with friends or family as a result of this incident? (If yes, is it a major or minor problem for you?)	1	2	3
___ d. Has the incident caused you any financial problems? (If yes, is it a major or minor problem for you?)	1	2	3
___ e. Have other people suggested that you were to blame for the dispute? (If yes, is this a major or minor problem for you?)	1	2	3
___ f. Do you feel responsible for the incident? (If yes, is this a major or minor problem for you?)	1	2	3
___ g. Do you fear revenge from _____? (If yes, is this a major or minor problem for you?)	1	2	3
___ h. Do you feel less safe in your home? (If yes, is it a major or minor problem?)	1	2	3
___ i. Are there any other problems as a result of the dispute? (If yes, are they major or minor?) SPECIFY _____	1	2	3

3. Before this case, did you have other problems with _____?

- (1) Yes
- (2) No → Skip to 4
- (8) Not Applicable
- (9) Don't Know

IF YES, ASK a & b:

a. Can you describe the problems you have experienced?

b. Have any of these problems resulted in violence between you?

- (1) Yes
- (2) No → Skip to 4
- (8) Not Applicable
- (9) Don't Know

IF YES, ASK c-e:

c. What injuries did either of you have?

d. Did anyone call the police?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

What happened?

- (1) Police didn't come
- (2) Police came - no arrest made
- (3) Other _____
- (8) Not Applicable
- (9) Don't know

e. Did the case go to court?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

→ What happened?

- (1) Case dismissed/let defendant go
- (2) Defendant sent for treatment/placed in program
- (3) Defendant fined
- (4) Defendant sent to jail
- (5) Other _____
- (8) Not applicable
- (9) Don't know

4. In the present case, did you call the police?

- (1) Yes
- (2) No
- (9) Don't Know

→ IF NO: Did you want the police called?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

5. Did the police come?

- (1) Yes
- (2) No
- (9) Don't Know

→ What happened?

Did you want the police to arrest the defendant?

- (1) Yes
- (2) No
- (9) Don't Know

→ IF NO: What did you want?

6. How satisfied are you with the way the police handled your case?
(READ RESPONSES)

- (1) Satisfied
- (2) Mixed Feelings
- (3) Dissatisfied
- (8) Not applicable
- (9) Don't Know

7. At the time the police came (or you initiated the complaint), what did you want to happen to your relationship with _____? (PROBES: Did you want to end the relationship? Did you want to continue the relationship with some changes?)

8. MINNEAPOLIS ONLY: Did you go to the city attorney's office?

- (1) Yes
- (2) No
- (8) Not Applicable
- (9) Don't Know

→ IF YES: What happened?

9. LOS ANGELES ONLY: Were you given a choice about going to the hearing officer program?

- (1) Yes
- (2) No
- (8) Not applicable
- (9) Don't know

10. What did you want the (mediator, hearing officer) to do in your case?
(Allow two responses.)

- (1) Stop the other party from bothering them
- (2) Get restitution
- (3) Tell the other party their behavior was wrong
- (4) Help them get along better
- (5) Tell the other party to get treatment/rehabilitation
- (6) Other - Specify _____
- (9) Don't know

11. Did you ever discuss this case with _____ before it went to
(mediation, hearing officer program)?

- (1) Yes
- (2) No
- (9) Don't know

IF YES: Did you and _____ reach an agreement on your own?

- (1) Yes
- (2) No
- (3) Didn't attempt it
- (4) Other _____
- (8) Not applicable
- (9) Don't know

What did you agree to?

12. Did you reach an agreement at the (mediation, hearing officer) session?

- (1) Yes
- (2) No
- (9) Don't know

IF YES: Can you describe in your own words the (agreement, contract)
that was worked out between you? (If respondent does not remember
the contract or remembers it incorrectly, give him the facts and note
that respondent did not remember it.)

13. Are you satisfied with the (agreement; contract)?

- (1) Satisfied
- (2) Mixed Feelings
- (3) Dissatisfied
- (4) Don't Care
- (8) Not Applicable
- (9) Don't Know

14. How satisfied were you with the way the (mediator; hearing officer)
handled the case?

- (1) Satisfied
- (2) Mixed Feelings
- (3) Dissatisfied
- (9) Don't Know

15. Do you feel you had a chance to tell your side of the story to the
(mediator; hearing officer)?

- (1) Yes
- (2) No
- (3) Didn't need to (e.g., mediator already had relevant facts)
- (4) Other _____
- (9) Don't know

16. Do you think the mediator was concerned about your interests in the case?

- (1) Yes
- (2) No
- (3) Other _____
- (9) Don't Know

- _____ 17. IF AGREEMENT WAS REACHED: How much do you think you influenced the final (contract, agreement)?
- (1) A lot of influence
 - (2) Some influence
 - (3) Very little or no influence
 - (8) Not applicable
 - (9) Don't know
- _____ 18. Overall, how well do you feel you were treated on the day you were at the (mediation, hearing officer) session?
- (1) Well
 - (2) Fair
 - (3) Poor
 - (9) Don't know
- _____ 19. Did the (mediator, hearing officer) refer you to any agency or program to assist you with your problems with _____?
- (1) Yes
 - (2) No
 - (9) Don't know
- _____ → Did you contact the agency?
- (1) Yes
 - (2) No
 - (8) Not applicable
 - (9) Don't know
- _____ → What happened?
- _____ → Why not?

_____ 20. Have you had any problems with _____ since your case was mediated?

- (1) Yes
- (2) No → skip to 22
- (9) Don't know

_____ → IF YES, What was the problem(s)?

_____ Did any of these problems result in violence between you and _____?

- (1) Yes
- (2) No → skip to 21
- (8) Not applicable
- (9) Don't know

_____ → IF VIOLENCE, What injuries did you receive?

- (1) No injuries
- (2) Minor - no medical treatment
- (3) Emergency room treatment
- (4) Hospitalized (_____ number of days)
- (8) Not applicable
- (9) Don't know

_____ → IF VIOLENCE, What injuries did _____ receive?

- (1) No injuries
- (2) Minor - no medical treatment
- (3) Emergency room treatment
- (4) Hospitalized (_____ number of days)
- (8) Not applicable
- (9) Don't know

IF THERE WAS A PROBLEM WHICH RESULTED IN VIOLENCE:

_____ Did you do anything about the problem (PROBE: Were the police called?)

_____ If the police were called: What happened? (PROBE: Was an arrest made? Who was arrested?)

If an arrest was made: Did the case go to court?

- (1) Yes
- (2) No → skip to 21
- (8) Not applicable
- (9) Don't know

IF YES, What happened in court? (PROBE: What did the court do?)

IF THERE HAVE BEEN ANY PROBLEMS:

21. Are the problems continuing now?

- (1) Yes
- (2) No
- (8) Not applicable
- (9) Don't know

STRANGER-STRANGER CASES → skip to 29

22. How often do you see _____ now?

- (1) Living together
- (2) Daily
- (3) Once a week or more
- (4) Once a month or more
- (5) Less than once a month
- (6) Never → skip to 27
- (9) Don't know

IF SEEING THE OTHER PARTY:

23. Is that more often or less often than before the case was decided?

- (1) More often
- (2) Same
- (3) Less often
- (8) Not applicable
- (9) Don't know

24. At the present time, do you think the other party's behavior towards you has improved, remained the same, or gotten worse as a result of what the court (mediator) did?

- (1) Improved
- (2) Remained the same
- (3) Gotten worse
- (8) Not applicable
- (9) Don't know

25. At this time, what do you want to happen to your relationship with _____?
(PROBES: Do you want to end the relationship? Do you want it to continue with some changes?)

26. Do you think this will happen?

- (1) Yes
- (2) No
- (8) Not applicable
- (9) Don't know

27. Do you feel the way your case was handled was helpful in your relationship with _____?

- (1) Yes
- (2) Somewhat
- (3) No
- (9) Don't know

28. How was (wasn't) it helpful?

29. Now that you have been through this experience, would you:

a. Call the police if you had a similar problem in the future?

- (1) Yes
- (2) No
- (9) Don't know

IF NO: Why not?

b. Would you go to (mediation, hearing officer program)?

- (1) Yes
- (2) No
- (9) Don't know

IF NO: Why not?

Now I would like to ask you a few background questions.

30. What is your marital status?

- (1) Married
- (2) Divorced/separated/widowed
- (3) Single
- (7) Refused to answer

31. Do you have any children?

- (1) Yes
- (2) No
- (7) Refused to answer

32. What is your racial background?

- (1) Black
- (2) Hispanic
- (3) White
- (4) Native American/Indian
- (5) Other _____
- (7) Refused to answer

33. How old are you? _____

- (7) Refused to answer

34. Sex

- (1) Female
- (2) Male

35. Are you working now?

- (1) Yes - full time
- (2) Yes - part time
- What kind of work do you do? _____
- (3) Student
- (4) Retired
- (5) Not working
- What kind of work did you do? _____
- (7) Refused to answer

36. What is the last year of school you completed?

- (01) 0-8 years
- (02) Some high school
- (03) High school graduate
- (04) Some college
- (05) College graduate
- (06) Post college
- (07) Presently in _____ grade
- (77) Refused to answer

Thank you very much for talking with me.

HYPOTHETICAL CASES

Instructions

After reading each case, answer the attached questions. Use your experience and best judgment to predict how the case will ultimately be disposed in your particular jurisdiction. In addition, please complete the last sheet which inquires about your prosecutorial experience to date. Do not write your name on the forms, so that all responses may remain anonymous.

When predicting case outcomes, consider the current conditions and policies in your jurisdiction. However, if your jurisdiction does not have the following features, assume it does when answering the questions:

- (1) Prosecutors have the opportunity to review all cases to determine whether or not to file charges.
- (2) Prosecutors may suggest plea agreements involving charge reductions, dismissals, and sentence recommendations.
- (3) Judges usually concur with the prosecutor's recommendations.

1. Assuming you were making the decision, would you file charges against the suspect?

a. No → Why not? _____

b. Yes → What charges? _____

ASSUME THE CASE HAS BEEN FILED FOR QUESTIONS 2-8

2. How do you think the case will ultimately be disposed?

a. It will be dismissed → Why? _____

b. By plea → To what charges? _____

c. By trial → Anticipated verdict? _____

3. What is the lowest plea offer you would agree to before taking the case to trial?

4. What do you think would be the most just or fair plea?

5. Assuming you made a sentence recommendation, what would be the lowest possible sentence you would offer before taking the case to trial?

6. What do you think would be the most just or fair sentence?

7. How strong is the case?

- a. Very strong _____
- b. Strong _____
- c. Moderate _____
- d. Weak _____
- e. Very weak _____

8. What are the major weaknesses in the case? What problems does the case pose for successful prosecution?

APPENDIX B
Interviews with Defendants

APPENDIX B
INTERVIEWS WITH DEFENDANTS

Defendants proved very difficult to locate for telephone interviews. A total of 20 defendants were interviewed in Charlotte, 11 in Los Angeles, and seven in Minneapolis. We were somewhat more successful in reaching those whose cases were sent to mediation -- 31 disputants were interviewed in Los Angeles and 23 in Minneapolis. Of those we spoke with, 9% of the court sample and 29% of the mediated sample reported that they were injured, as well as the victim during the incident. We only attempted to contact defendants who knew their victims; approximately one-half told us that they had had previous problems with the victim.

Defendants in court and their counterparts in mediation reported that they were treated similarly. Like victims in court and mediation, most of the defendants and disputants told us that they were treated well or fairly, with only a minority reporting poor treatment (Tables B-1, B-2). Also, most defendants were satisfied with the outcome (67%), while the vast majority of those diverted to mediation (84%) were satisfied. In fact, defendants tended to be satisfied with the outcome more often than victims (54% of the victims in the court sample were satisfied and 65% of the victims in the mediated sample were satisfied). Like victims, defendants' satisfaction with the outcome was not strongly affected by the nature of the outcome, i.e., defendants who pled guilty tended to be satisfied as often as those whose cases were dismissed. This is somewhat surprising but may be a result of the light sentences imposed in those cases which resulted in guilty pleas/verdicts. None of the defendants in our sample were sentenced to jail or given formal probation, but many of the defendants were required to pay a fine, court costs, or make restitution. However, previous literature suggests that even defendants whose cases are dismissed or who have light sentences imposed, are frequently negative about the system and their treatment while in court, or as Feeley (1979) so succinctly phrased it, "the process is the punishment." Apparently this was not true for the majority of our defendants.

Defendants and disputants in mediation reported a number of problems as a result of the incident. Like our victims, many told us that they experienced increased nervousness (48% in the court sample, 42% in the mediation sample); also mentioned were problems with their family (25% - court sample, 20% - mediation sample), financial problems (64% - court sample,* 27% - mediation sample), and other problems (19% - court sample, 16% - mediation sample).

In summary, defendants in court and those diverted to mediation had similar reactions as victims did to the system. Contrary to expectations, most defendants felt that they were well treated and were satisfied with case outcomes in both the court and mediation samples. Defendants tended to be more satisfied than victims with outcomes in both the court and mediation sample. Like victims, defendants felt the impact of the crime in several ways and reported problems with increased nervousness, and also family and financial problems.

*The financial problems were usually a direct result of the sentence imposed, e.g., fine, court costs, restitution, or missing work for court appearance(s).

TABLE B-1
 COMPARISON OF VICTIMS' AND DEFENDANTS'
 TREATMENT IN COURT

	Defendant	Victim
Treated Well	60%	65%
Treated Fairly	22%	23%
Treated Poorly	18%	12%
	(N=36)	(N=77)

N.S.

TABLE B-2
 COMPARISON OF VICTIMS' AND DISPUTANTS'
 TREATMENT AT MEDIATION

	Defendant	Victim
Treated Well	66%	66%
Treated Fairly	25%	24%
Treated Poorly	9%	10%
	(N=46)	(N=59)

N.S.

APPENDIX C

Site Comparisons of Victims' Injury,
 Police Response, Victims' Satisfaction,
 Non-Stranger and Stranger-to-Stranger Comparisons

TABLE C-1
EXTENT OF VICTIM'S INJURY
SITE COMPARISONS

	Court*			Mediation*	
	Charlotte	Los Angeles	Minneapolis	Los Angeles	Minneapolis
None	37%	33%	31%	21%	19%
Minor	47%	30%	40%	39%	43%
Treated & Released	16%	31%	26%	36%	38%
Hospitalized	--	7%	3%	3%	--
Missing Data	(N=49)	(N=45)	(N=34)	(N=33)	(N=32) 1 case

* N.S.

TABLE C-2
VICTIM SUMMONED THE POLICE
SITE COMPARISONS

	Court*			Mediation*	
	Charlotte	Los Angeles	Minneapolis	Los Angeles	Minneapolis
Victim called police	69%	61%	74%	72%	78%
Victim did not call police	31%	39%	26%	28%	22%
Missing Data	(N=48) 1 case	(N=44) 1 case	(N=34) 1 case	(N=32) 1 case	(N=32)

* N.S.

TABLE C-3
VICTIM WANTED AN ARREST
SITE COMPARISONS

	Court*			Mediation*	
	Charlotte	Los Angeles	Minneapolis	Los Angeles	Minneapolis
Victim wanted arrest	94%	86%	81%	81%	83%
Victim did not want arrest	6%	14%	19%	19%	17%
	(N=32)	(N=42)	(N=32)	(N=32)	(N=30)

* N.S.

TABLE C-4
POLICE RESPONSE -- MEDIATED SAMPLE
SITE COMPARISONS

	Los Angeles	Minneapolis
Arrest	20%	33%
Complaint written	72%	60%
Other	8%	7%
	(N=25)	(N=30)
Missing Data	7 cases	

N.S.

TABLE C-5
VICTIMS' SATISFACTION WITH THE POLICE
SITE COMPARISONS

	Court*			Mediation*	
	Charlotte	Los Angeles	Minneapolis	Los Angeles	Minneapolis
Satisfied	71%	78%	73%	42%	59%
Mixed feelings	18%	11%	18%	12%	16%
Dissatisfied	11%	11%	9%	45%	25%
	(N=38)	(N=44)	(N=33)	(N=33)	(N=32)

* N.S.

TABLE C-6
VICTIMS' SATISFACTION WITH THE PROSECUTOR
SITE COMPARISONS

	Charlotte	Los Angeles	Minneapolis
Satisfied	22	17	4
Mixed feelings	7	4	3
Dissatisfied	9	9	1
	(N=38)	(N=30)	(N=8)
Missing Data	6 cases		

χ^2 N.S. comparing Charlotte and Los Angeles

TABLE C-7
JUDGE SPOKE WITH VICTIM
SITE COMPARISONS

	Charlotte	Los Angeles	Minneapolis
Judge spoke with victim	13	4	3
Judge did not speak with victim	29 (N=42)	26 (N=30)	3 (N=6)
Missing Data	2 cases		2 cases

χ^2 N.S. comparing Charlotte and Los Angeles

TABLE C-8
VICTIMS' BELIEVED JUDGE/MEDIATOR WAS CONCERNED
WITH THEIR INTERESTS
SITE COMPARISONS

	Judge*			Mediator**	
	Charlotte	Los Angeles	Minneapolis	Los Angeles	Minneapolis
Judge/Mediator was concerned	24	10	2	21	19
Judge/Mediator was not con- cerned	12 (N=36)	11 (N=21)	1 (N=3)	6 (N=27)	9 (N=28)
Missing Data	8 cases	9 cases	5 cases	6 cases	5 cases

* χ^2 N.S. comparing Charlotte and Los Angeles

** N.S.

TABLE C-9
VICTIMS' SATISFACTION WITH JUDGE/MEDIATOR
SITE COMPARISONS

	Judge*			Mediator**	
	Charlotte	Los Angeles	Minneapolis	Los Angeles	Minneapolis
Satisfied	27	13	2	17	18
Mixed feelings	10	2	1	6	5
Dissatisfied	4 (N=41)	7 (N=22)	1 (N=4)	8 (N=31)	5 (N=28)
Missing Data	3 cases	8 cases	4 cases	2 cases	5 cases

* N.S. comparing Charlotte and Los Angeles

** N.S.

TABLE C-10
VICTIMS' INFLUENCE ON THE DISPOSITION
SITE COMPARISONS

	Court			Mediation	
	Charlotte	Los Angeles	Minneapolis	Los Angeles	Minneapolis
A lot of influence	18%	22%	7%	41%	70%
Some influence	16%	17%	18%	36%	23%
Little of no influence	66% (N=44)	61% (N=41)	75% (N=28)	23% (N=22)	7% (N=27)
Missing Data	5 cases	4 cases	6 cases	11 cases	6 cases

N.S.

TABLE C-11
 VICTIMS' OVERALL TREATMENT -- MEDIATION SAMPLE
 SITE COMPARISONS

	Los Angeles	Minneapolis
Victim treated well	68%	64%
Victim treated fair	19%	29%
Victim treated poor	13%	7%
	(N=31)	(N=28)
Missing Data	2 cases	5 cases

N.S.

TABLE C-12
 VICTIMS' SATISFACTION WITH OUTCOME
 SITE COMPARISONS

	<u>Court</u>			<u>Mediation</u>	
	Charlotte	Los Angeles	Minneapolis	Los Angeles	Minneapolis
Satisfied	55%	53%	53%	61%	68%
Mixed feelings	20%	9%	17%	22%	18%
Dissatisfied	25%	38%	30%	17%	14%
	(N=49)	(N=45)	(N=30)	(N=23)	(N=28)
Missing Data			4 cases	10 cases	5 cases

N.S.

CONTINUED

2 OF 3

TABLE C-13
 NON-STRANGER AND STRANGER-TO-STRANGER VICTIMS
 VICTIM DESIRED AN ARREST

	Non-Stranger	Stranger-to-Stranger
Yes	86%	96%
No	14%	4%
	(N=42)	(N=25)

N.S.

TABLE C-14
 NON-STRANGER AND STRANGER-TO-STRANGER VICTIMS
 THE POLICE RESPONSE

	Non-Stranger	Stranger-to-Stranger
Arrest	51%	72%
Complaint written	40%	24%
Other	9%	4%
	(N=45)	(N=25)

N.S.

TABLE C-15
NON-STRANGER AND STRANGER-TO-STRANGER VICTIMS
PROSECUTOR SPOKE WITH VICTIM

	Non-Stranger	Stranger-to-Stranger
Prosecutor spoke with victim	67%	83%
Prosecutor did not speak with victim	33% (N=30)	17% (N=16)

N.S.

TABLE C-16
NON-STRANGER AND STRANGER-TO-STRANGER VICTIMS
JUDGE SPOKE WITH VICTIM

	Non-Stranger	Stranger-to-Stranger
Judge spoke with victim	13%	13%
Judge did not speak with victim	87% (N=30)	88% (N=16)

N.S.

TABLE C-17
NON-STRANGER AND STRANGER-TO-STRANGER VICTIMS
VICTIM GIVEN CHANCE TO TELL STORY

	Non-Stranger	Stranger-to-Stranger
Given chance	44%	46%
Not given chance	56%	54%
Missing Data	(N=27) 3 cases	(N=11) 5 cases

N.S.

TABLE C-18
NON-STRANGER AND STRANGER-TO-STRANGER VICTIMS
VICTIMS' INFLUENCE ON OUTCOME

	Non-Stranger	Stranger-to-Stranger
A lot of influence	22%	9%
Some influence	17%	17%
Little or no influence	61%	74%
Missing Data	(N=41) 4 cases	(N=23) 2 cases

N.S.

TABLE C-19
NON-STRANGER AND STRANGER-TO-STRANGER VICTIMS
VICTIMS' SATISFACTION WITH OUTCOME

	Non-Stranger	Stranger-to-Stranger
Satisfied	53%	38%
Mixed Feelings	9%	8%
Dissatisfied	38%	54%
	(N=45)	(N=24)
Missing Data		1 case

N.S.

TABLE C-20
LOWER AND UPPER COURT CASES
VICTIMS' SATISFACTION WITH THE PROSECUTOR

	Lower Court (Non-Stranger)	Upper Court (Stranger-to-Stranger)
Satisfied	56%	56%
Mixed feelings	18%	19%
Dissatisfied	26%	25%
	(N=76)	(N=32)
Missing Data	6 cases	6 cases

N.S.

TABLE C-21
LOWER AND UPPER COURT CASES
VICTIMS' SATISFACTION WITH THE JUDGE

	Lower Court (Non-Stranger)	Upper Court (Stranger-to-Stranger)
Satisfied	63%	52%
Mixed feelings	19%	13%
Dissatisfied	18%	35%
	(N=67)	(N=23)
Missing Data	15 cases	15 cases

N.S.

TABLE C-22
LOWER AND UPPER COURT CASES
VICTIMS BELIEVED THE JUDGE WAS CONCERNED
WITH THEIR INTERESTS

	Lower Court (Non-Stranger)	Upper Court (Stranger-to-Stranger)
Judge concerned	60%	58%
Judge not concerned	40%	42%
	(N=60)	(N=29)
Missing Data	22 cases	9 cases

N.S.

TABLE C-23
 LOWER AND UPPER COURT CASES
 VICTIMS' INFLUENCE ON FINAL OUTCOME

	Lower Court (Non-Stranger)	Upper Court (Stranger-to-Stranger)
A lot of influence	17%	13%
Some influence	17%	26%
Little or no influence	66%	61%
	(N=113)	(N=70)
Missing Data	15 cases	25 cases

N.S.

TABLE C-24
 LOWER AND UPPER COURT CASES
 VICTIMS' OVERALL TREATMENT

	Lower Court (Non-Stranger)	Upper Court (Stranger-to-Stranger)
Treated well	65%	56%
Treated fair	23%	29%
Treated poor	12%	15%
	(N=77)	(N=34)
Missing Data	10 cases	4 cases

N.S.

APPENDIX D

Site Comparisons of Responses to
 the Hypothetical Cases

TABLE D-1
 COMPARISON OF THE TREATMENT OF
 NON-STRANGER vs. STRANGER-TO-STRANGER CASES
 BROOKLYN

		<u>Non-Stranger</u>	<u>Stranger-to-Stranger</u>
WOULD FILE CHARGES ^(a)		98% N=49	90% N=50
CASE STRENGTH ^(b)	Strong	15%	24%
	Moderate	40%	42%
	Weak	45% N=48	34% N=50
PREDICTED ^(c) OUTCOME	Dismissed	12%	8%
	Guilty Plea	83%	74%
	Trial	5% N=48*	18% N=50*

(a) N.S.

(b) N.S.

(c) N.S.

*The first four cases were used to compare the treatment of non-stranger with stranger-to-stranger cases. Case Set A contained three non-stranger cases and one stranger-to-stranger case, while Case Set B contained one non-stranger case and three stranger-to-stranger cases. In Brooklyn, 12 prosecutors responded to Case Set A, 13 to Case Set B, for a total of 49 non-stranger and 50 stranger-to-stranger cases. Variable Ns appear in this table due to the exclusion of "don't know" responses and incompletes.

TABLE D-2
COMPARISON OF THE TREATMENT OF
NON-STRANGER vs. STRANGER-TO-STRANGER CASES
CHARLOTTE

		<u>Non-Stranger</u>	<u>Stranger-to-Stranger</u>
WOULD FILE CHARGES ^(a)		100% N=23	91% N=21
CASE STRENGTH ^(b)	Strong	39%	33%
	Moderate	48%	38%
	Weak	13%	29%
		N=23	N=21
PREDICTED ^(c) OUTCOME	Dismissed	14%	10%
	Guilty Plea	45%	28%
	Trial	41%	62%
		N=22*	N=21*

- (a) N.S.
(b) N.S.
(c) N.S.

*The first four cases were used to compare the treatment of non-stranger with stranger-to-stranger cases. Case Set A contained three non-stranger cases and one stranger-to-stranger case, while Case Set B contained one non-stranger case and three stranger-to-stranger cases. In Charlotte, six prosecutors responded to Case Set A, five to Case Set B, for a total of 23 non-stranger and 21 stranger-to-stranger cases. Variable Ns appear in this table due to the exclusion of "don't know" responses and incompletes.

TABLE D-3
COMPARISON OF THE TREATMENT OF
NON-STRANGER vs. STRANGER-TO-STRANGER CASES
LOS ANGELES

		<u>Non-Stranger</u>	<u>Stranger-to-Stranger</u>
WOULD FILE CHARGES ^(a)		77% N=78	84% N=82
CASE STRENGTH ^(b)	Strong	36%	44%
	Moderate	40%	32%
	Weak	24%	24%
		N=77	N=81
PREDICTED ^(c) OUTCOME	Dismissed	5%	9%
	Guilty Plea	68%	63%
	Trial	27%	28%
		N=74*	N=81*

- (a) N.S.
(b) N.S.
(c) N.S.

*The first four cases were used to compare the treatment of non-stranger with stranger-to-stranger cases. Case Set A contained three non-stranger cases and one stranger-to-stranger case, while Case Set B contained one non-stranger case and three stranger-to-stranger cases. In Los Angeles, 19 prosecutors responded to Case Set A, 21 to Case Set B, for a total of 78 non-stranger and 82 stranger-to-stranger cases. Variable Ns appear in this table due to the exclusion of "don't know" responses and incompletes.

TABLE D-4
 COMPARISON OF THE TREATMENT OF
 NON-STRANGER vs. STRANGER-TO-STRANGER CASES
 MINNEAPOLIS

		<u>Non-Stranger</u>	<u>Stranger-to-Stranger</u>
WOULD FILE CHARGES ^(a)		75% N=28	75% N=28
CASE STRENGTH ^(b)	Strong	36%	50%
	Moderate	29%	36%
	Weak	35%	14%
		N=28	N=28
PREDICTED ^(c) OUTCOME	Dismissed	21%	7%
	Guilty Plea	72%	71%
	Trial	7%	22%
		N=28*	N=28*

(a) N.S.

(b) N.S.

(c) N.S.

*The first four cases were used to compare the treatment of non-stranger with stranger-to-stranger cases. Case Set A contained three non-stranger cases and one stranger-to-stranger case, while Case Set B contained one non-stranger case and three stranger-to-stranger cases. In Minneapolis, seven prosecutors responded to Case Set A and seven to Case Set B, for a total of 28 non-stranger and 28 stranger-to-stranger cases.

APPENDIX E

Site Comparisons of Victims'
 Problems Among the Mediated Sample

TABLE E-1
 PROBLEMS FOLLOWING VICTIMIZATION
 MEDIATION SAMPLE

	<u>Los Angeles</u>	<u>Minneapolis</u>
Nervousness ^(a)	72%	39%
Fears Revenge ^(b)	48%	33%
Concerns About Safety ^(c)	30%	42%
Financial Problems ^(d)	30%	24%
Family Problems ^(e)	18%	27%
Other Problems ^(f)	9%	18%
Feels Responsible for Incident ^(g)	3%	15%
Blamed for Incident ^(h)	6%	9%
	(N=33)	(N=33)

(a) $\chi^2 = 7.43$, $df = 1$, $p = .01$

(b) N.S.

(c) $\chi^2 = 4.97$, $df = 1$, $p = .05$

(d) N.S.

(e) N.S. (Data missing for one Minneapolis case)

(f) N.S.

(g) N.S.

(h) N.S. (Data missing for one Minneapolis case)

APPENDIX F

Methodology of the Follow-Up Study on the
First-Year Evaluation of the Brooklyn Dispute Center

APPENDIX F:

METHODOLOGY OF THE FOLLOW-UP STUDY
ON THE FIRST-YEAR EVALUATION
OF THE BROOKLYN DISPUTE CENTER

The goal of the first-year evaluation of the Brooklyn Dispute Center was to compare mediation and prosecution as they affected disputants' satisfaction with the process by which their cases were resolved and the recurrence of hostilities in their relationships. The evaluation employed an experimental design whereby cases were randomly assigned to an experimental treatment (mediation) or a control treatment (court). A total of 465 cases were identified as they entered the criminal justice system from September through December 1977. There were 206 cases in the control group and 259 in the experimental group.

A variety of data were gathered to perform the evaluation. Information was collected from court and mediation files regarding court or mediation appearances and outcomes. Interviews were conducted with complainants at three different times; when their cases entered the system; when their cases were disposed; and four months after the case dispositions. The primary purposes of these interviews were to gain information regarding what complainants wanted and expected from the system, their reactions to the process, and the degree to which they experienced continuing problems with the defendant following the case disposition. Interviews were also conducted with defendants four months after the case dispositions to learn their reactions to the process and the degree to which they experienced continued hostilities. In addition, arrest data were gathered for the four-month period following the case dispositions to gain another, more objective measure of the degree to which recidivism occurred in these cases.

The purpose of the follow-up study was to gain a longer-term perspective on what happened to disputants in these cases. Specifically, the follow-up study aimed to: determine whether the disputants in these cases continued to experience a low rate of recidivism over a longer interval of time; examine whether mediation had any greater impact than had the court in terms of reducing recurrence of problems; and develop a typology of those cases which were most likely to result in recidivism. Two types of data were collected for the follow-up study: interviews with disputants and information on new arrests.

The Follow-up Study Interviews

Follow-up study interviews were attempted with the subsample of complainants (N=215) and defendants (N=134) with whom interviews were completed at the four-month follow-up of the earlier study. Follow-up study interviews were completed with 80 complainants (17% of the original sample) and 45 defendants (10% of the original sample) involved in 107 cases. (See Table F-1). Clearly, the low rate of success in completing interviews (interviews were completed with roughly 36% of victims) was related to the long gap in time since disputants were last contacted -- an average of 2.5 years after the case disposition. As in the earlier study, interviews were more likely to be completed with disputants in the experimental group. The higher interview rate for this group is probably related to the fact that contact information from both the mediation center and the court was obtained in the earlier study.

Characteristics of the complainants and defendants who were interviewed were

TABLE F-1
 INTERVIEWS COMPLETED IN THE FIRST YEAR EVALUATION
 OF THE BROOKLYN DISPUTE RESOLUTION CENTER
 AND THE FOLLOW-UP STUDY

	Experimental Cases	Control Cases	Total
I. Total Cases	259 (100%)	206 (100%)	465 (100%)
II. Complainant entrance interview (administered at the onset of the case)	178 (69%)	136 (66%)	314 (68%)
III. Complainant exit inter- view (administered at the disposition of the case)	163 (63%)	121 (59%)	284 (61%)
IV. Complainant four-month follow-up interview	127 (49%)	88 (43%)	215 (46%)
V. Defendant four-month follow-up interview	88 (34%)	46 (22%)	134 (29%)
VI. Complainant follow-up study interview (admin- istered an average of 2.5 years after the case disposition)	52 (20%)	28 (14%)	80 (17%)
VII. Defendant follow-up study interview (admin- istered an average of 2.5 years after the case disposition)	35 (14%)	10 (5%)	45 (10%)

compared to characteristics of those who were not interviewed to determine if they were representative of the sample as a whole (see Tables F-2 and F-3). Several differences between those interviewed and the remainder of the sample were discerned. The complainants who were interviewed were significantly more likely to have been involved in cases with non-violent charges and to have expressed satisfaction with their case outcomes (at the time of the exit interview) than the remainder of the sample. (There was a marginally significant tendency for the defendants interviewed to have had an intimate relationship with the complainant. There appeared to be no significant differences between the interviewed and non-interviewed groups in terms of the measures of recidivism between disputants during the earlier follow-up.)

In the follow-up study interviews, disputants were asked to report (a) any problems they had experienced with the other disputant since the case disposition; (b) whether any problems had resulted in violence; (c) any injuries either disputant had received; (d) if the police had been called; (e) if either disputant had been arrested for violence; (f) if any of the problems had occurred within the last year; (g) if their problems were current; (h) the frequency with which they saw the other disputant; (i) their perceptions of the other disputant's behavior; and (j) their perceptions of the helpfulness of the court or mediation process in resolving their problems.

The Follow-up Study Arrest Data

Arrest data (the charge and the arraignment date) were collected from the Criminal Justice Agency's (CJA) information system. Following the identification of an arrest, cases were looked up on VSA's information to determine if the complainant in the new case was the same disputant in the original case. Only data on rearrests in Brooklyn were collected because VSA's information system only contained Brooklyn cases.

Two problems were encountered in collecting the arrest data. First, in some instances it was not possible to positively identify with the information available either the complainant or the defendant involved in an arrest. Second, it was not possible to secure information on arrests occurring before July 1, 1978, because CJA had archived these files. These problems, and the measures which were taken to ameliorate their effects, are discussed below.

There were two methods by which to ascertain through CJA's information system to determine whether an individual had been arrested. The most reliable method was to use an individual's New York State Identification (NYSID) number. A NYSID number is issued to a person upon his/her first arrest and filed in conjunction with his/her fingerprints. Any subsequent rearrest of this individual is stored under the same NYSID number file through matching of the fingerprints.

The second method, which had to be used in the absence of a NYSID number, was a name search. The name search was a less reliable method because there were likely to be inconsistencies in spellings of people's names (in CJA's and the follow-up study's files) and some people have the same name. When the name search method was employed, further corroborating information -- either the matching of the address or birthdate of the individual (if this information was available in both CJA's and the study's files) -- was necessary in order to positively identify an individual arrested.

Arrest data were collected for the same subsample of cases (N=240) in which

TABLE F-2
COMPARISON OF CHARACTERISTICS OF COMPLAINANTS
WHO WERE INTERVIEWED FOR THE FOLLOW-UP
STUDY AND COMPLAINANTS WHO WERE NOT INTERVIEWED

I. Case Characteristics		
	Complainant Follow-up Study Interview Completed	Complainant Not Interviewed
<u>Charge Severity</u> ^(a)		
B,C Felony	16%	18%
D,E Felony	84% (N=80)	82% (N=377)
<u>Charge Type</u> ^(b)		
Violent	48%	62%
Non-Violent	52% (N=80)	38% (N=385)
<u>Complainant/Defendant</u> ^(c) <u>Relationship</u>		
Intimate	33%	24%
Other	67% (N=76)	76% (N=237)
<u>Previous Call to</u> ^(d) <u>the Police</u>		
Yes	34%	31%
No	66% (N=76)	69% (N=238)
<u>Defendant's Prior</u> ^(e) <u>Record</u>		
No convictions or open cases	56%	56%
One or more convictions or open cases	44% (N=63)	44% (N=156)
<u>Complainant Satisfied With</u> ^(f) <u>the Disposition at the</u> <u>Exit Interview</u>		
Yes	75%	61%
No	25% (N=79)	39% (N=200)

TABLE F-2 (CONTINUED)

	Complainant Follow-up Study Interview Completed	Complainant Not Interviewed
<u>Complainant Satisfied with</u> ^(g) <u>the Disposition at the</u> <u>Four-Month Follow-up</u> <u>Interview</u>		
Yes	71%	69%
No	29% (N=78)	31% (N=131)
<u>Complainants' Reports of</u> ^(h) <u>Frequency of Contact at</u> <u>the Four-Month Follow-up</u> <u>Interview</u>		
Daily	20%	26%
Weekly to Monthly	33%	39%
Rarely or Never	48% (N=80)	36% (N=135)
<u>Complainants' Perceptions of</u> ⁽ⁱ⁾ <u>the Defendant's Behavior</u> <u>at the Four-Month Follow-</u> <u>up Interview</u>		
Improved	55%	53%
Same or Worse	45% (N=47)	47% (N=93)
<u>Complainants' Reports of</u> ^(j) <u>Problems at the Four-</u> <u>Month Follow-up Interview</u>		
Yes	21%	24%
No	79% (N=80)	76% (N=135)
<u>Defendant Rearrested During</u> ^(k) <u>Four-Month Follow-up</u> <u>Period for Any Crime</u>		
Yes	16%	14%
No	84% (N=80)	86% (N=385)

TABLE F-2 (CONTINUED)

	Complainant Follow-up Study <u>Interview Completed</u>	Complainant Not <u>Interviewed</u>
<u>Either the Complainant or (1) the Defendant Rearrested During the Four-Month Follow-up Period for a Crime Against the Other</u>		
Yes	5-10%	4- 5%
No	95-90% (N=80)	96-95% (N=385)

II. Complainant Demographics

	Complainant Follow-up Study <u>Interview Completed</u>	Complainant Not <u>Interviewed</u>
<u>Sex (m)</u>		
Male	41%	35%
Female	59% (N=76)	65% (N=236)
<u>Education (n)</u>		
High School Graduate	47%	47%
Did Not Graduate	53% (N=74)	53% (N=227)
<u>Complainant's Employment (o) Status (at the Entrance Interview)</u>		
Employed	45%	43%
Not Employed	55% (N=75)	57% (N=232)
<u>Complainant's Prior In- (p) volvement in the Criminal Justice System</u>		
Yes	39%	38%
No	61% (N=76)	62% (N=235)

TABLE F-2 (CONTINUED)

- (a) N.S.
- (b) $\chi^2 = 5.46, p = .02$
- (c) N.S.
- (d) N.S.
- (e) N.S.
- (f) $\chi^2 = 4.65, p < .05$
- (g) N.S.
- (h) N.S.
- (i) N.S.
- (j) N.S.
- (k) N.S.
- (l) N.S.
- (m) N.S.
- (n) N.S.
- (o) N.S.
- (p) N.S.

TABLE F-3
COMPARISON OF CHARACTERISTICS OF DEFENDANTS WHO
WERE INTERVIEWED FOR THE FOLLOW-UP STUDY
AND DEFENDANTS WHO WERE NOT INTERVIEWED

	Defendant Follow-up Study Interview Completed	Defendant Not Interviewed
<u>Charge Severity^(a)</u>		
B,C Felony	16%	18%
D,E Felony	84%	82%
	(N=43)	(N=414)
<u>Charge Type^(b)</u>		
Violent	67%	59%
Non-Violent	33%	41%
	(N=45)	(N=420)
<u>Complainant/Defendant^(c) Relationship</u>		
Intimate	64%	49%
Other	36%	51%
	(N=39)	(N=274)
<u>Previous Call to^(d) the Police</u>		
Yes	33%	31%
No	67%	69%
	(N=39)	(N=275)
<u>Defendant's Prior^(e) Record</u>		
No convictions or open cases	45%	58%
One or more convictions or open cases	55%	42%
	(N=38)	(N=181)
<u>Defendant Satisfied With^(f) the Disposition at the Four-Month Follow-up Interview</u>		
Yes	78%	71%
No	22%	29%
	(N=45)	(N=83)

TABLE F-3 (CONTINUED)

	Defendant Follow-up Study Interview Completed	Defendant Not Interviewed
<u>Defendants' Reports of^(g) Contact at the Four- Month Follow-up Interview</u>		
Daily	22%	26%
Weekly to Monthly	44%	28%
Rarely or Never	33%	46%
	(N=45)	(N=87)
<u>Complainants' Perceptions of^(h) the Defendants' Behavior at the Four-Month Follow- up Interview</u>		
Improved	64%	52%
Same or Worse	36%	48%
	(N=22)	(N=118)
<u>Defendants' Perceptions of⁽ⁱ⁾ the Complainants' Behavior at the Four-Month Follow- up Interview</u>		
Improved	74%	56%
Same or Worse	26%	44%
	(N=34)	(N=64)
<u>Complainants' Reports of^(j) Problems at the Four- Month Follow-up Interview</u>		
Yes	26%	22%
No	74%	78%
	(N=34)	(N=181)
<u>Defendants' Reports of^(k) Problems at the Four- Month Follow-up Interview</u>		
Yes	20%	14%
No	80%	86%
	(N=45)	(N=87)

TABLE F-3 (CONTINUED)

	Defendant Follow-up Study Interview Completed	Defendant Not Interviewed
<u>Defendant Rearrested⁽¹⁾ During Four-Month Follow-up Period for Any Crime</u>		
Yes	9%	15%
No	91% (N=45)	85% (N=420)
<u>Either the Complainant or^(m) the Defendant Rearrested During the Four-Month Follow-up Period for a Crime Against Each Other</u>		
Yes	4%	4- 6%
No	96% (N=45)	96-94% (N=420)

- (a) N.S.
- (b) N.S.
- (c) $\chi^2 = 3.15, p < .1$
- (d) N.S.
- (e) N.S.
- (f) N.S.
- (g) N.S.
- (h) N.S.
- (i) N.S.
- (j) N.S.
- (k) N.S.
- (l) N.S.
- (m) N.S.

interviews were attempted; i.e., those cases in which either disputant had completed a four-month follow-up interview in the original study. The NYSID number, however, was not available for 70 (29%) of these defendants (because no hard copy had been saved in the first batch of cases looked up in CJA's system at the time of the four-month follow-up). Consequently, a name search was employed in these cases. However, a comparison of the rearrest rate of those for whom the NYSID number was available with the rate of those for whom no NYSID number was available revealed that the NYSID number method was significantly (Kendall's Tau C = .068, p = .05) more likely to result in identifications of rearrests than the name search method. For this reason, the analysis of rearrests was confined to those cases in which a NYSID number was available for the defendant -- a total of 170 (37%) of the original cases.

There was no NYSID number available for any of the complainants in the study. Although the name search method was employed, it was not possible to determine in all cases whether the arrest indicated in CJA's files was for the same individuals. For this reason, complainant arrests are presented as a range between the number positively identified to be arrested and the number possibly arrested (as indicated by CJA's files). CJA's information system does not include the names of complainants. For this reason, after the arrest data were collected, docket numbers were used to access the case on VSA's information system to determine who the complainants were. In some instances, however, the cases were not available on VSA's system. Consequently it was not always possible to determine whether the complainants in the new arrests were the disputants in the original cases. As a result of this, there is also a range ascribed to the number of rearrests involving the same disputants.

The second problem encountered in the collection of arrest information was that data were available only for arrests occurring between July 1, 1978, and May 1, 1980. (CJA had archived files of all arrests which occurred before July 1, 1978.) For the first year evaluation, data had been gathered on all arrests of disputants occurring within four months after the case disposition. Since cases were disposed on different dates, however, the gap between the four-month follow-up period and July 1, 1978, varied -- ranging to six months. The average length of the gap in information was 3.7 months.

It is almost certain that some of the disputants were arrested during the time period for which arrest data were not available. In order to provide an accurate arrest rate of disputants in the study, the arrest rate was projected for the period in which data were unavailable. The projected arrest rate was computed by taking the average of the arrest rate during the final two months of the four-month follow-up and the arrest rate during the period between July 1, 1978, and May 1, 1980. This rate was then multiplied by 3.7 (the average number of months for which arrest data were missing) to arrive at the number of projected arrests for the period during which information was unavailable. These projected figures were then included with the known arrest data (from the four-month follow-up and the later 22-month interval) to arrive at an estimate of the overall number of arrests which occurred following the disposition of the disputants' cases. The time period for which this arrest data applies is an average of two and one-half years following the dispositions of the disputants' cases (approximately the same period which is covered by the follow-up interviews). Characteristics of the cases for which arrest data were collected were compared with those for whom no data were gathered. (See Table F-4.) The one significant difference between the two groups was that the sample for which arrest data were collected contained a greater proportion of cases involving property crimes. Nevertheless, the type of

TABLE F-4
COMPARISON OF CHARACTERISTICS OF CASES FOR WHICH
FOLLOW-UP STUDY ARREST DATA WERE COLLECTED
AND CASES FOR WHICH NO ARREST DATA WERE COLLECTED

	Follow-up Study Arrest Data Collected	No Arrest Data Collected
<u>Charge Severity^(a)</u>		
B,C Felony	18%	17%
D,E Felony	82%	83%
	(N=168)	(N=289)
<u>Charge Type^(b)</u>		
Violent	54%	63%
Non-Violent	46%	37%
	(N=170)	(N=295)
<u>Complainant/Defendant^(c) Relationship</u>		
Intimate	27%	26%
Other	73%	74%
	(N=146)	(N=167)
<u>Previous Call to^(d) the Police</u>		
Yes	36%	28%
No	64%	72%
	(N=147)	(N=167)
<u>Defendant's Prior^(e) Record</u>		
No convictions or open cases	54%	60%
One or more convictions or open cases	46%	40%
	(N=151)	(N=68)
<u>Complainant Satisfied With^(f) the Disposition at the Exit Interview</u>		
Yes	65%	65%
No	35%	35%
	(N=166)	(N=113)

TABLE F-4 (CONTINUED)

	Follow-up Study Arrest Data Collected	No Arrest Data Collected
<u>Complainant Satisfied^(g) With the Disposition at the Four-Month Follow-up Interview</u>		
Yes	70%	69%
No	30%	31%
	(N=148)	(N=61)
<u>Defendant Satisfied^(h) With the Disposition at the Four-Month Follow-up Interview</u>		
Yes	72%	76%
No	28%	24%
	(N=90)	(N=38)
<u>Complainants' Reports of⁽ⁱ⁾ Problems at the Four- Month Follow-up Interview</u>		
Yes	24%	19%
No	76%	81%
	(N=152)	(N=63)
<u>Defendants' Reports of^(j) Problems at the Four- Month Follow-up Interview</u>		
Yes	13%	21%
No	87%	79%
	(N=90)	(N=42)
<u>Defendant rearrested^(k) During Four-Month Follow-up Period for Any Crime</u>		
Yes	12%	16%
No	88%	84%
	(N=170)	(N=295)

TABLE F-4 (CONTINUED)

<u>Either the Complainant or⁽¹⁾ the Defendant Rearrested During the Four-Month Follow-up Period for a Crime Against the Other</u>	<u>Follow-up Study Arrest Data Collected</u>	<u>No Arrest Data Collected</u>
Yes	5- 7%	3- 6%
No	95-93% (N=170)	97-94% (N=295)

(a) N.S.

(b) $\chi^2 = 3.96, p < .05$

(c) N.S.

(d) N.S.

(e) N.S.

(f) N.S.

(g) N.S.

(h) N.S.

(i) N.S.

(j) N.S.

(k) N.S.

(l) N.S.

charge was not found to bear any relation to measures of recidivism. Therefore, the importance of this finding is assumed to be negligible.

END