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THE EFFECTS OF VICTIM CHARACTERISTICS
ON THE DISPOSITION OF
VIOLENT CRIMES

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INTRODUCTION

This chapter is an empirical analysis of the effect of the victim's characteristics on decisions made by the prosecutor, judge and jury concerning cases against defendants charged with violent crimes in the District of Columbia. Several hypotheses about the expected relationship between certain available victim characteristics and three key decisions made during case processing were tested. The victim is viewed both as a decision maker, in terms of his behavior as a witness, and an influence on the decisions made by criminal justice personnel.

BACKGROUND

The literature relevant to the present analysis comes from two sources: studies or references to the effect of the victim on criminal justice decision making, and social psychological studies of victims.

There have been few studies, empirical or otherwise, of how the victim influences the criminal justice process. Those which have been done suggest that the victim does have some effect on criminal justice decisions. The victimization surveys have shown that the victim has considerable discretion in terms of whether to bring an offense to the attention of the police (Reiss, 1974:184-185, Hindelang and Gottfredson, supra Chapter __). A few studies have focused on the effect of the victim on the decision of the police to charge. Goldstein (1967) and Reiss (1971) report that the police are more likely to bring charges in an assault case if the victim and offender are strangers, and less likely to bring charges if they are related or know one another.

Parnas (1967) and Truninger (1971) each discuss the police handling of domestic disputes, citing reasons why the police might not make an arrest if the victim and offender are husband and wife.

Moving to the court process, a follow-back survey of witnesses (Cannavale, 1975) found that the closer the relationship between the victim and defendant, the more likely a witness would be labeled a "noncooperator" by the prosecutor. McIntyre (1968) also found the victim-offender relationship to be important when studying the outcomes of preliminary hearings in Chicago. If the victim and the offender were "spouses, lovers, neighbors, or friends whose amiable relationships have been temporarily disrupted," the case was more likely to be dismissed (McIntyre, 1968:477). In a survey of prosecutors reported in the Southern California Law Review (1974:530), the victim was found to be a "vital subjective variable." If the victim had greater prestige, the case would be less likely to be dropped. Miller (1969:173-178) includes a chapter in his book on prosecution concerning the "attitude" of the victim. He points to three situations in which the prosecutor might be reluctant to charge: Negro assaults, cases in which the victim shares some guilt, and statutory rape in which the victim consented.

A couple of studies have examined the responsibility of the victim for the crime on decisions of the court and prosecutor. Wolfgang (1958:300) found that in cases of victim-precipitated homicide offenders were less likely to be found guilty than in cases where victim-precipitation was not an issue. Kalven and Zeisel (1971) found that

the jury and the judge--to a lesser extent--took the "contributory fault" of the victim into account in their deliberations.

The victim's influence on the decisions made by boards of victim compensation has also been studied. Edelhertz and Geis (1974:270) reveal that "where the victim's conduct contributes to his injury, state statutes usually provide that compensation may be denied or proportionally reduced." In addition, "all states and foreign jurisdictions now bar compensation to those in some way related to or living with the offender." (Edelhertz and Geis, 1974:278) This restriction appears to be largely designed to prevent fraud, but is consistent with other findings concerning police and prosecutor decisions.

In addition to the criminal justice literature, there is a growing body of social psychological literature concerning the subtle and indirect influences victims may have on the decisions made by laboratory subjects concerning the victim or the victimizer. Most of the literature is related to the "Just World" theory developed by Lerner (1965) and others.¹ "Just World" theory posits that people want to believe that there is justice in the world; people are victimized or rewarded because they deserve it, not because of random forces. The original study (Lerner, 1965) showed that laboratory subjects randomly chosen to be paid for performing a task convinced themselves, and others, that they had done a better job than those not paid. Many additional experiments (for example, see Lerner and Simmons, 1966; Chaikin and Darley, 1973; Adelman and Katz, 1974) have confirmed and refined the theory. Walster (1966) found that the more serious an

accident, the more likely persons are to assign responsibility to someone. This suggests the possibility that in more serious crimes, an observer will want to assign responsibility to someone--the victim or the defendant. Stokols and Schopler (1973:206) have found that "careless victims were perceived as significantly more deserving of their misfortune than innocent ones."

Three recent social psychological studies are particularly relevant to the present analysis, since they involve crime victims. Jones and Aronson (1974) tested the degree to which subjects blamed either the defendant or the victim of rape, depending upon the "respectability" of the victim. Although more respectable victims were blamed more, the defendant was also punished more severely. Landy and Aronson (1974), in simulating sentencing behavior, found that subjects were affected by the attractiveness of the victim. Sigall and Ostrove (1975), in a similar experiment, found that the attractiveness of the defendant caused subjects to give him a shorter sentence, except if his attractiveness had helped him in his crime.

The implications of these social psychological studies for criminal justice administration are substantial. Laboratory subjects appear to take characteristics of the victim, such as "blameworthiness" or "respectability," into account when they evaluate the punishment to be assigned to an offender. However, to date, these findings have not been tested on decisions made by actual criminal justice administrators. Using both the social psychological studies and the studies discussed in the first part of this section, a number of hypotheses were developed

to be tested on data from criminal justice administration in one jurisdiction.

HYPOTHESES

The general hypothesis to be tested by this research is that final dispositions in criminal cases are affected by the victim of the crime. There are four parts to the analysis. The first three deal with the victim's indirect influence on decision making, and the fourth deals with the victim's direct influence. The first set of hypotheses, derived from "Just World" theory, tests whether the victim's perceived responsibility for the crime affects the disposition. The second set of hypotheses concerns the effect of the social relationship between the victim and the offender on the disposition. The third part explores the effect of victim employment on decision making, and the fourth part focuses on the extent to which certain types of victims cause case attrition due to their noncooperation with the prosecutor as witnesses.

The dependent variable in each of the four parts of the analysis is whether or not a case brought by the police against a defendant results in conviction. There are three decision points where a case may be dropped which will be analyzed--two decisions made by the prosecutor and one made by the judge or jury at trial:

- (1) the prosecutor may decide at screening to "no paper" an arrest brought by the police; i.e., the charges brought by the police are not filed by the prosecutor,
- (2) the prosecutor, after "papering" the case, may dismiss it before trial, and

(3) the judge or jury may find the defendant not guilty at trial.

In the fourth part of the analysis, only the first two decisions will be analyzed in regard to the victim's behavior as a "complaining witness."

I. Victim Responsibility

The first hypothesis, derived from "Just World" theory is:

H₁ Victims perceived as sharing more responsibility for a crime are less likely to have their cases result in conviction.

The assumption underlying this hypothesis is that persons evaluating a criminal event want to assign responsibility to someone--the victim or the defendant. The more responsibility they assign to the victim, the less they will assign to the defendant. Thus, when the victim appears to be more responsible for the crime, the case will be dropped.

Specific measurable factors which are hypothesized to increase the victim's responsibility for the crime can either be related to the actual crime in question, or they can be general characteristics of the victim which would make an observer suspect that the crime was partly the victim's own fault. Further specific hypotheses related to the current crime are:

H_{1A} Victims identified as having "provoked" the defendant are less likely to have their cases result in conviction.

H_{1B} Victims identified as having participated in the offense are less likely to have their cases result in conviction.

Specific hypotheses related to whether the victim is generally a "blame-worthy" individual are:

- H_{1C} Victims who are identified as users of heroin or opiates are less likely to have their cases result in conviction.
- H_{1D} Victims who are identified as chronic abusers of alcohol are less likely to have their cases result in conviction.
- H_{1E} Victims who have an arrest record are less likely to have their cases result in conviction.

If the victim is seen as weak and helpless, he is more likely to be evaluated as "innocent," and less deserving of victimization. In this case, the victim would be seen as sharing less responsibility for the offense. The specific hypotheses related to victim "innocence" are:

- H_{1F} Victims in poor health will be more likely to have their cases result in conviction.
- H_{1G} Victims who are very young or very old will be more likely to have their cases result in conviction.
- H_{1H} Victims who are female will be more likely to have their cases result in conviction.

II. The Relationship Between the Victim and the Defendant

Studies of the police decision to charge suggest that in cases of assault, the police are less likely to charge if the victim and the defendant know one another. Expanding upon this finding is the following hypothesis:

- H₂ The closer the social relationship between the victim and the defendant, the less likely the case will result in conviction.

III. Victim Employment

Another variable available for analysis which did not seem to fit into "Just World" theory is whether the victim was employed. The direction of the relationship of this variable to case outcome was not hypothesized, but the variable was included in the analysis in an exploratory framework.

IV. The Victim as a Witness

If some victim characteristic mentioned above is found to be related to case attrition, it may be because the prosecutor, judge or jury are dropping the case due to their perception of the victim. Another possibility, however, is that the victim is refusing to cooperate as a witness, and for this reason the case must be dropped. Previous studies (Cannavale, 1975; McDonald, 1973) have shown that witness cooperation can be a significant cause of case attrition. In order to ascertain whether the victim is actually the cause of case attrition for certain types of victims, a separate analysis was conducted of the characteristics of victims which are associated with case dismissal by the prosecutor due to problems of cooperation with the complaining witness.

ANALYSIS

THE EMPIRICAL SETTING

The present analysis utilizes data from a Prosecutor's Management Information System (PROMIS) installed in the U.S. Attorney's Office for the District of Columbia in the division which services the D.C. Superior Court.² Although PROMIS was designed to provide daily management assistance to the prosecutor, it has potential as a rich source of data for research purposes (Hamilton and Work, 1973). For each defendant arrested in the District of Columbia, over 170 data fields are routinely collected at "initial screening" of the case, i.e., when police charges are reviewed by the prosecutor, and during case processing. The information includes items on the defendant, the crime, the victim, witnesses, decisions made during the processing of the case, and the reasons for each decision as stated by the prosecutor. All of the data about the victim included in the analysis was collected at the initial screening. (For a list of the questions asked about the victim, and the person responsible for recording the information, see Appendix I.)

Four types of violent crime were included in the analysis: criminal homicide, assault, forcible sex offenses and robbery. (For specific offenses included, see Appendix II.) All cases of violent crime against individuals brought to the prosecutor by the police from January 1 to December 31, 1973, were analyzed--a total of 5,042 cases. Since cases against individual defendants--rather than criminal incidents--were the units of analysis throughout this study, some victims may be included more than once.³ Although more than one type of offense may be committed

during a particular criminal episode, cases were classified according to the most serious police charge in a case; e.g., if a victim were raped and subsequently murdered, the case against the offender would be counted once--as a criminal homicide.⁴

When examining the effects of victim characteristics, it is more relevant to study felonies, since individual case assignment allows a prosecutor, and judge to a lesser extent, to be more aware of the victim.⁵ The violent crimes studied are almost entirely handled as felonies, except for simple assault, and charges of aggravated assault which are reduced to simple assault. Distinctions will be made between felonies and misdemeanors, whenever a sufficient number of cases allows a separate analysis.

DISPOSITIONS OF VIOLENT CRIMES IN THE DISTRICT OF COLUMBIA

This study is focused on three decisions: whether the prosecutor "papers" a case, i.e., files any charges when an arrest is made by the police, whether the prosecutor dismisses the case before trial,⁶ and whether a case going to trial results in a guilty verdict or finding.⁷ These three decisions collectively account for most of the case attrition. The rates of attrition at each decision point varied widely by type of crime.

Table 1 shows "papering" rates for the four types of violent crimes. Murder and manslaughter cases were virtually always "papered," followed closely by business or institutional robberies. The rate for personal robberies was relatively high, 87 percent, but significantly less than

TABLE 1

"PAPERING" RATES BY TYPE OF VIOLENT
CRIME: DISTRICT OF COLUMBIA, 1973

Type of Violent Crime	"Papering" Rate ^a
Criminal Homicide:	
Murder	97.5
Manslaughter	95.9
Assault:	
Aggravated	70.3
Simple	62.6
Forcible Sex Offenses	74.0
Robbery:	
Personal Victim	86.5
Business or Institutional Victim	95.4
TOTAL	76.6

N = 5,042

^aRate is computed as the percent of cases brought by the police in which any charge is filed by the prosecutor.

that for institutional robberies. Forcible sex offenses and assaults were less likely to be "papered," with aggravated assaults (with a weapon) more likely to be "papered" than simple assaults (without a weapon).

[Table 1 about here.]

Table 2 shows the final dispositions of cases that were "papered" in 1973, excluding open cases.⁸ The most common disposition for all cases of violent crime, except murder and business or institutional robbery, was a dismissal by the prosecutor. For murders and business robberies, guilty pleas were most common. When a case results in a disposition of guilt, it is much more likely to be a plea, than a finding or verdict of guilty at trial. The proportion of prosecuted cases which go to trial is less than thirty percent for each of the crime categories. If the case goes to trial, the judge or jury is more likely to find the defendant guilty than not guilty, except for cases where the most serious charge is manslaughter.

[Table 2 about here.]

STATISTICAL METHODS

For the first three parts of the analysis dealing with the victim's indirect influence on decisions made about a case, the analysis proceeded in three steps. First, bivariate tables were developed showing the relationship between the victim characteristics and the three decisions to be analyzed for the group of violent crimes. Next, breakdowns of these bivariate relationships by specific crimes were assembled if enough cases were available for analysis, in order to look for differences by type

TABLE 2
FINAL DISPOSITION OF CLOSED "PAPERED" CASES BY
TYPE OF VIOLENT CRIME: DISTRICT OF COLUMBIA, 1973

Type of Violent Crime			Final Disposition						
			Dismissed by Prosecutor	Dismissed by Judge	Grand Jury Ignoramus	Guilty Plea	Guilty Finding or Verdict	Not Guilty Finding or Verdict	Other
	Number	Percent							
Criminal Homicide:									
Murder	148	100.0%	17.6%	7.4%	5.4%	50.0%	11.5%	8.1%	0.7%
Manslaughter	41	100.0	41.5	12.2	12.2	17.0	4.9	4.9	---
Assault:									
Aggravated	1284	100.0	44.3	7.6	2.1	28.3	9.1	7.6	0.9
Simple	403	100.0	45.7	3.7	1.0	22.6	14.6	12.4	---
Forcible Sex Offenses	278	100.0	44.6	13.7	6.5	23.0	7.2	4.7	0.4
Robbery									
Personal/ Victim	1028	100.0	39.6	10.5	2.9	28.5	11.8	5.6	1.1
Business or Institutional Victim	167	100.0	32.9	3.0	4.8	44.9	10.8	3.6	---
Total	3349 ^a	100.0	41.3	8.4	3.0	28.9	10.6	7.1	0.7

^a Out of 5,042 violent crimes, 1,180 were "no papered," and 513 were still open at the time of analysis, yielding 3,349 closed "papered" cases.

of crime. In general, a specific type of crime will not be discussed unless there were differences. Lastly, stepwise multiple regression analysis was used to see if any of the victim characteristics turned out to be important after controlling for some other factors which influence decision making. The bivariate analysis has a descriptive purpose--do cases with certain victim characteristics drop out more frequently at various points in the process? In the discussion of the multivariate analysis, the question to be addressed is aimed at explanation--do any of the victim's characteristics appear to be determinants of case attrition, after controlling for other factors?

The multiple regression analyses were conducted individually for each type of crime and each decision, whenever enough cases were available. (See Appendix III for a table of the regression analyses completed showing the number of cases.) The control variables included in the regression analyses were: personal characteristics of the defendant (age, race, sex, employment, health, etc.), characteristics of the defendant's previous arrest history, the seriousness of the crime, characteristics of the judge and prosecutor handling the case at various points in the process, time delays between court events, and the extent and type of evidence available.

There are undoubtedly other variables not currently available which could explain more of the variation in the decisions made by the prosecutor, judge and jury. Nevertheless, many of the important determinants of the decisions have been controlled. In each analysis, victim variables will be discussed if they were found to be "significant" determinants of

the dependent variable in the regression equation at least at the five percent confidence level.

The analysis of the direct influence of the victim on final dispositions through his behavior as a witness was based on two regression analyses. The first had as a dependent variable whether the prosecutor indicated a complaining witness problem as the reason a case was "no papered." The second had as a dependent variable whether the prosecutor indicated a complaining witness problem as the reason he dismissed a case. The independent variables included were the victim characteristics as well as the control variables mentioned above.

FINDINGS

I. VICTIM RESPONSIBILITY

Some evidence was found to support the first hypothesis that the more responsibility could be attributed to the victim, the less likely the defendant's case would result in conviction. The results varied for each of the eight specific subhypotheses H_{IA} through H_{IH} .

Responsibility for the Current Crime--Provocation or Participation

At the initial screening, when the prosecutor decides whether to file charges, he answers two questions which will be entered into PROMIS, as to whether there was victim provocation or participation in the offense. These variables represent a screening prosecutor's perception of whether the victim provoked the defendant or participated in the offense, based on what he is able to learn from the police presenting the case and any witnesses he interviews. Hence, the validity and reliability of these data are open to some question.

"Victim provocation" is similar to the concept of "victim precipitation" measured by Amir (1970), Curtis (1974), and Wolfgang (1958). The general concept is that the victim, through his actions prior to the offense, helps to "cause" the criminal event. However, "provocation" is a legal concept, whereas "precipitation" is a behavioral science concept. A social scientist, in analyzing a criminal episode, may see evidence of "victim precipitation," whereas legally "victim provocation" would not be present.

Provocation varies in definition, depending on the crime. Victim provocation is never a sufficient legal basis for dismissal in cases of violent crime. In homicide cases, however, it can be a reason for charge reduction. In murder of the second degree, the government must prove that the defendant killed the victim with "malice," i.e., that the defendant did not injure the deceased in the heat of passion caused by adequate provocation. The heat of passion could include both anger and fear, but mere words of provocation by the victim are not enough, no matter how insulting. The provocation must be sufficient to arouse the "reasonable man." If the prosecution cannot prove that the homicide was not committed in the heat of passion, the defendant can only be convicted of manslaughter.

Another possibility is that in some proportion of the homicide and assault cases in which victim provocation is perceived by the prosecutor, self-defense would later be claimed. Self-defense implies that the victim actually attacked or threatened to attack the defendant first, causing the defendant, as a reasonable man, to be fearful of "severe bodily injury," or death. Provocation is not this extreme. Thus, self-defense would imply provocation, but not vice-versa.

Victim participation differs from provocation in that it implies criminal involvement on the part of the victim. This participation may be general, such as a drug dealer who is murdered, or specific, as in the case of a robber accidentally murdering his accomplice.

A legal concept related to victim participation is consent. In cases of rape, consent of the victim takes away a necessary element of

the offense, unless the victim is under 16 and a charge of carnal knowledge or indecent acts is brought. In all other forcible sex cases, the government must prove that the victim did not consent. Consent can also be an issue in assault or robbery. For a case of simple assault, touching could be considered an assault. Thus, many normal instances of one person touching another would be assault, except that normally consent is given or implied. In robbery, consent can also be an issue, if the defendant claims the victim gave him the money, for example.

Of all arrests made for homicide, assault, forcible sex offenses and robbery during 1973, the prosecutor identified 14, 14, 6 and 2 percent of the cases, respectively, as involving provocation. Participation by the victim in the offense was less common: 9 percent of the assaults and forcible sex offenses were labeled as victim participation, as well as 7 and 2 percent of the homicides and robberies.⁹

The bivariate analysis showed that cases identified by the screening prosecutor as involving victim provocation or victim participation were more likely to be dropped at each of the three decision points (Table 3). The differences for the prosecutor's screening decision and his decision to dismiss before trial were statistically significant at the five percent level of confidence. At trial, cases in which provocation or participation was indicated were more likely to result in a verdict or finding of not guilty, but the difference was not statistically significant. The difference in the percent of cases dropping at each point, according to whether provocation or participation was indicated, was much larger for the screening decision than for either the decision to dismiss the case, or the trial decision.

[Table 3 about here.]

The multiple regression analyses, conducted for each of the three decisions by type of crime, indicates that provocation and/or participation by the victim has an effect on the initial screening decision of the prosecutor, but not on the subsequent decision of the prosecutor to dismiss, or the trial decision. After controlling for other factors, provocation by the victim appeared to cause aggravated assaults, simple assaults and forcible sex offenses to be "no papered," but there was no effect on the screening decision in robbery cases. Victim participation appeared to cause aggravated assaults, forcible sex offenses, and robberies to be "no papered," but had no effect on simple assaults. Robbery cases involving victim provocation and simple assault cases involving victim participation were more likely to be dropped at screening according to the bivariate analysis, but after other factors were controlled, these relationships were not significant.

With respect to the prosecutor's decision to dismiss a case and the decision of guilt made at trial, provocation or participation were not significant in any of the analyses, except the analysis of the decision to dismiss for 430 unindicted felony assaults. Contrary to the expected pattern, victim provocation appeared to cause a case to remain in the system; i.e., not be dismissed by the prosecutor.

The fact that victim provocation and participation had a generally more consistent impact on the initial screening decision of whether to "paper" a case, rather than on later decisions, can possibly be attributed to a number of factors. Since the screening prosecutor both decides to fill out the item on provocation and participation, and makes the

TABLE 3
CASE PROCESSING DECISIONS IN CASES OF VIOLENT CRIME BY
PROSECUTOR'S PERCEPTION OF PROVOCATION OR PARTICIPATION BY THE VICTIM:
DISTRICT OF COLUMBIA, 1973

Case Processing Decision	All Cases	Provocation by Victim			Participation by Victim		
		Yes	No	Difference Significant (.05)	Yes	No	Difference Significant (.05)
Percentage of:							
Defendants "No papered" (Number of Arrests)	23% (5042)	51% (495)	20% (4547)	Yes	56% (349)	21% (4693)	Yes
Cases Dismissed by Prosecutor (Number of Cases Initially Filed at Screening)	41% (3349)	49% (222)	41% (3127)	Yes	50% (139)	41% (3210)	Yes
Defendants Found Not Guilty (Number of Cases Tried)	40% (593)	48% (29)	40% (564)	No	45% (22)	40% (571)	No

decision of whether to prosecute, these two decisions are probably made simultaneously, in some instances. In other words, when a prosecutor decides to drop a case, he also may decide to indicate provocation or participation. Since decisions to drop a case at screening are reviewed by a senior prosecutor, there is probably some indication of provocation or participation in the case jacket, but the indication may be "stretched" in some instances, and ignored in others. It can at least be said that the screening prosecutor's perception of provocation or participation appears to him to be a legitimate factor in dropping a case.

Because the screening prosecutor indicates provocation or participation, a later prosecutor, in deciding whether to dismiss the case before trial, may have a different perception of the case than the screening prosecutor. This is also true for the judge and jury at trial. Thus, from this research it cannot be concluded that the perception of victim provocation or participation does not influence the decision of a prosecutor to dismiss a case before trial, or the decision to find a defendant not guilty at trial. In order to address this question more precisely, the perception of provocation or participation would have to be ascertained for each decision maker.

General "Blameworthiness"--Opiates, Alcohol and Previous Arrests

Three additional variables hypothesized to increase the victim's responsibility for the crime concerned characteristics which might make an observer conclude that the victim's plight was "his own fault." These variables, (use of heroin or opiates, chronic alcohol abuse and an arrest record) do not involve the current crime, but are characteristics

which would make the victim appear to be generally undeserving or blameworthy.

Opiate Use

There are very few cases (56) in which the victim's habit of using heroin or opiates was known at the time of screening. By the time of trial, there were only six cases, too few to be analyzed. The findings at screening, however, are suggestive of what might be found if a larger sample were analyzed.

The attrition rate for the 56 cases at the initial screening in which the victim had used heroin or opiates was 46 percent (Table 4). This was exactly twice the "no paper" rate for all other cases--a difference which was highly significant. The rate of dismissal by the prosecutor for "papered" cases was also higher for the cases in which the victim had used heroin or opiates, but with only 31 cases, the difference was not statistically significant.

[Table 4 about here.]

In the multiple regression analyses of the screening decision, victim use of opiates did not show up as a significant determinant of whether a case was "papered." The only multivariate analysis in which it did appear significant at the five percent level was the decision to dismiss an indicted robbery case. The direction of the relationship was as hypothesized. Some of these robbery cases probably involved the holdup of a drug dealer. Such an individual would be unlikely to generate any sympathy and the prosecutor may feel such cases should not be given much attention. When faced with an overcrowded work load, these cases may be the first to be dropped.

TABLE 4

CASE PROCESSING DECISIONS IN CASES OF VIOLENT CRIME
BY WHETHER THE VICTIM HAS USED OPIATES OR IS A CHRONIC ALCOHOLIC

Case Processing Decision	All Cases	Victim Has Used Opiates			Victim Chronic Alcoholic		
		Yes	No	Difference significant (.05)	Yes	No	Difference significant (.05)
Percentage of:							
Defendants "No papered" (Number of Arrests)	23% (5042)	46% (56)	23% (4986)	Yes	49% (144)	23% (4898)	Yes
Case Dismissed by Prosecutor (Number of Cases Initially Filed at Screening)	41% (3349)	52% (31)	41% (3318)	No	61% (66)	41% (3283)	Yes

Alcohol Abuse

Alcohol abuse by the victim was hypothesized to have an effect on decisions in the same direction as the heroin variable. Of the 144 cases of violent crime which had a victim who was identified as a chronic alcohol abuser, one-half were dropped at screening and another sixty percent were later dismissed by the prosecutor, leaving only eight cases which went to trial. Therefore, only the former two decisions will be discussed.

Unlike heroin or opiate use, chronic alcohol abuse was found to be an apparent determinant of case processing decisions in several of the multiple regression analyses. For aggravated assault, forcible sex offenses, and robbery, victims who were chronic alcohol abusers were more likely to have their cases "no papered" at screening. The variable did not appear as significant in terms of the decision to dismiss, or at trial, however. One of the prosecutor's criteria in deciding which cases to accept for prosecution is the anticipated behavior of key witnesses. As will be seen in the later section on the contribution of the victim as a witness, alcoholic victims may cause witness problems later in the case. They may not show up, or if they do show up, their testimony may be garbled. It appears that these cases get screened out very quickly by the prosecutor. Even though such behavior by the prosecutor may be quite rational, it should be noted that there is nothing in the law which states that victimization of chronic alcoholics is an offense of less seriousness than the victimization of any other citizen. Practical considerations, however, may be causing these cases to be dropped.

Previous Arrests

The arrest record of the victim is a variable which has a legal basis for influencing case processing decisions. In the District of Columbia, a witness is impeachable if he has a prior conviction. This means that a subset of the victims with arrest records are impeachable.

Of the 5,042 arrests for violent crimes brought by the police in 1973, 548 involved victims with an arrest record known by the police. Although the differences in "papering" and dismissal rates were not as dramatic with victim arrest record as with the two previous variables, the differences were significant and in the expected direction (Table 5). The differences at trial were not in the expected direction, but were not significant.

[Table 5 about here.]

The arrest record was not found to have a significant effect on the screening decision for any violent crimes, after other factors were controlled. For the later decision to dismiss a case, a significant effect was found for forcible sex offenses, but not for homicides, assaults or robbery. This may be due to the fact that it is very difficult to obtain a conviction in rape cases. Therefore, an additional negative factor--such as a. arrest record--might lessen the victim's credibility to the point of case dismissal. Another possible explanation for this finding is that the victim's previous arrests could be for prostitution.

The fact that victims with an arrest record appear to not be discriminated against is particularly interesting, since alcoholic victims do appear to have trouble having their cases accepted for prosecution.

TABLE 5

CASE PROCESSING DECISIONS IN CASES OF VIOLENT CRIME BY
 WHETHER THE VICTIM IS KNOWN TO HAVE AN ARREST RECORD:
 DISTRICT OF COLUMBIA, 1973

Case Processing Decision	All Cases	Victim Has Arrest Record		
		Yes	No	Difference significant (.05)
Percentage of:				
Defendants "No papered" (Number of Arrests)	23% (5042)	28% (548)	23% (4494)	Yes
Cases Dismissed by Prosecutor (Number of Cases Initially Filed at Screening)	41% (3349)	47% (336)	41% (3013)	Yes
Defendants Found Not Guilty (Number of Cases Tried)	40% (593)	38% (47)	41% (546)	No

The victim's anticipated behavior as a witness probably accounts for the fact that alcohol abuse is more important in leading to case attrition than opiate use or an arrest record.

The "Innocent" Victim--Health, Age and Sex

Weak or helpless victims can be seen as less responsible for their plight due to their inability to successfully resist attack. Therefore, it is hypothesized that cases with such victims would be less likely to be dropped before conviction, or to result in an acquittal.

Physical Disability

The presence of a physical disability or poor health in the victim, as recorded by the prosecutor, showed no relationship to case processing decisions. The decisions to "paper," to dismiss, or to find a defendant not guilty were not influenced by this variable in either the bivariate or multivariate analyses.

Age

The age of the victim at its extreme values was hypothesized to affect dispositions. The very young and the very old might be seen as unable to adequately defend themselves. It was hypothesized that defendants accused of attacking such victims would be less likely to have their cases dropped, despite the fact that very young and very old victims may cause problems due to their competency in testifying as witnesses. The "very young" were defined as age 12 and below, and the "very old" as age 60 and above. A separate category was also included for

teenagers 13 to 17 years, to determine whether this group received particular consideration when decisions were made.¹⁰

The hypothesis that the cases of the young and old victims would be less likely to be dropped was only supported for the "initial papering" decision (Table 6). Children 12 years or under and adults over 60 years were the victims least likely to have their cases rejected at screening, while victims aged 18 to 59 years were most likely to have their cases dropped at this point. A chi-square test of the table frequencies for "papering" showed them to differ significantly from what would be expected if age made no difference in whether the case was dropped, at the five percent level of confidence.

[Table 6 about here.]

Although the same pattern was found for the decision to dismiss, a chi-square test of the table frequencies showed them to be insignificantly different from the frequencies which could be obtained if there were no "real" differences in the dismissal rates for different age groups.

The decision of guilt at trial did not follow the pattern of special consideration for the very young and very old victims. However, chi-square was not significant for these figures.

In the multivariate analysis of the three decisions of interest by type of crime, there were only four instances in which the age of the victim appeared to have an effect on decision-making after other factors were controlled. The direction of these relationships was always as hypothesized.

TABLE 6

CASE PROCESSING DECISIONS IN CASES OF VIOLENT CRIME BY AGE OF VICTIM:

DISTRICT OF COLUMBIA, 1973

Case Processing Decision	All Cases	Age of Victim				
		Less than 13 years	13-17 years	18-59 years	60 years and over	Unknown
Percentage of:						
Defendants "No papered" (Number of Arrests)	23% (5042)	16% (108)	24% (207)	25% (2570)	17% (180)	23% (1977)
Cases Dismissed by Prosecutor (Number of Cases Initially Filed at Screening)	41% (3349)	42% (77)	44% (141)	43% (1684)	39% (122)	40% (1325)
Defendant Found Not Guilty (Number of Cases Tried)	40% (593)	45% (11)	52% (25)	40% (286)	48% (23)	38% (248)

Victim age appeared to influence both the decision to "paper" and the later decision to dismiss, in cases of forcible sex. For the initial screening decision, cases with victims under the age of 13 were significantly more likely to be "papered." The largest proportion of child victims of violent crimes were found in the forcible sex offenses category. The prosecutor appears to be conscientious about not dropping these cases, despite the fact that testimony may be more difficult to obtain from a child, if the case ever goes to trial. Since the question has also been raised as to whether a child's testimony in a rape case can affect the child's psychological adjustment (Gagnon, 1965; Schultz, 1973), it would be expected that the prosecutor would try to obtain convictions in these cases without going to trial.

For the prosecutor's decision to dismiss cases of forcible sex, however, the opposite pattern was found for victims 13 to 17. Teenage victims were significantly more likely to have their cases dropped. This may be due to the fact that many of these teenage cases are "statutory rapes," involving a consenting victim. In cases of forcible sex, there appears to be a marked difference in the treatment of the case depending upon whether the victim has reached puberty.

The hypothesis that older victims would be seen as defenseless, and for this reason their cases would be more likely to result in conviction for the defendant, was only confirmed for one type of crime--homicide. Cases in which the homicide victim was 60 or older were less likely to be dismissed by the prosecutor, in the multivariate analysis.

The fourth instance in which victim age had a significant effect on a case processing decision, after controlling for other factors, was in cases of assault which were prosecuted as felonies, but not indicted. If the victim of the assault was between the ages of 18 and 59 years, the case was more likely to be dismissed. This was consistent with the hypothesis that it is the extreme age ranges that are of more concern to the prosecutor in evaluating a criminal event.

Sex

Western culture has traditionally used sex as an indicator of strength or weakness. The male is considered the stronger sex; the female the weaker sex. Since this analysis of decision making is focusing on the perceptions of the prosecutor, judge and jury, the traditional view of the differences between the sexes was used. Thus, it was expected the female victims would be seen as more defenseless, and their accused attacker(s) would be more likely to be convicted.

The bivariate results were not consistent with the hypothesis. Cases in which the victim was female were more likely to be "no papered" at screening, dismissed before trial, as well as being more likely to end in a finding of "not guilty," if the case was tried (Table 7).¹¹ The differences were significant for the screening and dismissal decision. At trial, the direction of the relationship was consistent, but not statistically significant.

[Table 7 about here.]

In understanding these findings, the first question becomes: are the crimes committed against males and females different? Females were victimized less frequently than males, according to arrest statistics, in murder, manslaughter, aggravated assault, and robbery cases. They were victimized more frequently only in the case of rape and simple assault, which have high rates of attrition. Another possible contributory factor is that crimes against male victims are generally more serious and involve defendants with more extensive criminal backgrounds. Whether the victim in a crime was male was found to be correlated with defendant and crime seriousness. As a result, in the multivariate analysis, after controlling for these factors, victim sex did not appear to influence decision making, with one exception. The sex of the victim was found to be a significant determinant of the decision to dismiss for felony assaults which were not indicted. For these cases, the effect was as originally hypothesized; female victims were less likely to have their cases dismissed by the prosecutor.

II. THE RELATIONSHIP BETWEEN THE VICTIM AND THE DEFENDANT

At the time of screening, the police officer who made the arrest indicates the social relationship between the primary victim and the defendant. Of the 5,042 arrests during 1973, data were available on this relationship for 3,826 cases. These cases were used to test the hypothesis that the closer the relationship between the victim and the defendant, the more likely the case will not result in conviction.

TABLE 7

CASE PROCESSING DECISIONS IN CASES OF VIOLENT CRIME BY SEX OF VICTIM:

DISTRICT OF COLUMBIA, 1973

Case Processing Decision	All Cases	Sex of Victim			
		Male	Female	Unknown	Difference Significant ^a (.05)
Percentage of:					
Defendants "No papered" (Number of Arrests)	23% (5042)	21% (2639)	29% (1637)	19% (766)	Yes
Cases Dismissed by Prosecutor (Number of Cases Initially Filed at Screening)	41% (3349)	41% (1737)	45% (1038)	34% (524)	Yes
Defendants Found Not Guilty (Number of Cases Tried)	40% (593)	40% (326)	45% (170)	31% (97)	No

^a Male compared to female.

The possible relationship categories from which the police officer chooses are numerous. Table 8 is a frequency distribution of arrests made during 1973 by the relationship between the victim and the defendant. The distribution of relationships varies by type of crime, with homicide, assault, and forcible sex offenses having a larger proportion of closer relationships, and robbery having a larger proportion of crimes between strangers.¹²

[Table 8 about here.]

Table 9 shows the bivariate relationship between case processing decisions and the victim-defendant relationship. In general, the hypothesis that when the victim and defendant have a closer social relationship, the case is more likely to be dropped before conviction was confirmed. The overall percentage of cases in which the victim and defendant were members of the same family which were dropped at each of the three stages was higher than the average for all relationship categories. Likewise, the percentage of cases in which the victim and defendant were strangers were dropped at a lower rate than the average. It is more revealing, however, to examine the more specific relationship categories, such as "spouse" or "friend," within the broader categories of "family" or "friend or acquaintance."

[Table 9 about here.]

Beginning with the closer relationships, the rate of "no papered" cases at screening and the rate of dismissal was highest for spouses, compared to any other relationship category. Cases of violent crime between a parent and child, however, were only slightly more likely

TABLE 8

NUMBER AND PERCENT OF ARRESTS FOR VIOLENT CRIMES BY RELATIONSHIP BETWEEN
THE VICTIM AND DEFENDANT: DISTRICT OF COLUMBIA, 1973

Relationship between the Victim and Defendant	Arrests in which Relationship Known	
	Number	Percent
Family:		
Child/Parent	38	1.0%
Spouse	333	8.7%
Other	135	3.5%
Friend or Acquaintance		
Ex-spouse	20	0.5%
Cohabiting	79	2.1%
Girlfriend or Boyfriend	250	6.5%
Friend	402	10.5%
Neighbor	213	5.6%
Employer-Employee	33	0.9%
Acquaintance	692	18.1%
Stranger	1631	42.6%
Total	3826	100.0%

TABLE 9

CASE PROCESSING DECISIONS IN CASES OF VIOLENT CRIME BY THE RELATIONSHIP
BETWEEN THE VICTIM AND THE DEFENDANT: DISTRICT OF COLUMBIA, 1973

(Cases where the relationship was unknown were excluded.)

Relationship between the Victim and Defendant	Case Processing Decisions		
	Defendants "No Papered"	Cases Dismissed by Prosecutor	Defendants Found Not Guilty
Family			
Child/Parent	26% (38)	36% (25)	} 50% (28)
Spouse	45% (333)	62% (169)	
Other	31% (135)	57% (82)	
Friend or Acquaintance			
Ex-spouse	} 37% (349)	57% (208)	59% (17)
Cohabiting			
Girlfriend or Boyfriend			
Friend	39% (402)	44% (213)	} 31% (65)
Neighbor	24% (213)	45% (142)	
Employer/Employee	9% (33)	37% (27)	
Acquaintance	21% (692)	43% (479)	44% (87)
Stranger	15% (1631)	37% (831)	39% (227)
Total	24% (3826) ^a	43% (2518) ^b	40% (425) ^c

^a Number of arrests in which relationship was known.

^b Number of cases initially filed at screening in which relationship was known.

^c Number of cases tried in which relationship was known.

to be dismissed before trial than other cases. The category, "other family," had a rate of dismissal higher than the "child/parent" cases, but lower than the "spouse" cases, for each point in the process. It appears that it is the cases between spouses which contribute most to case dismissal in the "family" category. These cases between spouses are usually assaults.

Another specific relationship category which had a high rate of case dismissal is the group which has some kind of past or present romantic involvement, composed of the relationships of "ex-spouse," "cohabiting," and "girlfriend or boyfriend." The rates of attrition for these cases were far above the average for all cases, for each of the three decision points. Again, these cases are usually assaults.

At the other end of the relationship categories, crimes between strangers are less likely to be dropped than other crimes. The percent of these cases dropped at screening was only 15, compared to 24 for all cases. The effect of the "stranger" relationship between a victim and defendant on the decision to dismiss by the prosecutor, and the finding of not guilty at trial was less than the effect on the initial decision to file the case, but in the same direction.

All of the relationship categories were included in the multiple regression analysis as dummy variables. The social relationship between the victim and the defendant frequently made a difference in decision making after other factors were controlled.

The relationships found to be important varied by type of crime. At least one type of social relationship between the victim and the

defendant appeared to be significant at the five percent level of confidence for each analysis of the screening decision. For aggravated assault, the two relationships found to be significantly associated with cases dropped at screening were "spouse" or "friend." For simple assault, neither of these was significant, but rather the variable indicating romantic involvement in the past or present. When the victim and defendant were ex-spouses, cohabiting or girlfriend/boyfriend, cases of simple assault tended to not be filed. Whether the victim and defendant were "friends," (excluding romantic relationships) was the important variable in regard to forcible sex offenses. These cases were less likely to be prosecuted. In robbery cases, romantic involvement between the victim and the defendant or friendship was a significant factor in a case being dropped. One can imagine that consent would be more difficult to disprove when such a relationship exists.

As with the screening decision, the results varied by type of crime for the decision to dismiss a case after screening. For the 189 closed "papered" homicide cases, those in which the victim and defendant were related, but not a child or spouse, were more likely to be dismissed. When they were friends, however, the cases were less likely to be dismissed. The decision to dismiss an assault case was examined for three groups: misdemeanors, unindicted felonies and indicted felonies. For the latter two more serious groups of crime, no relationship was found to be important. However, for the 971 assaults prosecuted as misdemeanors, three relationships affected dismissal: when the victim and defendant were spouses, had a romantic involvement, or were

related but not a child or spouse. The decision to dismiss robberies and forcible sex offenses was not influenced by the relationship between the victim and defendant. It appears that the closer relationships among these cases are eliminated at screening.

III. VICTIM EMPLOYMENT

The effect of the victim's employment status on decision making could not be predicted from "Just World" theory. Employment status of the victim was included in the analysis for exploratory purposes, to test whether this characteristic of the victim is considered at all in case processing decisions.

Of the 5,042 arrests for violent crime, the victim was employed in 47 percent of the cases, unemployed in 30 percent, and his or her employment status was unknown in 23 percent of the cases. All three categories were examined, since it seemed as plausible that unemployment of the victim would influence decision making as employment.

Table 10 shows the relationship between employment status and case processing decisions.¹³ Without controlling for other variables, victims who were unemployed were significantly more likely to have their cases dropped by the prosecutor.

[Table 10 about here.]

Despite this fact, victim employment was not a significant variable in the analysis of case processing decisions after other factors were controlled, with only one exception. Victim unemployment was

TABLE 10

CASE PROCESSING DECISIONS IN CASES OF VIOLENT CRIME BY
THE EMPLOYMENT STATUS OF THE VICTIM
DISTRICT OF COLUMBIA, 1973

Case Processing Decisions	All Cases	Employment Status of the Victim			
		Employed	Unemployed	Unknown	Difference Significant ^a (.05)
Percentage of:					
Defendants "No papered" (Number of Arrests)	23% (5042)	20% (2379)	29% (1521)	23% (1142)	Yes
Cases Dismissed by Prosecutor (Number of Cases Initially Filed at Screening)	41% (3349)	39% (1635)	47% (964)	39% (750)	Yes
Defendants Found Not Guilty (Number of Cases Tried)	40% (593)	41% (329)	42% (130)	37% (134)	No

^a Employed compared to unemployed.

found to increase the probability that the prosecutor would dismiss the case for 517 unindicted felony robberies. Due to these results, it appears that cases with employed victims are easier to prosecute due to other characteristics, rather than employment itself.

THE VICTIM AS A WITNESS

The purpose of examining the victim's behavior as a complaining witness was to clarify which characteristics of victims were causing cases to be dropped due to the prosecutor's perception of the victim, and which were dropping due to the victim's own lack of cooperation as a witness. Some victim characteristics, such as age, could have an effect on case attrition, not because the prosecutor was treating such cases differently, but because the victims in such cases were behaving differently as witnesses.

For screening and dismissal decisions, the prosecutor records in PROMIS his reasons for either "no papering" a case, or dismissing it at a later point. Several possible reasons involve problems with the complaining witness.¹⁴

A confounding factor in using these reasons for analysis, illuminated by a recent study of witness cooperation in the District of Columbia (Cannavale, 1975), is that the victim may be attempting to cooperate, but is misperceived by the prosecutor. For purposes of this analysis, it will be assumed that when the prosecutor indicates a complaining witness problem as the reason for dropping a case, it means that he is having some type of testimony problem with the victim, but that it is not necessarily the victim's intention to cause problems.

For the decision to "paper" a case at screening and the decision by the prosecutor to dismiss after screening, a multiple regression analysis was constructed in which the dependent variable was whether or not the case was dropped due to a complaining witness problem. The cases studied were: (1) 1,180 cases of violent crime "no papered" at the initial screening, and (2) 1,382 cases of violent crime dismissed by the prosecutor before trial. Each of these two types of dismissals can be seen as either due to complaining witness problems or other factors.¹⁵

The results shed further light on some of the findings in the previous sections. The findings discussed in the first three parts of the analysis will each be discussed in relation to the results of the analysis of complaining witness problems.

Victim provocation and victim participation were both found to be important in the prosecutor's decision to "no-paper" a case at screening. As would be expected, neither of the variables appeared to cause cases to be dropped due to the victim's lack of cooperation. In fact, cases identified as involving victim participation which were "no papered" were significantly less likely to have been dropped due to a complaining witness reason. Victims who participated in the crime are more likely to have their cases dropped, but the reason for the dismissal is not due to their own unwillingness to cooperate.

Of the three victim variables hypothesized to increase the perception of the victim as generally more blameworthy, and therefore responsible for his plight, only the alcohol variable was significant in

predicting a complaining witness problem. "Victim chronic abuser of alcohol" was a factor in the decision to dismiss before trial due to a problem with the complaining witness, but not in the initial decision to "paper" the case. It was at the time of screening, however, that the prosecutor appeared to be taking alcohol abuse by the victim into account, rather than after screening. This suggests that the prosecutor is weighing the victim's alcohol problem in his decision at screening, possibly due to his anticipation of a witness problem later in the case, based on his past experience with such victims.

The victim's sex and age also had an impact upon the probability of complaining witness problems. Females were less likely to be uncooperative witnesses at screening. As discussed in a prior section, males were significantly more likely to have their cases "papered" than females, without controlling for other factors. It can at least be claimed that the reason that male victims are favored is not due to problems with the cooperation of female victims as witnesses.

Victim age was a significant variable in the prosecution of forcible sex cases. The prosecutor was more likely to "paper" forcible sex cases with a victim under 13 years of age, and more likely to dismiss before trial forcible sex cases with a victim between 13 and 17 years. Related to the latter result is the finding that the variable "victim 13 to 17" was significant in the analysis of complaining witness problems both at screening and later in the case, but in opposite directions. Cases involving victims 13 to 17 years old were significantly less likely to be "no papered" for a complaining witness

reason at screening, but significantly more likely to be dismissed for a complaining witness reason later in the case. It appears that one explanation for teenage cases of forcible sex being dismissed before trial is due, at least in part, to their behavior as witnesses. Many of these cases may be statutory rape cases in which the victim and defendant know each other. At screening they are willing to cooperate, but they become uncooperative as the case proceeds, perhaps due to an attachment to the defendant.

The relationship between the victim and the defendant appeared to influence the prosecutor's decision to file charges at screening for three categories: friend, spouse, and intimate acquaintance. Predictably, friends and intimate acquaintances were found to be associated with complaining witness problems at screening. Spouses appear to show up initially, but are found to be uncooperative at the later stage of dismissal. As with the teenage and alcoholic victims discussed above, a prosecutor may initially refuse to prosecute, anticipating the victim later losing interest in cases when the victim and defendant are married.

Intimate acquaintances who have a past or present romantic involvement, not only appear to lose interest in the case at screening, they are also more likely to lose interest later in the case. Friends who survive screening by both cooperating and having their case prosecuted seem to cooperate at later stages. Victims to whom the defendant is a stranger are significantly less likely to be the cause of a witness problem later in the case.

It would appear that when the victim and defendant have a close social relationship, dispute resolution may be occurring outside the courtroom. At best, one can say that such family cases, and perhaps cases between close friends, are best settled out of the criminal setting. At worst, a pattern of violence between a husband and wife may continue with the beaten spouse unable or unwilling to leave the family setting, and hence, unwilling to continue to testify in a criminal case. If a wife is dependent upon her husband for support, jailing him for simple assault may not seem to her to be the best solution. Initial willingness to prosecute may fade as the case continues. This same problem probably also exists with couples who are cohabiting, or have a dependent boyfriend/girlfriend relationship.

SUMMARY AND CONCLUSIONS

The general hypothesis of this study was confirmed: victim characteristics do affect the case processing decisions made in cases of violent crime. Victim characteristics affect the prosecutor's decisions at screening and later in the case. However, the decision of whether the defendant was guilty or not guilty at trial did not appear to be influenced by the characteristics of the victim. It may be that the actual determinants of the decision of guilty or not guilty are beyond the scope of the available data, hinging instead on specific legal issues. Another possibility is that 593 cases was not enough to see the effects.

In regard to the more specific hypotheses, some were supported and others were not. The first hypothesis that the more responsibility which can be attributed to the victim, the more likely the case will not result in conviction was partially substantiated. Hypotheses H_{IA} and H_{IB} concerning victim provocation and participation were supported for the screening decision, but not for later decisions. Cases in which the screening prosecutor perceived victim provocation or participation were more likely to be "no papered." Since these two variables are subjective assessments, unlike victim sex or age, it seems necessary to have a more precise measure of the perceptions of the other decision makers, before concluding that victim provocation or participation does not influence their decision making. The three variables hypothesized to increase the victim's "blameworthiness" (opiate use, alcohol abuse and previous arrests) had effects on decision making in the directions expected according to hypotheses H_{IC} , H_{ID} and H_{IE} , when found to be significant. Alcohol abuse appeared to have an impact on the initial screening decision, for every type of crime except simple assault. The victim's use of opiates and prior arrest record, on the other hand, did not appear to have an effect on the screening decisions. However, unlike victim alcohol abuse, which had no effect on the decision to dismiss, use of opiates appeared to influence the decision of the prosecutor to dismiss indicted robbery cases, while victim arrest record was found to increase the probability that a forcible sex case would be dismissed.

The three hypotheses-- H_{IF} , H_{IG} and H_{IH} --that the victim's "innocence" would cause a case to be less likely to drop was also partially supported. The variables frequently were not significant in influencing decision making, but when they were significant, it was in the expected direction. The indication that the victim had a physical disability or poor health did not have an impact on any decision, whereas victim age and sex had varying impact, depending upon the type of crime. Victims of forcible sex under 13 years were more likely to have their cases "papered," than other victims. In contrast, victims of forcible sex offenses aged 13 to 17 years were more likely to have their cases dismissed by the prosecutor after they were initially accepted for prosecution at screening. Victims of homicide over 60 years old were less likely to have their cases dismissed before trial. Victim sex was only significant for one type of case--felony assaults which were not indicted. The relationship was as hypothesized; assaults involving female victims were less likely to be dismissed.

The hypothesis that the prosecutor, judge and jury make decisions based on the concept that the more responsibility which can be attributed to the victim, the less should be attributed to the defendant, cannot be wholeheartedly accepted based on the results of this study. Almost every relationship between victim characteristics and decision making based on this concept, which had a significant effect, had the direction which would be expected. However, in many instances, these victim characteristics concerning responsibility had no significant effect. Testing the same hypothesis on new data from other jurisdictions might contribute further evidence.

The second hypothesis of the research was that cases will be less likely to result in conviction when the social relationship between the victim and the defendant is close. This hypothesis was generally supported. Without considering more specific relationship categories, cases appeared to be dropped if they involved a family relationship and pursued if the victim and the defendant were strangers. Upon closer analysis, it appears that the critical family relationship in terms of dismissal is that between husband and wife, and to a lesser extent, other family relationships, such as aunt or uncle. If the victim and defendant are spouses, the prosecutor is less likely to "paper" aggravated assault cases, and more likely to later dismiss assaults filed as misdemeanors. Homicide cases and misdemeanor assaults were more likely to be dismissed if the victim and defendant were related, but not a husband, wife, or child. It appears from these results that the "child/parent" relationship does not have the same impact as the "spouse" or "other family" relationship on decision making, and should be analyzed separately.

In the general relationship category of "friend or acquaintance," romantic involvement between the victim and defendant in the past or present appears to have an effect on decision making, as well as any indication of friendship. Cases in which the victim and defendant were "ex-spouses," "cohabiting," or "girlfriend/boyfriend," were more likely to be dropped at screening for simple assault and robbery, and

more likely to be dismissed later, for assaults prosecuted as misdemeanors. Whether the victim and defendant were perceived by the police as "friends," also had an impact on some decisions. Aggravated assault, forcible sex offenses and robbery were more likely to be dropped at screening if the relationship between the victim and defendant was labeled as "friend." The only contradiction to the original hypothesis was the finding that homicide cases were less likely to be dismissed if the victim and defendant were friends.

The third part of the analysis, which explored the effect of the victim's employment status on decision making, found that generally this variable was not considered by the prosecutor, judge and jury. The one significant finding was that unindicted felony robberies were more likely to be dismissed if the victim was unemployed.

The fourth part of the analysis was an examination of the characteristics of victims which are associated with complaining witness problems. These results modify some of the earlier findings. Some victim characteristics appear to increase the likelihood that the victim will cooperate, such as victim participation, but the prosecutor drops the cases for other reasons. Still other victim characteristics appear to influence a prosecutor's decision to drop the case at screening, perhaps in anticipation of the witness problems which were found to appear later in the case. According to "Just World" theory, cases with victims who used opiates, abused alcohol, or had arrest records should be more likely to be dropped. The findings were in the expected directions, when significant, but the results were much more consistent

for alcohol abuse than the other two victim characteristics. It is alcohol abuse which is associated with complaining witness problems later in the case, but not at screening. Anticipation of a witness problem with the alcoholic victim appears to be causing the high attrition rates at screening of cases with such victims. The same mechanism appears to be operating in cases of forcible sex with a teenage victim.

One of the explanations for the dismissal of cases in which the victim and defendant have a close relationship is that the victim reconciles with the defendant or perhaps is fearful of testifying due to a continuing relationship. The findings from the analysis of the characteristics of victims who refuse to cooperate with the prosecution support this interpretation. The relationships leading to victim cooperation problems at screening are "friend" and "intimate acquaintance." Later in the case, intimate acquaintances and spouses are more likely to cause a case to be dismissed, due to a victim testimony problem. It appears that a large part of the explanation for the effect of the social relationship between the victim and the defendant is due to the victim's decision to refuse to cooperate. There also appears to be an anticipation by the prosecutor at screening of future witness problems when the victim and the defendant are spouses, since these cases are "no papered" at a high rate, but the victim cooperation difficulties do not appear to surface until later in the case.

This study indicates that the victim is considered in determining the final dispositions in cases of violent crime. Most of the victim's impact occurs before trial. It is the prosecutor who appears

to be taking the victim into consideration in his decision not to prosecute or to later dismiss, perhaps in anticipation of how the judge and jury would perceive the victim. The victim affects the prosecution in two ways--in terms of the prosecutor's perception of him and as a witness. Relatively few cases to trial, and it appears that much of the decision making with the greatest impact occurs before this stage.

NOTES

1. For a review of the development of "Just World" theory, see McDonald, supra, Chapter 1.
2. This division of the court is equivalent to a state court of general jurisdiction.
3. There are two methodological problems with using court cases against one individual defendant, rather than criminal incidents, which may involve several victims and defendants. When there is more than one offender arrested for a crime, the same victim may be included several times in the analysis. If particular types of victims are more likely to be victimized by several offenders, their characteristics will be given added weight. This was not deemed a serious difficulty, since multiple defendants are only common for robbery. Analysis using criminal incidents would have involved many additional methodological difficulties. The other problem with using court cases against one defendant is that information on only one victim was available for each case, although several victims may have been involved in the incident. It was assumed that the person identified as the primary victim would be the one most likely to affect decision making.
4. Seriousness was determined by looking at each charge in the case and choosing the one with the highest maximum sentence. The charges

brought by the police were used, rather than those filed by the prosecutor, in an attempt to stay as close to the actual criminal event as possible. For example, the prosecutor may reduce an aggravated assault from a felony to a misdemeanor, not because a weapon was not involved in the offense, but rather due to other evidence problems in the case which will make it difficult to obtain conviction. The disadvantage in using police charges, however, is that the police may over charge.

5. Felonies and misdemeanors follow a different procedure in the Washington jurisdiction. Misdemeanors and felonies before indictment, are handled in an "assembly line" fashion, i.e., where responsibility for a case shifts from one prosecutor to another as the case proceeds from screening to trial. Once indicted, a felony case is specially assigned to a judge and prosecutor who handle that case through the final disposition. The individual assignment in felony cases allows more contact with the victim.

6. This is known as nolle prosequi in the case of misdemeanors and unindicted felonies.

7. A separate analysis was not made of jury versus bench trials, since an analysis of 1973 PROMIS data showed this to be an unreliable field.

8. At the time data from 1973 were assembled for analysis, some cases still remained open, i.e., had not reached a final disposition. The

percent still open ranged from 24 percent of all "papered" murder cases to 6 percent of all "papered" simple assaults. When "papered" cases are discussed, the open cases are excluded. If the final disposition of the open cases were known, the distribution of final dispositions might differ from the distribution of the dispositions of the known cases. Further research is underway to clarify this issue.

9. Error is to be expected in this figure in both directions. Some cases in which provocation or participation truly existed will not be labeled as such by the prosecutor; other cases will be included in which there was no provocation or participation by the victim. Since the screening prosecutor fills out these items, they are probably fairly accurate measures of his perception of whether there was victim provocation or participation in the case. The later prosecutor who may dismiss the case, and the judge and jury may not share this perception.

10. Cases in which the age of the victim was unknown were also analyzed. The percentage of cases dropped at each of the three decision points for cases in which age of the victim was unknown was not significantly different from the percentage dropped for all cases in which age was known. This suggests that the cases in which age was unknown were randomly distributed.

11. Cases in which the sex of the victim was unknown showed a unique pattern. For each decision, cases in which sex of the victim was unknown were significantly less likely to be dropped, compared to cases in which sex of the victim was known. This raises the question of how the results might be altered if sex of the victim were available for all cases.

12. In the analysis "closeness" is not meant to imply psychological closeness, but denotes the social differences implied by the descriptive titles used, such as "spouse," "friend," etc.

13. Cases in which employment status was unknown were also included in the table. The differences between the percent of cases dropped at each of the three decision points for cases in which employment status was known was not significantly different from those in which employment status was unknown. This suggests that cases in which employment status was unknown were randomly distributed.

14. If one of the following reasons was given by the prosecutor either at screening or upon dismissal by the prosecutor, it was considered a complaining witness problem:

- (1) Complaining witness signs off, refuses to prosecute or reluctant.
- (2) Complaining witness no show or appears unfit for trial (drunk, etc.).

(3) Complaining witness unavailable (sick, out of town)

(4) Unable to locate complaining witness

15. The proportion of cases not filed at screening due to a problem with the complaining witness was 52 percent; the proportion later dismissed due to a complaining witness problem was 40 percent.

APPENDIX

I. ITEMS ON THE VICTIM COLLECTED IN PROMIS

<u>Question and Possible Responses</u>	<u>Person Completing the Form</u>
What are victim's sex and age?	Police
Does victim have any physical or health problems?	Police
(a) Physical disability or bad health.	
(b) Indication of use of heroin or other opiate, at any time.	
(c) Indication of chronic alcohol abuse.	
Is victim employed?	Police
Does victim have an arrest record?	Police
What is the relationship of victim to defendant?	Police
Spouse (including common law)	
Child	
Other family	
Ex-spouse	
Cohabiting	
Girl or boyfriend	
Friend	
Acquaintance	
Neighbor	
Employer or Employee	
Stranger	
Other (specify)	
Was there provocation by victim?	Prosecutor*
Victim participation?	Prosecutor*

*In some instances, it is possible that these items were recorded by the police.

II. VIOLENT CRIMES INCLUDED IN THE ANALYSIS

The following table lists the offenses included in each of the broad categories of violent crime analyzed.

<u>Type of Crime</u>	<u>Number of Cases Brought by the Police During 1973</u>
A. Criminal Homicide	
First degree murder	122
Second degree murder	78
Manslaughter	49
B. Assault	
Aggravated:	
Assault with a dangerous weapon - gun	640
Assault with a dangerous weapon - knife	768
Assault with a dangerous weapon - other	594
Simple:	
Simple assault*	604
Threats to do bodily harm*	80
C. Forcible Sex Offenses	
Rape	297
Assault with intent to rape	32
Attempted rape*	7
Sodomy - female victim	21
Sodomy - male victim	21
Carnal knowledge	27
Indecent acts	44
Seduction by teacher	1
D. Robbery	
Personal victim:	
Robbery	1294
Attempted robbery	45
Assault with intent to rob	101
Business or institutional victim:	
Robbery	204
Attempted robbery	4
Assault with intent to rob	9
Total - All Violent Crimes	5,042

* Misdemeanors

Some additional explanation of these specific offenses is necessary:

(1) The manslaughter charge included under criminal homicide does not include involuntary manslaughter, such as traffic deaths.

(2) Forcible sex offenses include adult female rape, rape of a male victim, and sexual offenses against children. A charge of carnal knowledge

is brought when the victim is a female under 16 years, whereas "indecent acts" may involve either a male or female under 16 years. In either case, consent is not an issue, since a person less than 16 is not felt to be capable of giving an informed consent. Thus, some of these cases may have involved willing victim participation, termed "statutory" rape in some jurisdictions.

(3) The robbery cases may either be robberies of individuals, or "holdups" of liquor stores, banks, etc. In the case of a business or institutional robbery, there is usually also a personal victim, for example, a bank teller. It is the characteristics of this personal victim which will be included in the analysis.

III. MULTIPLE REGRESSION ANALYSIS

Below is a table showing the number of cases included in the multiple regression analyses conducted for each decision point and type of crime. The decision to prosecute was not analyzed separately for homicide, since only seven out of the 249 cases were dropped at screening. For the decision to dismiss, separate analyses were conducted for assault and robbery, depending upon whether the case was a misdemeanor, unindicted felony, or indicted felony. Since only indicted felonies would receive individual attention by being assigned to a particular prosecutor, it was felt to be important to do separate analyses. Homicide and forcible sex offenses were each handled as a group due to the small number of cases. Since only 593 cases went to trial of the 5,042 cases of violent crime brought by the police, a separate analysis could not be conducted for each type of crime for this decision point.

The Decision and Type of Crime	Number of Cases
The Decision to Prosecute:	
Aggravated Assault	2,002
Simple Assault	684
Forcible Sex Offenses	450
Robbery	1,657
The Decision of the Prosecutor to Dismiss a Case:	
Homicide	189
Assault	
Misdemeanors	971
Unindicted Felonies	430
Indicted Felonies	286
Forcible Sex Offenses	278
Robbery	
Unindicted Felonies	517
Indicted Felonies	639
The Finding or Verdict of the Judge or Jury at Trial:	
All Violent Crimes	589

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